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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.

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DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1410

RIN 0560–AG74

2002 Farm Bill—Conservation Reserve Program—Long-Term Policy

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This final rule adopts as final an interim final rule for the Conservation Reserve Program published on May 8, 2003. The interim rule set out the existing program regulations in their entirety, including revisions conforming to new legislation. Those revisions included, among others, a change to the definition of ''conserving use.''

DATES: This rule is effective May 13, 2004.

FOR FURTHER INFORMATION CONTACT: Charles Chadwell, Program Manager, at USDA/FSA/CEPD/STOP 0513, 1400 Independence Avenue SW., Washington, DC 20250–0513; telephone 202–720–7674; e-mail: *Charles_Chadwell@wdc.usda.gov*. Persons with disabilities who require alternative means for communication (braille, large print, audiotape, etc.) should contact the USDA Target Center at 202–720–2600 (voice and TDD).

SUPPLEMENTARY INFORMATION:

Background

The interim rule amended the regulations of the Commodity Credit Corporation (CCC) at 7 CFR part 1410 that govern the Conservation Reserve Program (CRP). The amendment was published to cost-effectively target the CRP to more environmentally sensitive acreage and to comply with amendments made by the Farm Security and Rural Investment Act of 2002 (Pub. L. 107–171) (2002 Act), by:

- Setting forth the terms and conditions of enrolling acreage in the CRP;
- Updating program eligibility requirements; and
- Eliminating unnecessary regulations and improving the remaining regulations.

The CRP was authorized by the Food Security Act of 1985 (Pub. L. 99–198)(1985 Act), which was recently amended by the 2002 Act. The 2002 Act provided the Secretary of Agriculture (Secretary) the authority to maintain up to 39.2 million acres in the CRP. The CRP is intended to cost-effectively assist producers in conserving and improving soil, water, and wildlife resources by converting highly erodible and other environmentally-sensitive acreage to a long-term vegetative cover. CRP participants enroll land under contracts for 10 to 15 years in exchange for annual rental payments and financial assistance to install certain conservation practices and to maintain approved vegetative or tree covers.

Based on 2002 Act amendments, an interim rule was published on May 8, 2003 (68 FR 24830) which asked for comment on the rule changes and other policy issues. The agency will continue to consider policy comments as appropriate, and in this notice restricts the discussion, for the most part, to whether any further amendment of the program regulations is needed at this time.

Summary of Comments

CCC received 800 comments concerning the interim rule. Entities responding included: individuals, State government agencies, State conservation organizations, State and national commodity organizations, conservation organizations, Federal Government agencies, and a national environmental organization. Comments came from Alabama, Arkansas, California, Colorado, District of Columbia, Georgia, Iowa, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Missouri, Mississippi, Montana, North Carolina, North Dakota, Nebraska, New Jersey, Ohio, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, and Wisconsin. The Midwest, Southeast, and Northern Great Plains were represented on the regional level as well.

There were 135 comments that were not directed to the interim rule itself, but to related matters such as payment rates, other eligible land provisions, internal guidance and procedures, acreage allocation scenarios among the different programs within CRP, and primary nesting season jurisdiction. Also, 51 comments were not considered because they were unclear on the point they intended to make or were not submitted timely. The comments not directed to the interim rule itself and the late comments may be considered in future policy development.

General Comments

Overall Support for the Program

There were 45 comments in support of the interim rule or in support of the CRP as a whole. This category accounted for the second largest number of comments on the interim rule behind those about managed haying and grazing, followed by comments regarding the Environmental Benefits Index (EBI), conserving use, and continuous practices. These comments ranged from overall programmatic support for CRP to supportive comments regarding various aspects of the program and specific sections of the rule.

Most supportive comments stated that the CRP has been one of the most significant conservation programs in history by reducing soil erosion, improving water quality, and enhancing wildlife habitat for many species. One respondent complimented FSA for utilizing the EBI as a tool to encourage enrollment of lands which will result in a program that provides the greatest amount of environmental benefits per dollar expended. Others indicated the development of the EBI has had a positive impact on the effectiveness of CRP.

One comment was received concerning the cost share for installation of conservation buffers; however, concern was expressed over the confusion from the program's differential incentives for various eligible buffer practices. The comment did not recommend a specific change. The interim rule was written so as to limit confusion as much as possible and provide flexibility to the agency to address new situations as they arise. No

change in the regulations was found to be warranted with respect to these comments.

Support for Environmental Benefits of the Program

Two comments suggested that FSA take advantage of this program in order to get the maximum environmental benefit out of the new authority, while also doing the most it can to help producers meet the many environmental goals expected of them through an incentive-based approach. The comments did not make specific recommendations. In any event, no rule change would be needed to take these concerns into account.

Program Administration

There were 19 comments concerning the administration of CRP. The comments concerned the way the program was being administered and the need for the program to be more locally flexible.

Some respondents recommended an increased role for the Natural Resource Conservation Service (NRCS) and the Forest Service, acting through State government foresters. These respondents were also concerned about whether Technical Service Providers are qualified to give advice, the implementation of Technical Service Providers and the potential for a conflict of interest with local Technical Service Providers. One comment supported the way the CRP was administered, but made a non-specific comment that program implementation and efficiency could be improved. To the extent that specific comments were made in this regard, no rule change was found needed as the rule is flexible enough to allow changes as may be warranted. Further, the rule provides considerable involvement of FSA State and county committees in making determinations, resulting in substantial local influence and control. Thus, no changes were made in the final rule as a result of these comments.

The interim rule's provisions clarifying continuous sign-up and its role within the CRP program received comments. Another comment felt that the program should emphasize conservation treatments for upland areas associated with CRP acres and offer more compensation for land removed from production to protect water quality. These suggestions are possible without a rule change, and no rule change is needed. Additional comments specific to administration dealt with § 1410.1 and are addressed under the heading for comments on that section below.

Opposition to Economic Impacts of the Program

Comments expressed concern that CRP supports conservation, but asserted that it hurts the economy of rural communities. One respondent stated that the current CRP, while supporting conservation, is emptying rural communities of agriculture-focused economic opportunity and people. A cost-benefit analysis examined the environmental, economic, and budgetary impacts of enrolling land in CRP. The FSA analysis estimated that the new provisions of the CRP will not only continue benefitting soil, water, and wildlife resources, but will also produce a net benefit to the economy of approximately $131 million per year. In addition, there is a clear statutory intent and expectation that the CRP will continue to operate and limitations are included in the statute to address the concerns expressed by the respondent. Further, a study that describes the economic and social effects on rural communities resulting from the CRP was required by section 2101(b) of the 2002 Act. The USDA's Economic Research Service published the study in January, 2004, which indicated that the concerns of the respondents are addressed within the limits and requirements within the CRP regulations. Thus, the comments did not result in any change in the final rule.

Comments on Specific Sections of the Interim Rule

Section 1410.1 Administration

Seven comments addressed the wildlife objectives of CRP requesting clarification of the program's wildlife objectives versus the landowner's wildlife objectives. A comment supported what CRP has accomplished for wetlands and associated wildlife. The CRP uses the wildlife benefit standards from the Field Office Technical Guide (FOTG) of NRCS and the program is intended to encourage wildlife benefits. Still, the CRP is a voluntary program, and if the landowner has objectives that differ from those used by FSA, they may decline to participate. Because wildlife objectives are addressed in the NRCS FOTG, this comment was not adopted in the final rule.

Section 1410.2 Definitions

There were 25 comments concerning several technical terms defined in the new rule, and their clarity and consistency. Some respondents felt that ''marginal pastureland,'' ''local eco-type,'' and ''native'' should be defined in the regulations. A majority of the respondents felt the intent of the 2002 Act was to make conserving use lands eligible for CRP and they did not agree with the CCC definition of that term in the interim rule. These comments were considered with other conserving use comments submitted under the land eligibility section at § 1410.6.

One respondent suggested that the definition of an agricultural commodity as it pertains to a perennial crop be amended to specify that a perennial crop must be from the same root structure for two or more years. The definition used in the interim rule is consistent with this comment; however, because a perennial crop may involve vegetation that is not considered an ''agricultural commodity'' within the meaning of the program regulations, ''agricultural commodity'' is removed from the definition of a perennial crop and an adjustment to that definition has been made in this final rule.

One respondent was concerned that the definition of ''conserving use'' for cropland eligibility purposes in the interim rule excluded expired CRP contracts with trees planted. Under section 2131(c) of the 1985 Act, as amended, land that is in a ''conserving use'' can be considered to be planted to an ''agricultural commodity.'' This definition is consistent with requirements for enrollments based on erodibility under section 1231(b)(1), which requires that such land have been cropped 4 out of the 6 years preceding the 2002 Act. Under the customary CRP practices, cropping history must generally be for the kinds of enrollments originally provided for in the 1985 Act. Those enrollments were from lands committed to ''agricultural commodities'' which, because of a special definition in the 1985 Act, means crops that are annually tilled, plus sugar cane. Other enrollments do not have these strict ties to ''agricultural commodities,'' although, there are still inconsistencies in the statute's references to ''agricultural commodities''. For example, of the enrollments not tied to ''agricultural commodities,'' section 1231(b)(2) is explicitly directed at enrollments of marginal pastureland, which clearly do not involve land that was annually planted. Also, section 1231(g) provides that alfalfa and other multi-years grasses and legumes in a rotation practice approved by the Secretary shall be considered to be ''agricultural commodities.'' As to the question of trees, land planted to trees is no longer considered ''cropland,'' which is one of the essential criteria of section 1231(b)(1) enrollments where ''conserving use'' comes into play. Also,

such use is not considered to be a ''conserving use'' within the meaning of the statute, because trees involve, ultimately, a planting undertaken for a commercial purpose.

A respondent suggested conserving use should include alfalfa, other multi-year grasses and legumes and summer fallow during 1996 through 2001. The respondent indicated that hay land, regardless of the year planted, is a conserving use and that requiring hay land to have been planted between 1996–2001 will make many lands in the eastern U.S. ineligible for CRP. The interim rule provided that, for conserving use credit, cropland must have been planted during the year 1996 through 2001 with alfalfa and planted to other multi-year grasses and legumes and summer fallow in a rotation. Such land would only be considered fallow if the plantings were in a rotation with agricultural commodities. This is made more explicit in this final rule. The rule is amended to require that such rotation must be approved by FSA as needed to assure the integrity of the program. Nonetheless, the 2002 Act requires a cropping history during the period from 1996–2001. Land that was planted beyond this period, regardless of whether it was in rotation with other crops, cannot be considered. Therefore, no rule change was warranted to address this comment.

A number of comments were received suggesting the conserving use definition be expanded to include cropland in CRP with a grass cover, under contract which went to full term, and which remains in grass cover. Effectively, this land has continued to be maintained as if it was still in CRP, and making it eligible is similar to making land eligible at the end of the contract period automatically, as the 2002 Act provides. Therefore, this comment is adopted in the final rule under the § 1410.2 definition of conserving use making eligible lands under contract that expired during the period 1996 through 2001, if the cover continues to be maintained as though under contract. Moreover, unlike with trees, it is presumed that a grass cover is there, not for commercial purposes, but for compliance with the CRP contract, as the land was moved out of the production. Also, under traditional definitions, such land would remain as cropland.

A respondent recommended a definition should be added for ''marginal pastureland'' due to its importance in terms of eligibility, practice requirements, and rental rates. Consistent with new legislation, the interim rule expanded eligibility for marginal pastureland devoted to a riparian buffer, a new wetland practice, or a new wildlife habitat buffer to provide wildlife habitat where tree plantings are not practical near water bodies. The agency feels that marginal pastureland is adequately defined in context as well as the FOTG, and promulgating a definition would reduce flexibility. Thus, CCC did not adopt this comment.

Seven comments addressed lands classified as ''infeasible to farm.'' One respondent stated that the interim rule did not clearly define ''infeasible to farm'' and how it will be determined. Section 1410.2 defines ''infeasible to farm'' as an area that is too small or isolated to be economically farmed. The local qualifying land characteristics as to whether it is infeasible to farm will be determined at the county level by FSA. ''Infeasible to farm'' acreage is properly determined at the local level where all relevant factors can be considered. The agency does not feel that this limitation will be arbitrarily applied; thus, this comment was not adopted.

A respondent recommended that FSA should allow its State offices, with the advice of State wildlife agencies, to enroll up to one-half of a percent of their cropland in mapped areas of value to critical wildlife needs. The respondent feels that this will help achieve critical wildlife objectives of the CRP. As suggested by the respondent, FSA emphasizes wildlife habitat in the EBI and its practice standards for wildlife habitat applicable to the area. Further, a unique conservation plan is developed for individual contracts based on the site conditions and the NRCS FOTG, which include wildlife needs. Therefore, the respondents' suggestions on allocating acreage are already addressed by the interim rule and further changes were not made.

Section 1410.4 Maximum County Acreage

Ten comments were received regarding the currently imposed 25-percent county acreage enrollment limit for the CRP and Wetland Reserve Program (WRP). Six of the comments opposed counting continuous lands in the 25 percent cap. One respondent indicated that the CRP acreage cap should be determined at the watershed scale, not the county level. We understand the respondent's rationale; however, the 1985 Act provides that CRP acreage enrollment is to be calculated on a county basis. Therefore, this and similar comments were not considered further.

One respondent recommended that limits on participation should be included to protect the economic stability of individual counties or regions. CCC is committed to addressing conservation issues of the nation and providing an opportunity for producers to offer eligible lands through a variety of conservation programs consistent with statutory authority. Before waiving the cropland limit, CCC, by statute, must determine that enrollment of additional land would have no adverse economic impact and producers are having difficulty complying with their highly erodible land conservation plan. Thus, the respondent's concerns are addressed under current regulations, consistent with law, and no changes are made in the final rule to further limit participation.

Section 1410.5 Eligible Persons

Two comments concerned the relationship between renters (or tenants) and landlords. An individual commented that a renter needs immediate notice if a landlord goes to FSA and starts the process of sign-up. One respondent recommended that landowners not be required to own or have operated the land for the previous 12 months to be eligible to enroll in the continuous CRP or Conservation Reserve Enhancement Program (CREP).

FSA encourages landlords and tenants to work closely when enrolling land in the CRP. Further, all operators, owners, and tenants who have an interest in the acreage being offered are required to sign the CRP contract. Also, producers can withdraw an offer anytime before a contract is approved. As for the time an applicant must have operated the land, the law that authorized the CRP requires landowners and tenants to have owned or operated the land for the previous 12 months. However, the statute allows CCC to consider, on a case-by-case basis, both a landowner or tenant eligible when the land was not acquired for the purpose of enrolling it in the CRP. Thus, current regulations are sufficient to address the comments, and no rule change was warranted.

Section 1410.6 Eligible Land

Over 150 comments were received regarding land eligibility. The majority of these comments focused on the role of what the agency considered to be a ''conserving use'' and the impact of that term on an eligibility determination. These comments were addressed with the comments regarding § 1410.2 above.

Twenty comments focused on the interim rule's requirements for cropping history. A few comments fully supported the new 4-out-of-6 year

cropping history requirements, although most criticized the new rule and suggested FSA revert to the original 2-out-of-5 year cropping history requirement, However, the 4-out-of-6 year cropping history is a statutory requirement. Therefore, these comments were not considered further and were not adopted.

Four comments requested clarification regarding the eligibility of permanent crops for CRP programs. The remaining comments criticized current regulations for the type of agriculture allowed in the CRP and its shortcomings in California. The respondent suggested that CRP requirements resulted in land being used to produce grain and row crops using conventional tillage when that land may be better suited for grazing or forage production. The comments were not clear on what change in the regulations would allay their concerns, and they made no specific recommendations. Furthermore, from the start, the CRP has focused, at least in part, on directing active cropland into conserving uses. Rather than encouraging environmentally damaging uses of land as suggested by the respondent, the CRP has resulted in many acres of marginal land that were being used to produce row crops in the past being shifted into a much more ecologically sound practice. Therefore, the comments were not further considered and no change in the regulations has been made.

Five comments on re-enrollment were received. Three respondents supported the provision required by the 2002 Act, and included in § 1410.6(a)(3), that there be an option for CRP participants to offer a new contract into the program when their contracts expire. Two other respondents questioned why tree-planted CRP contracts expiring in 2001 are not eligible for renewal, based upon the expiration, while similar contracts expiring in 2002 and 2003 are being renewed. This is because this provision in the regulations follows section 1231(i) of the 2002 Act, which provided for eligibility for future expirations prospectively only. Hence, no change in the regulations was warranted.

Six comments were received in support of the continuous enrollment provisions included in § 1410.6 of the interim rule. A few respondents suggested expansion of tha CRP to benefit wildlife by enrolling high value practices that restore and protect rare and declining species.

As discussed above, the interim rule expanded CRP eligibility for marginal pastureland devoted to a riparian buffer practice, a new wetland practice, or a new wildlife habitat buffer practice. Wildlife habitat may now be established where tree plantings are not practical or appropriate. This change will be valuable in addressing Federal and State wildlife issues near streams, rivers, or other water bodies. Furthermore, CCC has added continuous sign-up eligibility for practices involving wetland restoration and bottomland hardwood trees.

In riparian areas where the climax vegetation for the site is shrub, forb, grass, or a wetland complex, the current rule provided for the establishment of conservation practices that are best suited for the site. This rule will further permit development of conservation practices that provide water-quality benefits such as wetland restoration, on marginal pastureland which, at § 1410.6(a)(2)(ii), will be limited to enrollments under CREP agreements with State governments. This will ensure implementation of conservation practices on the most environmentally-desirable lands to improve water quality.

Some respondents expressed concern about removing cover and suggested that farmland previously enrolled in the CRP program and planted to approved grasses must be plowed and re-seeded in order to be eligible for a future sign-up. Other comments pertaining to this section concerned buffer guidelines, and consistency between their application by other USDA agencies and programs to native prairies and marginal pastureland. One respondent suggested allowing the use of continuous sign-up and CREP to meet the producer's buffer requirements under State and local mandatory setback laws. Because FSA already allows otherwise eligible land to be offered, provided the producer has not been specifically designated out-of-compliance with a State and/or local setback law, these comments were not considered further and can be addressed within existing rules if further action is needed.

Three comments regarding land eligibility and general sign-up touted the need to protect fragile lands and utilize native vegetation in order to achieve the highest public benefit and enhance biodiversity. The 2002 Act made no changes to the EBI. However, in an effort to maximize environmental benefits and implement plantings consistent with local ecosystems, CCC has structured the EBI to give more weight to contract offers that devote acreage to native plantings. CCC recognizes that in certain critical planting areas the use of introduced vegetative species may be required to stabilize the soil faster, be easier to establish, or provide a more cost-effective conservation effort. The agency agrees with the comment; however, current rule language is sufficient to accomplish the desired result, and no change in the regulations is warranted.

Section 1410.8 Conservation Priority Areas

A total of 11 comments were received on this section of the rule. The majority of the comments suggested that State agencies be provided flexibility to revise wildlife and water quality Conservation Priority Areas (CPA) between general sign-ups. Because the interim rule does not preclude revisions of CPA's between sign-ups, no rule change is needed to implement the suggested change.

Section 1410.9 Conversion to Trees

There were 14 comments pertaining to the planting of CRP acreage to trees. Comments were received from State government agencies and national conservation organizations. A respondent suggested this practice be limited to areas where trees existed historically, because planting trees in historically prairie areas created a number of problems such as habitat and refuge for predators, ecological traps for nesting birds, and nuisance exotic species.

All 14 respondents were concerned with the effects of converting permanent vegetative grass covers under CRP contracts from prior to 1990 to hardwood trees when the ecosystem did not historically support hardwood trees. This rule encourages planting native species suited to the environment. Further, the EBI is designed to encourage planting of native species. Thus, no rule change is needed to address the concerns of the respondent.

Section 1410.11 Farmable Wetlands Program

There were six comments concerning the Farmable Wetlands Program, including eligibility requirements, payment methods, and the methods for delineating wetland. Also, there was one comment on the size of contiguous wetland acres being accepted into the program regarding the basis for enrolling 10 contiguous acres when the owner/operator will only be paid for the first 5 acres. The comments did not address specific rule provisions that caused these concerns or how they may be mitigated. The agency determines wetlands using the FOTG and guidance from NRCS, and has no plans to promulgate how wetlands are delineated. As for the acreage limitation, it is imposed by the 2002 Act. Thus, these comments were not considered further and no change was warranted.

Section 1410.20 Obligations of Participants

There were 28 comments received on the obligations of participants, a majority of which suggested stricter requirements for keeping noxious weeds off CRP lands. Comments on noxious weeds fell into two general groups. The first group suggested mandatory control of noxious weeds as an essential component of managing CRP lands. The second group recommended that weed control be limited to official Federal or State recognized noxious weeds, since most so-called weeds provide extremely high quality wildlife habitat. As a condition of enrollment, a CRP participant must establish and maintain certain covers for the benefit of soil erosion, water quality, and wildlife habitat. On an individual contract basis, a conservation plan is developed according to the NRCS FOTG outlining the requirements to establish and maintain those covers including any necessary weed, insect, and pest control measures. As to noxious weed matters, State governments enforce noxious weed laws and CCC takes appropriate action when notified by State authorities of violations. When CCC becomes aware of a contract violation, it pursues appropriate remedies, including contract termination. The weed control provisions of the program as articulated in the conservation plan developed on a contract-by-contract basis according to NRCS FOTG standards assure the protection of the cover.

The remainder of the comments on this section dealt with maintenance payments and the use of burning as a maintenance tool. Four respondents felt that the landowners were not receiving sufficient rental incentives to pay maintenance costs. Of those, one felt that rental payments should meet a level-of-effort standard, and that landowners who agree to do more maintenance should receive higher rental payments. Two individuals were concerned that some participants receive rental incentives for maintenance for doing nothing, while two others suggested that FSA hold payments until maintenance was completed. One suggested that these incentive payments be made only when maintenance is needed, and, finally, one suggested that holistic grazing be added as eligible for such incentives.

Maintenance incentive rental payments are paid to ensure proper cover of the CRP acreage. What constitutes maintenance and proper coverage varies by geography, topography, and other factors. Consequently, it is difficult to promulgate these amounts and practices at a national level. Thus, what is eligible for maintenance incentive payments and the amount to be paid is determined at the local level based on local conditions. If practices are not carried out as agreed to by the program participant, then payments are not made or are required to be refunded when CCC becomes aware through an informant or a spot-check that an enforcement action is necessary.

A comment stressed the importance of including fire protection plans and annual controlled burns as a maintenance tool and advocated that the landowner and tenant should not be penalized for such maintenance related burns.

The respondent's concerns are addressed by FSA operating procedures and are not included in the regulation. CRP participants must have an approved conservation plan developed locally and for the unique site conditions. Where appropriate, a conservation plan will include a fire protection plan, which may include controlled burns as a maintenance measure. These plans are prepared according to the NRCS FOTG and may incorporate the advice of other experts. Thus, the interim rule already addresses the respondent's concerns, and no changes are made in the final rule.

Section 1410.22 CRP Conservation Plan

A total of 15 comments were received concerning conservation plans and, more specifically, mid-contract management. Six comments fully supported mid-contract management for its role in maintaining and maximizing wildlife benefits of the program. A comment recommended that the practices to be employed and the timing of application for mid-contract management should be determined at the State level to account for variability in climate and cover development. The interim rule requires CRP participants to follow a local technical standard which provides the greatest protection of the State's soil, water, and wildlife resources, improves and preserves water quality, and enhances fish and wildlife habitat. Because the program already incorporates local technical standards, as appropriate, it would not serve the program well to abandon those and adopt State standards. Therefore, this comment was not adopted.

One respondent suggested that the rule be clarified concerning when renewed contracts are considered ''new'' and whether previously enrolled acres will now be subject to mid-contract cover management. Mid-contract cover management applies to contracts entered into after the interim rule's effective date of May 8, 2003, and applies to all contracts, including renewal contracts, approved after May 8, 2003. Terms of the contracts will, moreover, be specified in the contracts.

An individual suggested clarification of how cost-share for mid-contract management practices would be provided, primarily for tree thinning. Consistent with the authorizing legislation, CRP participants must thin trees under their CRP contract without cost-share and receive an annual payment reduction on acreage thinned. Therefore, the comment was not considered and no rule change was needed.

Three comments recommended that all State wildlife agencies be engaged to develop criteria for mid-cover management. FSA has consulted with the U.S. Fish and Wildlife Service and other agencies on these matters. Because the rule already allows consultation other agencies with expertise, the rule is sufficient as written.

Section 1410.30 Sign-Up

There were 23 comments received regarding this section. Some respondents suggested expanding the uses of targeted CRP through continuous enrollment and CREP to meet more environmental needs. Environmentally-desirable land devoted to certain conservation practices may be enrolled in CRP at any time under continuous sign-up. These practices are usually filter strips, riparian buffers, certain wetlands, grass waterways, and other practices the enrollment of which provide substantial environmental benefits meeting the conservation goals of the program including soil erosion, water quality, and wildlife habitat. CCC will annually publish in the **Federal Register** to the extent practicable conservation practices and lands made eligible for continuous signup after September 30, 2004.

A majority of respondents stated that practices installed under the continuous sign-up have insufficiently utilized vegetative cover with high wildlife values. They recommended that continuous sign-up be limited to the use of 40- or 50-point EBI vegetative cover types to achieve the highest environmental benefits.

CCC currently utilizes the FOTG of the NRCS and issues other Agency guidance on this subject. Wildlife considerations are a major consideration in the practice requirements for most continuous sign-up practices. The agency feels that wildlife is being addressed properly under the provisions

of the interim rule and increased emphasis on vegetation for wildlife is unnecessary.

Section 1410.31 Acceptability of Offers

About 60 comments were received regarding the acceptability of offers. Comment categories ranged from local eco-type and native vegetation consistency, to whole-farm enrollment, to the EBI. The vast majority of comments expressed concern that conservation practices implementing native vegetation should be more highly considered than non-native vegetation, and that the vegetation used in conservation practices should be vegetation that is of local eco-type seed. CRP policy regulations and the EBI already emphasize planting native vegetation. In any event, no rule prohibits the results sought by the respondent. Another comment recommended the EBI be included in the regulation to protect the EBI against legal challenge. The agency understands the respondent's concerns that the acceptability of offers be more strictly determined by regulations. The weighing of factors in the EBI can change over time and over enrollments based on changing conditions, changing needs, and based on the nature of the land achieved in previous enrollments. Incorporating the EBI into the rules could harden the index in a way that would be harmful to the achievement of the goals of the program because of the time that would otherwise be needed to change the index. Further, competition in all cases is a set formula for enrollments, so as to not allow the agency to assign special merit to especially attractive offers. Therefore, this comment was not adopted. However, CCC will consider this comment further but, should CCC adopt the suggestion, it would be best to do so as a separate action from this rulemaking with a full opportunity for public comment.

Section 1410.42 Annual Rental Payments

Over half of the 42 comments received under this section of the rule pertained specifically to rental payments. The interim rule provides that rental rates are based on relative soil productivity of the soil type for dryland cash rental rates for the county. Most respondents supported this policy—that CRP rental rates mirror the rates for comparable land in the immediate area and be based on the agricultural production value of the land. Concerning irrigated lands, a comment noted that continuous CRP should allow CCC to pay irrigated rates in irrigated landscapes. Further, the comment noted that, environmentally, these irrigated areas have highly significant concentrated flows with increased soil erosion and degraded water quality. As a result of the comment, FSA is evaluating options to consider the impact of irrigated rental rates. No rule change is needed to make such an allowance.

A few comments recommended increasing incentive payments under CRP. All 42 respondents on this section requested additional incentives for CREP and continuous sign-up practices. The respondents felt that landowners need adequate funding to maintain and enhance their properties to meet CRP conservation plan goals and maximize environmental benefits. CCC feels that the payment of competitive, market-based rental rates is sufficient enticement for the enrollment of land, and the best method for ensuring that payments are distributed equitably. Further, the regulations allow for incentives, where appropriate, to meet program goals and objectives. Therefore, no rule change is needed.

With regard to contract payments, two comments from a commodity organization recommended that if CRP payments are reduced or delayed for more than 60 days, the producer should have the option to withdraw from the contract without penalty and program crop bases would be restored to their prior level. CRP regulations anticipate that contract payments will be made in a timely manner. CCC may pay interest if claims are overdue for a material portion of time. Contract release is too drastic and unwarranted. Accordingly, no change has been made in the regulations.

Section 1410.50 Enhancement Programs

Five comments were received regarding enhancement programs suggesting expanding CREP, continuous enrollment, associated practices, and incentives. However, the comments were not specific on recommended changes. The agency feels that program regulations already encourage participation and adequately address CREP and continuous enrollment.

Section 1410.63 Permissive Uses

There were over 200 comments focused on this section of the rule, making it the most commented-upon section. Comment categories included managed and emergency haying and grazing, the use of wind turbines, maintenance associated with haying and grazing, and the grazing of buffer strips. Emergency haying and grazing allows producers to hay or graze CRP acreage during disaster-related emergency conditions. Managed haying and grazing is intended to have positive effects on the management of the cover consistent with CRP's conservation goals. Managed haying and grazing is not intended to maximize forage benefits. Concerning managed haying and grazing, a majority of comments were critical. Many felt that it is unfair for a farmer to receive CRP payments while being able to profit from grazing their cattle for free, or from selling the harvested hay. However, contrary to what the comments suggest, the statute and the regulation require reduction of CRP payments based on the acres used for haying and grazing. Thus, no change in the regulations was warranted.

Other respondents were concerned about the effects of haying and grazing, stating that the maximum one-in-three year haying and grazing frequency may have a negative impact on wildlife. A few respondents supported managed haying and grazing, and suggested that it strictly comply with the Upland Wildlife Habitat Management standard in the FOTG of NRCS.

The interim rule provisions on managed haying and grazing were developed after CCC reviewed scientific recommendations from both government and non-government experts on environmental and wildlife impacts. Also, in 2001, a panel of grassland ecologists developed a number of recommendations for CRP. The panel recommended that haying and grazing of CRP land be limited to that which is of ecological benefit and in accordance with a management plan suited to the site and vegetative cover. Managed haying and grazing is approved locally, and the FSA State committee, in consultation with the NRCS State technical committee, establishes beginning and ending primary nesting and brood rearing dates to ensure wildlife habitat is sufficiently protected. Since the interim rule was published, FSA delegated authority to its State committees to modify primary nesting season dates as recommended by NRCS State technical committees to ensure applicable nesting seasons reflect local needs of wildlife. As the regulations provide sufficient flexibility for the handling of these issues based on circumstances, no change to the regulations is necessary.

There were 26 comments about emergency haying and grazing. The majority of these comments offered specific recommendations how to reduce its impact to wildlife habitats. These recommendations included acreage caps, timing of harvesting, and

allowing only grazing. A few respondents suggested that FSA prohibit the sale of emergency haying/grazing privileges, while some respondents fully supported emergency haying and grazing as it is currently implemented. One respondent fully opposed using CRP land for emergency haying or grazing.

The requirements for emergency haying and grazing eligibility were enhanced and streamlined this year with the implementation of the interim rule. In periods of extreme emergency, the Secretary may make certain CRP lands eligible under the rule for emergency haying and grazing. Counties also may qualify under a ''D3 Drought—Extreme'' category utilizing the U.S. Drought Monitor to streamline the application process. The emergency haying and grazing provisions are promulgated as required by the statute, incorporating administrative flexibility where appropriate. Thus, no changes were made to the regulations as a result of these comments.

Eleven comments addressed maintenance thinning of CRP softwood plantations. All eleven felt that poor wildlife habitat quality is provided by CRP softwood that is not thinned and, therefore, thinning should be allowed with no reduction in annual rental payments. Tree thinning ensures the health of trees and is not intended to guarantee an income. Further, the law requires a payment reduction to the extent income results from CRP softwood. Because CRP contracts already require tree thinning, the comment was not adopted.

Two respondents felt that incidental grazing of grass buffer strips should be allowed only when located in green wheat fields or fields containing other similar forage. CCC already allows limited grazing of certain practices taking into consideration the affects on the practice, the environment, and wildlife when grazing is incidental to the gleaning of the crop residue in a field after crop harvest. Therefore, no changes were made in the final rule as a result.

Three respondents expressed concerns about detrimental effects on grassland birds and other wildlife from wind turbines on CRP lands. CCC considers environmental impacts of each site and prepares a site specific environmental assessment or environmental impact statement, as applicable, before approving the location of wind turbines. If a wind turbine will create material wildlife concerns, those concerns will be properly considered in determining whether to grant approval. Thus, the respondent's concerns are addressed in each instance, and revision of the final rule is not necessary.

Three respondents believe that the 1-in-3 year managed haying and grazing rotation was inconsistent with wildlife habitat goals of the program. These respondents suggested that the interim rule will have severe negative impacts on grassland nesting birds and other wildlife within the Northern Great Plains region. They suggested more clearly defining the wildlife objectives of the program as a whole. Since these impacts and the compliance with wildlife protection requirements can be addressed in each contract based on local requirements, specification in the regulations of program wildlife objectives is not needed.

One comment suggested amending the rule to allow managed haying and grazing, including the harvest of biomass, without a reduction in annual payment in certain areas and allowing more frequent grazing of short grass prairie areas established in native short grass vegetation. CCC established criteria for frequency of haying or grazing based on scientific research to enhance vegetative cover and wildlife habitat benefits. The statute requires a reduction of annual rental payments commensurate with the economic value of the activity. Current rules are consistent with the statutory provision and no change in the regulations is warranted.

Other Changes

This rule amends the interim rule promulgating 7 CFR part 1410 (68 FR 24830, May 8, 2003) as discussed above with regard to those comments adopted. In addition, the interim rule did not address the crop insurance requirements in 7 CFR part 1405 as they apply to CRP contracts. This rule amends the interim rule to correct that oversight.

Executive Order 12866

This rule has been determined to be economically significant and was reviewed by the Office of Management and Budget (OMB) under Executive Order 12866. A Cost/Benefit Analysis was prepared and is summarized following the discussion of other applicable laws and Executive Orders.

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this interim rule because the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other law to publish a notice of proposed rulemaking for the subject matter of this rule. CCC is authorized by section 2702 of the 2002 Act to issue a final rule.

Environmental Evaluation

The environmental impacts of this rule have been considered consistently with the provisions of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.*; the regulations of the Council on Environmental Quality (40 CFR parts 1500–1508); and FSA's regulations for compliance with NEPA at 7 CFR part 799. Because certain programs may significantly have impacts on the human environment, FSA completed a final Environmental Impact Statement (EIS) on May 8, 2003, which is on file and available to the public in the Administrative Record at the address specified in the **ADDRESSES** section. The EIS is also available electronically at: *http://www.fsa.usda.gov/dafp/cepd/epb/nepa.htm.*

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).

Unfunded Mandates

Title II of the Unfunded Mandate Reform Act of 1995 (UMRA), Pub. L. 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions that impose ''Federal Mandates'' that may result in expenditures to State, local, or tribal governments, in the aggregate, or the private sector, of $100 million or more in any one year. This rule contains no Federal mandates as defined by Title II of UMRA. Therefore, this rule is not subject to sections 202 and 205 of the UMRA.

Federal Domestic Assistance Program

The title and number of the Federal Domestic Assistance Program, as found in the Catalog of Federal Domestic Assistance, to which this rule applies, is the Conservation Reserve Program—10.069.

Paperwork Reduction Act

The 2002 Act specified that the issuance of regulations promulgated pursuant to this new authority would be made without regard to chapter 35 of title 44, U.S. Code (commonly known as the ''Paperwork Reduction Act'').

Executive Order 12778

This final rule has been reviewed under Executive Order 12778. The

provisions of this rule are not retroactive and preempt State and local laws that are inconsistent with this rule. Before any judicial action may be brought concerning this rule, appeal rights afforded program participants at 7 CFR parts 11, 624, and 780 must be exhausted.

Government Paperwork Elimination Act

FSA is working to comply with the Government Paperwork Elimination Act (GPEA) and the Freedom to E-File Act, which require Government agencies in general and FSA in particular to provide the public the option of submitting information or transacting business electronically to the maximum extent possible. The forms and other information collection activities required for participation in CRP are not fully implemented for the public to conduct business with FSA electronically.

Currently, four CRP forms are available electronically through the USDA eForms Web site at *http://www.sc.egov.usda.gov* for downloading and regulations are available on the Internet at *http://www.fsa.usda.gov/dafp/cepd.* Offers may be submitted at FSA county offices, by mail, or by FAX. At this time, electronic submission is not available, but full implementation of electronic submission is underway.

Summary of Cost-Benefit Assessment (CBA)

Increased Enrollment

Enrolling an additional 2.8 million acres will provide environmental benefits, including establishment of 2.8 million acres of wildlife habitat improving recreational benefits through increased hunting and wildlife viewing opportunities. Soil erosion will be reduced an estimated 27 million tons per year, increasing soil productivity, improving surface water quality, and improving air quality.

Total CRP outlays are estimated to increase $1.5 billion during fiscal years 2003 through 2012, while commodity program outlays are estimated to decline about $1.7 billion over the same period, primarily due to a $1.5 billion estimated counter-cyclical payment decline. The additional 2.8-million-acre enrollment is estimated to decrease combined CRP and commodity program outlays $186 million during the 10-year period.

Idling an additional 2.8 million acres under CRP (less than 1 percent of typically planted acreage) will have minimal impacts on the farm sector. Net crop sector income is estimated to increase $307 million per year (1 percent) during the 2003–2012 crop years due to increased market-based net returns ($349 million per year), decreased commodity program payments ($186 million per year), and increased net CRP payments ($144 million per year) over the 10-year period. Reduced plantings will cause estimated crop prices to increase on average $0.02 per bushel for wheat, $0.02 for corn, $0.01 to $0.02 for other feed grains, and $0.06 for soybeans per year.

Average buyers' loss for domestic users of the major crops is estimated to increase $326 million per year when the 2.8 million acres are enrolled. Including other estimated average annual economic indicator changes over the 2003–2012 time period provides estimated net economic benefits of $11 million per year, before any consideration of the value to society of the environmental benefits. While comprehensive measures of the value of the environmental benefits obtained from enrolling environmentally sensitive acreage in CRP do not currently exist, the economic value of environmental benefits is expected to be substantial.

Eligible Land Impacts

Basic cropland eligibility options selected (and impacts):

- Consider cropland in summer fallow rotation as conserving use. (Adds 29 million acres.)
- Consider cropland devoted to alfalfa or other multi-year grasses and legumes as conserving use, but only if planted during 1996–2001. (Adds 31 million acres and excludes 90 million acres not planted during 1996–2001. Also excludes about 1.5 million acres previously eligible as land in long-term crop/hay rotations.)
- Consider land formerly enrolled in CRP under contracts that expired before 1999 and still in grass as conserving use. (Adds 5 million acres, and excludes a minimal amount of acreage in trees.)
- Make land used for perennial horticulture eligible, if devoted to certain continuous sign-up practices. (Adds about 240,000 acres.)

A total of 371 million cropland acres are estimated to meet basic crop eligibility requirements, about 8 million more than were eligible under previous criteria.

Significant resource-based eligibility options selected (and impacts):

- Include under highly erodible land criteria cropland in fields with weighted average Erodibility Index (EI)≥8, rather than previous policy that included cropland in fields classified as HEL (subject to conservation compliance requirements) and cropland with weighted average EI≥8. (Reduces eligible land about 9 million acres.)
- Add about 40 counties to the prairie pothole national CPA. (Adds 3 million acres.)
- Increase the allowable State CPA percentage from 10 percent to 33 percent of cropland acreage per State. (Adds 36 million acres.)

About 270 million acres, or 73 percent, of cropland meeting basic eligibility requirements are estimated to meet one or more resource-based eligibility criteria. Eligible land includes 106 million acres of highly erodible cropland, 120 million acres in national conservation priority areas, and 87 million acres in State CPA's.

Managed Haying and Grazing Impacts

Allowing non-emergency managed haying and grazing, conducted in accordance with a conservation plan, could potentially affect about 25 percent of eligible CRP grassland acreage. Haying and grazing will be limited to no more than once every 3 years, depending on conservation plan guidelines. Thus, around 2 million to 3 million acres could be hayed or grazed in any year, improving wildlife habitat benefits on a total of about 7 million acres. CRP rental payments could be reduced $20 million to $25 million per year.

Rulemaking Exemption

Section 2702 of the 2002 Act exempts this rulemaking, the interim rule that proceeds this affirmation, and the administration of the program, from the application of the Paperwork Reduction Act, and the Statement of Policy of the Secretary of Agriculture published at 36 FR 13804 (July 24, 1971). That section of the 2002 Act also provided explicitly for allowing an interim rule to be made effective immediately without prior notice and comment. As this final rule merely affirms the existing interim rule, with slight amendments made for the better administration of the CRP non-entitlement program, it would be contrary to the public interest to delay the implementation of this rule. Accordingly, consistent with the terms of the 2002 Act and the public interest, this rule is effective upon publication.

List of Subjects in 7 CFR Part 1410

Administrative practices and procedures, Agriculture, Conservation plan, Contracts, Environmental protection, Natural resources, Soil conservation, Water resources, and Wildlife.

■ Accordingly, the interim rule revising 7 CFR part 1410 published at 68 FR

24830 on May 8, 2003, is adopted as final with the following changes:

PART 1410—CONSERVATION RESERVE PROGRAM

■ 1. The authority citation for part 1410 continues to read as follows:

Authority: 15 U.S.C. 714b and 714c; 16, U.S.C. 3801–3847.

■ 2. Amend § 1410.2(b) by revising the definitions of ''Conserving use'' and ''Perennial crop'' to read as follows:

§ 1410.2 Definitions.

* * * * *

(b) * * *

Conserving use means a use of land with any rotation requirements as may be specified by the Deputy Administrator: for alfalfa and other multi-year grasses and legumes planted during 1996 through 2001; as summer fallow during 1996 through 2001; and in which the land was previously enrolled in the program (for which the contract expired during the period 1996 through 2001) and where the grass cover required by the CRP contract continues to be maintained as though still enrolled. Where the land use for a year qualifies as a ''conserving use'' under this definition, then, the land for that year shall, for purposes of eligibility under § 1410.6(a)(1) be considered to have been planted to an ''agricultural commodity.''

* * * * *

Perennial crop means a crop that is produced from the same root structure for two or more years, as determined by CCC.

* * * * *

■ 3. Amend § 1410.6 by revising paragraph (a)(2)(ii) introductory text to read as follows:

§ 1410.6 Eligible land.

(a) * * *

(2) * * *

(ii) Is determined to be suitable for use as a riparian buffer or is made eligible in a CREP for similar water quality purposes as determined by the Deputy Administrator. A field or portion of a field of marginal pasture land may be considered to be suitable for use as a riparian buffer only if, as determined CCC, it:

* * * * *

■ 4. Amend § 1410.52 by adding paragraph (d) to read as follows:

§ 1410.52 Violations.

* * * * *

(d) Crop insurance purchase requirements in part 1405 of this chapter apply to contracts executed in accordance with this part.

■ 5. Amend § 1410.63 by revising paragraph (c) introductory text and (c)(1)(iii) to read as follows:

§ 1410.63 Permissive uses.

* * * * *

(c) The following activities may be permitted on CRP enrolled land insofar as they are consistent with the soil, water, and wildlife conservation purposes of the program:

(1) * * *

(iii) According to an approved CRP conservation plan in accordance with FOTG standards and ensuring that managed haying and grazing activities occur outside the official nesting and brood rearing season for those plans.

* * * * *

Signed at Washington, DC, on May 11, 2004.

James R. Little,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 04–10945 Filed 5–13–04; 8:45 am]

BILLING CODE 3410–05–P

FARM CREDIT ADMINISTRATION

12 CFR Parts 614 and 617

RIN 3052–AC04

Loan Policies and Operations; Borrower Rights; Effective Date

AGENCY: Farm Credit Administration.

ACTION: Notice of effective date.

SUMMARY: The Farm Credit Administration (FCA) published a final rule under parts 614 and 617 on March 30, 2004 (69 FR 16455). This final rule clarifies when and how qualified lenders must disclose the effective interest rates and other loan information to borrowers; when and how the cost of Farm Credit System borrower stock must be disclosed to borrowers; and how loan origination charges and other loan information must be disclosed to borrowers. In accordance with 12 U.S.C. 2252, the effective date of the interim final rule is 30 days from the date of publication in the **Federal Register** during which either or both Houses of Congress are in session. Based on the records of the sessions of Congress, the effective date of the regulations is May 10, 2004.

DATES: *Effective Date:* The regulation amending 12 CFR parts 614 and 617 published on March 30, 2004 (69 FR 16455) is effective May 10, 2004.

FOR FURTHER INFORMATION CONTACT: Tong-Ching Chang, Senior Policy Analyst, Office of Policy and Analysis, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4498, TTY (703) 883–4434; or Howard Rubin, Senior Attorney, Office of General Counsel, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4020, TTY (703) 883–2020.

(12 U.S.C. 2252(a)(9) and (10))

Dated: May 11, 2004.

Jeanette C. Brinkley,

Secretary, Farm Credit Administration Board.

[FR Doc. 04–11024 Filed 5–13–04; 8:45 am]

BILLING CODE 6705–01–P

FARM CREDIT ADMINISTRATION

12 CFR Parts 614, 620, and 630

RIN 3052–AC07

Loan Policies and Operations; Disclosure to Shareholders; Disclosure to Investors in Systemwide and Consolidated Bank Debt Obligations of the Farm Credit System; Effective Date

AGENCY: Farm Credit Administration.

ACTION: Final rules; notice of effective date.

SUMMARY: The Farm Credit Administration (FCA) published a final rule under parts 614, 620, 630 on March 30, 2004 (69 FR 16460). This final rule amends our regulations governing the Farm Credit System's (System) mission to provide sound and constructive credit and services to young, beginning, and small farmers and ranchers and producers or harvesters of aquatic products (YBS). Additionally, with this final rule, the agency amends the System's disclosure to shareholders and investors to include reporting on its service to YBS farmers and ranchers. In accordance with 12 U.S.C. 2252, the effective date of the interim final rule is 30 days from the date of publication in the **Federal Register** during which either or both Houses of Congress are in session. Based on the records of the sessions of Congress, the effective date of the regulations is May 10, 2004.

DATES: *Effective Date:* The regulation amending 12 CFR parts 614, 620, 630 published on March 30, 2004 (69 FR 16460) is effective May 10, 2004.

FOR FURTHER INFORMATION CONTACT: Robert E. Donnelly, Senior Accountant, Office of Policy and Analysis, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4498, TTY (703) 883–4434; or Wendy R. Laguarda, Senior Counsel, Office of General Counsel, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4020, TTY (703) 883–2020.

(12 U.S.C. 2252(a)(9) and (10))

Dated: May 11, 2004.

Jeanette C. Brinkley,

Secretary, Farm Credit Administration Board.

[FR Doc. 04–11025 Filed 5–13–04; 8:45 am]

BILLING CODE 6705–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. 278, Special Conditions No. 25–262–SC]

Special Conditions: Gulfstream Model GV–SP and GIV–X; High Intensity Radiated Fields (HIRF)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for Gulfstream Aerospace Corporation Model GV–SP and GIV–X airplanes. These airplanes will have novel and unusual design features when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. Specifically, these airplanes will use the Honeywell EPIC System which includes the Electronic Display System (EDS), Air Data System, Inertial Reference System, and Automatic Flight Control System. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for the protection of these systems from the effects of high-intensity radiated fields (HIRF). These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that provided by the existing airworthiness standards.

DATES: The effective date of these special conditions is May 14, 2004. Comments must be received on or before June 14, 2004.

ADDRESSES: Comments on these special conditions may be mailed in duplicate to: Federal Aviation Administration, Transport Airplane Directorate, Attention: Rules Docket (ANM–113), Docket No. NM278, 1601 Lind Avenue SW., Renton, Washington 98055–4056; or delivered in duplicate to the Transport Airplane Directorate at the above address. All comments must be marked: Docket No. NM278.

FOR FURTHER INFORMATION CONTACT: Joseph Jacobsen, FAA, Standardization Branch, ANM–113, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (425) 227–2011; facsimile (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA has determined that notice and opportunity for prior public comment are impracticable, because these procedures would significantly delay certification of the airplane and thus delivery of the affected aircraft. In addition, the substance of these special conditions has been subject to the public comment process in several prior instances with no substantive comments received. The FAA, therefore, finds that good cause exists for making these special conditions effective upon issuance; however, the FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data. We ask that you send us two copies of written comments.

We will file in the docket all comments we receive as well as a report summarizing each substantive public contact with FAA personnel concerning these special conditions. The docket is available for public inspection before and after the comment closing date. If you wish to review the docket in person, go to the address in the **ADDRESSES** section of this preamble between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

We will consider all comments we receive on or before the closing date for comments. We will consider comments filed late if it is possible to do so without incurring expense or delay. We may change these special conditions based on the comments we receive.

If you want the FAA to acknowledge receipt of your comments on these special conditions, include with your comments a pre-addressed, stamped postcard on which the docket number appears. We will stamp the date on the postcard and mail it back to you.

Background

On August 22, 2000, Gulfstream applied for an amendment to Type Certificate No. A12EA to include an updated version of the model GIV airplane, called the GIV–X. On October 24, 2000, Gulfstream applied for a second amendment to Type Certificate No. A12EA to include an updated version of the model GV airplane, called the GV–SP.

The GIV–X and GV–SP airplanes are both pressurized, low-wing, ''T-tail'' transport category airplanes with a tricycle landing gear. Both carry a maximum of 19 passengers. The GIV–X is powered by two Rolls-Royce model Tay 611–8C engines; the GV–SP is powered by two BMW-Rolls Royce Deutschland model BR700–710C4–11 engines.

The primary difference between the existing GV and the new GV–SP is the installation of an advanced avionics and flight deck display suite—the new Honeywell EPIC System—in the GV–SP. The EPIC System includes an Electronic Display System, Air Data System, Inertial Reference System, and Automatic Flight Control System.

The primary differences between the existing GIV and the new GIV–X are the following features of the GIV–X:

- An advanced avionics and flight deck display suite—the EPIC System,
- Airframe aerodynamic changes to increase performance, range and economics,
- Derivative Tay 611–8C engines with GV nacelles and thrust reversers,
- A new Full Authority Digital Engine Control (FADEC), and
- A modified yaw damper and a new hard-over prevention system (HOPS).

Both the Gulfstream model GIV–X and GV–SP airplanes will utilize electrical and electronic systems that perform critical functions. The existing airworthiness regulations do not contain adequate or appropriate safety standards for protection of these systems from the effects of high intensity radiated fields (HIRF) external to the airplane. Therefore, these special conditions are proposed.

Type Certification Basis

Under the provisions of 14 CFR 21.101, Gulfstream must show that the model GIV–X and GV–SP airplanes meet the applicable provisions of the regulations incorporated by reference in Type Certificate A12EA or the applicable regulations in effect on the date of application for the change. The regulations incorporated by reference in the type certificate are commonly referred to as the ''original type certification basis.''

The certification basis for the Gulfstream GIV–X airplanes includes 14 CFR part 25, effective February 1, 1965, including Amendments 25–1 through 25–101 with the exceptions listed below:

Section	Title	Amendment
25.21(e)	Proof of compliance	25–7
25.305	Strength and deformation	25–54, 25–86 **
25.321	Flight loads—General	25–23, 25–86 **
25.333	Flight maneuvering envelope	25–0, 25–86 **
25.335(b)	Design airspeeds (speed margin)	25–23
25.341	Gust and turbulence loads	25–0, 25–86 **
25.343	Design fuel and oil loads	25–18, 25–86 **
25.365	Pressurized compartment loads	25–54, 25–87 **
25.373	Speed control devices	25–0, 25–86 **
25.391	Control surface loads—General	25–0, 25–86 **
25.427	Unsymmetrical loads	25–0, 25–86 **
25.445	Auxiliary aerodynamic surfaces	25–0, 25–86 **
25.459	Special devices	25–0 *
25.491	Takeoff run	25–0, 25–91 **
25.561	Emergency landing conditions	25–23, 25–64 (seats), 25–91 (new structure) **
25.571	Damage tolerance and fatigue evaluation of structure	25–54 (wing and empennage), 25–96 (fuselage changes) **
25.671	Control systems—General	25–0
25.677(c)	Trim systems	25–0
25.693	Joints	25–0 *
25.695	Power-boost and power-operated control system	25–0
25.807	Emergency exits	25–55 *
25.807(c)(2) and (d)(4)	Emergency exits	25–15 *
25.813(a), (b), (c), (d), and (f)	Emergency exit access	25–46 *
25.841	Pressurized cabins	25–38, 25–87 **
25.857	Cargo compartment classification	25–32 *
25.858	Cargo or baggage compartment smoke or fire detection systems.	25–54 *
25.963	Fuel tanks	25–40
25.973	Fuel tank filler connection	25–40
25.1013	Oil tanks	25–36
25.1447	Equipment standards for oxygen dispensing units	25–41, 25–87 **
25.1517	Rough air speed, VRA	25–86 (new paragraph—NA) *
25.1557	Miscellaneous markings and placards	25–38 *

* These systems have no changes from the basic GIV model; therefore, the paragraphs remain at the original GIV certification basis and the later amendment was not adopted. Amendment 25–0 is the original published version of Part 25, February 1, 1965.

** Unmodified structure remains in compliance with the earlier amendment listed. New or modified structure is in compliance with the later amendment level listed.

The certification basis for the Gulfstream GV–SP airplanes includes 14 CFR part 25, effective February 1, 125–38965, including Amendments 25–1 through 25–98, with the exceptions and limitations specified in Type Certificate A12EA. In addition, the GIV–X and GV–SP certification bases include certain special conditions, exemptions, and equivalent safety findings that are not relevant to these special conditions.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25, as amended) do not contain adequate or appropriate safety standards because of novel or unusual design features, special conditions are prescribed under the provisions of § 21.16.

Special conditions, as defined in 14 CFR 11.19, are issued in accordance with § 11.38 and become part of the type certification basis in accordance with § 21.101.

Special conditions are initially applicable to the models for which they are issued. Should the applicant apply for a type certificate to modify any other model included on Type Certificate A12EA to incorporate the same novel or unusual design feature, the special conditions would also apply to the other models under the provisions of § 21.101.

Novel or Unusual Design Features

The Gulfstream Model GV–SP and GIV–X airplanes will incorporate a Honeywell EPIC System which will perform certain critical functions. The EPIC System includes the Electronic Display System (EDS), Air Data System, Inertial Reference System, and Automatic Flight Control System. The GIV–X also incorporates a new Full Authority Digital Engine Control (FADEC), a modified yaw damper and a new hard-over prevention system (HOPS). These systems may be vulnerable to high-intensity radiated fields (HIRF) external to the airplane. The current airworthiness standards of part 25 do not contain adequate or appropriate safety standards for the protection of this equipment from the adverse effects of HIRF. Accordingly, these systems are considered novel or unusual design features.

Discussion

There is no specific regulation that addresses protection requirements for electrical and electronic systems from HIRF. Increased power levels from ground-based radio transmitters and the growing use of sensitive electrical and electronic systems to command and control airplanes have made it necessary to provide adequate protection.

To ensure that a level of safety is achieved equivalent to that intended by the regulations incorporated by reference, special conditions are needed for the Gulfstream Model GV–SP and GIV–X airplanes. These special conditions require that new electrical and electronic systems that perform critical functions, such as the EPIC System, be designed and installed to preclude component damage and interruption of function due to both the direct and indirect effects of HIRF.

High-Intensity Radiated Fields (HIRF)

With the trend toward increased power levels from ground-based transmitters and the advent of space and satellite communications, coupled with electronic command and control of the

airplane, the immunity of critical digital avionic/electronics and electrical systems to HIRF must be established.

It is not possible to precisely define the HIRF to which the airplane will be exposed in service. There is also uncertainty concerning the effectiveness of airframe shielding for HIRF. Furthermore, coupling of electromagnetic energy to cockpit-installed equipment through the cockpit window apertures is undefined. Based on surveys and analysis of existing HIRF emitters, an adequate level of protection exists when compliance with the HIRF protection special condition is shown in accordance with either paragraph 1 *or* 2 below:

1. A minimum threat of 100 volts rms (root-mean-square) per meter electric field strength from 10 KHz to 18 GHz.

a. The threat must be applied to the system elements and their associated wiring harnesses without the benefit of airframe shielding.

b. Demonstration of this level of protection is established through system tests and analysis.

2. A threat external to the airframe of the field strengths indicated in the table below for the frequency ranges indicated. Both peak and average field strength components from the table below are to be demonstrated.

Frequency	Field strength (volts per meter)	
	Peak	Average
10 kHz–100 kHz	50	50
100 kHz–500 kHz	50	50
500 kHz–2 MHz	50	50
2 MHz–30 MHz	100	100
30 MHz–70 MHz	50	50
70 MHz–100 MHz	50	50
100 MHz–200 MHz	100	100
200 MHz–400 MHz	100	100
400 MHz–700 MHz	700	50
700 MHz–1 GHz	700	100
1 GHz–2 GHz	2000	200
2 GHz–4 GHz	3000	200
4 GHz–6 GHz	3000	200
6 GHz–8 GHz	1000	200
8 GHz–12 GHz	3000	300
12 GHz–18 GHz	2000	200
18 GHz–40 GHz	600	200

The field strengths are expressed in terms of peak of the root-mean-square (rms) over the complete modulation period.

The threat levels identified above are the result of an FAA review of existing studies on the subject of HIRF, in light of the ongoing work of the Electromagnetic Effects Harmonization Working Group of the Aviation Rulemaking Advisory Committee.

Applicability

As discussed above, these special conditions are applicable to Gulfstream GV–SP and GIV–X airplanes. Should Gulfstream apply at a later date for design change approval to modify any other model included on the same type certificate to incorporate the same or similar novel or unusual design feature, these special conditions would apply to that model as well under the provisions of § 21.101.

Conclusion

This action affects only certain novel or unusual design features on Gulfstream GV–SP and GIV–X airplanes. It is not a rule of general applicability and affects only the applicant which applied to the FAA for approval of these features on these airplanes.

The substance of the special conditions for this airplane has been subjected to the notice and comment procedure in several prior instances and has been derived without substantive change from those previously issued. Because a delay would significantly affect the certification of the airplane, which is imminent, the FAA has determined that prior public notice and comment are unnecessary and impracticable and good cause exists for adopting these special conditions upon issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Gulfstream Model GV–SP and GIV–X airplanes.

1. *Protection from Unwanted Effects of High-Intensity Radiated Fields (HIRF).* Each electrical and electronic system that performs critical functions must be designed and installed to ensure that the operation and operational capability of these systems to perform critical functions are not adversely affected when the airplane is exposed to high-intensity radiated fields.

2. For the purpose of these special conditions, the following definition applies:

Critical Functions. Functions whose failure would contribute to or cause a failure condition that would prevent the continued safe flight and landing of the airplane.

Issued in Renton, Washington, on May 3, 2004.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 04–10999 Filed 5–13–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 736

[Docket No. 040108007–4007–01]

RIN 0694–AC 99

General Order Implementing Syria Accountability and Lebanese Sovereignty Act of 2003

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Industry and Security is amending the Export Administration Regulations (EAR) by adding new General Order No. 2 to Supplement No. 1, Part 736. Section 5(a)(1) of the Syria Accountability and Lebanese Sovereignty Act of 2003 (the SAA), requires a prohibition on the export to Syria of all items on the Commerce Control List (CCL). The SAA also requires that the President impose two or more of the six additional sanctions set forth in the SAA. One of the additional sanctions chosen by the President prohibits the export to Syria of products of the United States, other than food and medicine. This Order is issued consistent with Executive Order 13338 of May 11, 2004, which implements the SAA.

DATES: *Effective Date:* This rule is effective May 14, 2004.

ADDRESSES: Although there is no public comment period, written comments on this rule may be sent to Sheila Quarterman, Office of Exporter Services, Regulatory Policy Division, Bureau of Industry and Security, Department of Commerce, P.O. Box 273, Washington, DC 20044, or e-mail: *squarter@bis.doc.gov.*

FOR FURTHER INFORMATION CONTACT: Eileen Albanese, Director, Office of Exporter Services, Bureau of Industry and Security, Department of Commerce, P.O. Box 273, Washington, DC 20044, or Telephone: (202) 482–0436.

SUPPLEMENTARY INFORMATION:

Background

Section 5(a)(1) of the Syria Accountability and Lebanese Sovereignty Act of 2003 (Pub. L. 108–175, codified as a note to 22 U.S.C. 2151) (the SAA), requires a prohibition on the export to Syria of all items on the Commerce Control List (15 CFR 774) (CCL). The SAA also requires that the President impose two or more of the six additional sanctions set forth in sections 5(a)(2)(A)–(F). One of the additional sanctions chosen by the President and described in section 5(a)(2)(A) is a prohibition on the export to Syria of products of the United States, other than food and medicine. The President has also exercised national security waiver authority pursuant to section 5(b) of the SAA for certain transactions. This Order is issued consistent with Executive Order 13338 of May 11, 2004, which implements the SAA.

Pursuant to this General Order, exports and reexports of all items subject to the Export Administration Regulations (EAR) (15 CFR 730 *et seq.*), except food and medicine classified as EAR99 and ''deemed export'' and ''deemed reexport'' of EAR99 technology or source code, require a license to Syria (medicine is defined in part 772 of the EAR). All license applications for exports or reexports to Syria are subject to a general policy of denial, other than transactions described below.

BIS may consider, on a case-by-case basis, license applications for exports and reexports of items necessary to carry out the President's constitutional authority to conduct U.S. foreign affairs and as Commander-in-Chief, including those exports and reexports of items necessary for the performance of official functions by United States Government personnel abroad. Pursuant to the President's exercise of the national security waiver authority set forth in section 5(b) of the SAA, BIS may also consider the following license applications on a case-by-case basis: items in support of activities, diplomatic or otherwise, of the United States Government (to the extent that regulation of such exportation or reexportation would not fall within the President's constitutional authority to conduct the nation's foreign affairs); medicine (on the CCL) and medical devices (both as defined in part 772 of the EAR); parts and components intended to ensure the safety of civil aviation and the safe operation of commercial passenger aircraft; aircraft chartered by the Syrian Government for the transport of Syrian Government officials on official Syrian Government business; telecommunications equipment and associated computers, software and technology; and items in support of United Nations operations in Syria. The total dollar value of each approved license for aircraft parts for flight safety normally will be limited to no more than $2 million over the 24-month standard license term, except in the case of complete overhauls. In addition, consistent with part 734 of the EAR, the following are not subject to this General Order: informational materials in the form of books and other media; publicly available software and technology; and technology exported in the form of a patent application or an amendment, modification, or supplement thereto or a division thereof (see 15 CFR 734.3(b)(1)(v) and 734.3(b)(2) and (3)).

This General Order makes inapplicable for Syria all License Exceptions set forth in part 740 of the EAR, except as described below. Pursuant to the President's exercise of the national security waiver authority in section 5(b) of the SAA, the following License Exceptions, or portions thereof, are available: TMP (15 CFR 740.9(a)(2)(viii) only) for items for use by the news media; GOV (15 CFR 740.11(b)(2)(i) and (ii) only) for items for personal or official use by personnel and agencies of the U.S. Government; TSU (15 CFR 740.13(a), (b), and (c) only) for operation technology and software, sales technology and software updates; BAG (15 CFR 740.14) for exports of items by individuals leaving the United States as personal baggage; and AVS (15 CFR 740.15(a)(4) only) for the reexport of civil aircraft on temporary sojourn to Syria. Shotguns and shotgun shells described in 15 CFR 740.14(e) are not permitted to be exported to Syria under License Exception BAG.

This General Order also revokes the authority to export or reexport to Syria under existing licenses. However, exporters may submit new license applications for any transaction that they believe is eligible for case-by-case review based on this General Order. License conditions requiring written U.S. Government authorization for the reexport, transfer, or resale of items already exported or reexported remain in effect, and requests for BIS authorization to reexport, transfer, or sell such items will require interagency approval.

License applications for ''deemed exports'' and ''deemed reexports'' as described in 15 CFR 734.2(b) will be reviewed on a case-by-case basis. ''Deemed exports'' and ''deemed reexports'' involving or technology or source code subject to the EAR but not listed on the CCL do not require a license to Syrian foreign nationals.

Finally, items that are on dock for loading, on lighter, laden aboard an exporting carrier or en route aboard a carrier to a port of export on May 14, 2004, remain subject to the licensing rules applicable to such items as of May 13, 2004. Any such items not actually exported or reexported before midnight May 28, 2004, may be exported or reexported only if authorized pursuant to this General Order.

This rule has been determined to be economically significant under Executive Order 12866, because it meets the criterion of having $100 million or more in annual economic impact. In calendar year 2003, U.S. exports to Syria, excluding food and medicine, totaled approximately $140 million.

Rulemaking Requirements

1. This final rule has been determined to be economically significant for purposes of E.O. 12866.

2. Notwithstanding any other provision of 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 of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This rule contains a collection of information subject to the requirements of the PRA. This collection has been approved by OMB under Control Number 0694–0088 (Multi-Purpose Application), which carries a burden hour estimate of 58 minutes to prepare and submit form BIS–748. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to David Rostker, Office of Management and Budget (OMB), by e-mail to *David_Rostker@omb.eop.gov*, or by fax to (202)395–7285; and to the Regulatory Policy Division, Bureau of Industry and Security, Department of Commerce, P.O. Box 273, Washington, DC 20044.

3. This rule does not contain policies with Federalism implications as that term is defined under Executive Order 13132.

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military and foreign affairs function of the United States (Sec. 5 U.S.C. 553 (a)(1)). Further, no other law requires that a notice of

proposed rulemaking and an opportunity for public comment be given for this final rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 5 U.S.C. 553 or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Therefore, this regulation is issued in final form. Although there is no public comment period, public comments on this regulation are welcome on a continuing basis. Comments should be submitted to Sheila Quarterman, Regulatory Policy Division, Bureau of Industry and Security, Department of Commerce, P.O. Box 273, Washington, DC 20044.

5. This rule has been determined to be major for purposes of the Congressional Review Act (5 U.S.C. 801 *et seq.*). However, pursuant to the Congressional Review Act (5 U.S.C. 808(2)), the Bureau of Industry and Security has determined that the delay in the effective date generally required by the Congressional Review Act is waived for good cause. In particular, the Bureau has determined that a delay is impracticable because a delay in effective date would allow for the shipment of goods during that delay that would be antithetical to the objective of this rule.

List of Subjects in 15 CFR Part 736

Exports, Foreign trade.

■ Accordingly, part 736 of the Export Administration Regulations (15 CFR parts 730–799) is amended as follows:

PART 736—[AMENDED]

■ 1. The authority citation for part 736 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 2151 note; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13020, 61 FR 54079, 3 CFR, 1996 Comp. p. 219; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13338 of May 11, 2004; Notice of August 7, 2003, 68 FR 47833, 3 CFR, 2003 Comp., p. 328; Notice of October 29, 2003, 68 FR 62209, 3 CFR, 2003 Comp., p. 347.

■ 2. Supplement No. 1 to part 736 is amended by adding General Order No. 2 to read as follows:

Supplement No. 1 to Part 736—General Orders

* * * * *

General Order No. 2 of May 14, 2004; sections 5(a)(1) and 5(a)(2)(A) of the Syria Accountability and Lebanese Sovereignty Act of 2003 (Public Law 108–175, codified as a note to 22 U.S.C. 2151) (the SAA), require (1) a prohibition on the export to Syria of all items on the Commerce Control List (in 15 CFR part 774)(CCL) and (2) a prohibition on the export to Syria of products of the United States, other than food and medicine. The President has also exercised national security waiver authority pursuant to Section 5(b) of the SAA for certain transactions. This Order is issued consistent with Executive Order 13338 of May 11, 2004, which implements the SAA.

(a) *License requirements.* Effective May 14, 2004, a license is required for export or reexport to Syria of all items subject to the EAR, except food and medicine classified as EAR99 (medicine is defined in part 772 of the EAR). A license is required for the ''deemed export'' and ''deemed reexport,'' as described in § 734.2(b) of the EAR, of any technology or source code on the Commerce Control List (CCL) to a Syrian foreign national. ''Deemed exports'' and ''deemed reexports'' involving technology or source code subject to the EAR but not listed on the CCL do not require a license to Syrian foreign nationals.

(b) *Revocation of Authority to Export under Existing Licenses.* Effective May 14, 2004, the authority to export or reexport to Syria under existing licenses is hereby revoked (see savings clause in paragraph (e) of this General Order). License conditions requiring written U.S. Government authorization for the reexport, transfer, or resale of items already exported or reexported remain in effect, and requests for BIS authorization to reexport, transfer, or sell such items will require interagency approval.

(c) *License Exceptions.* Effective May 14, 2004, no License Exceptions to the license requirements set forth in paragraph (a) of this General Order are available for exports or reexports to Syria, except the following:

(1) TMP for items for use by the news media as set forth in § 740.9(a)(2)(viii) of the EAR,

(2) GOV for items for personal or official use by personnel and agencies of the U.S. Government as set forth in § 740.11(b)(2)(i) and (ii) of the EAR,

(3) TSU for operation technology and software, sales technology and software updates pursuant to the terms of § 740.13(a), (b), or (c) of the EAR,

(4) BAG for exports of items by individuals leaving the United States as personal baggage pursuant to the terms of § 740.14 (a) through (d) only of the EAR, and

(5) AVS for the temporary sojourn of civil aircraft reexported to Syria pursuant to the terms of § 740.15(a)(4) of the EAR.

(d) *Licensing policy.* All license applications for export or reexport to Syria are subject to a general policy of denial. License applications for ''deemed exports'' and ''deemed reexports'' of technology and source code will be reviewed on a case-by-case basis. BIS may consider, on a case-by-case basis, license applications for exports and reexports of items necessary to carry out the President's constitutional authority to conduct U.S. foreign affairs and as Commander-in-Chief, including those exports and reexports of items necessary for the performance of official functions by the United States Government personnel abroad. BIS may also consider the following license applications on a case-by-case basis: items in support of activities, diplomatic or otherwise, of the United States Government (to the extent that regulation of such exportation or reexportation would not fall within the President's constitutional authority to conduct the nation's foreign affairs); medicine (on the CCL) and medical devices (both as defined in part 772 of the EAR); parts and components intended to ensure the safety of civil aviation and the safe operation of commercial passenger aircraft; aircraft chartered by the Syrian Government for the transport of Syrian Government officials on official Syrian Government business; telecommunications equipment and associated computers, software and technology; and items in support of United Nations operations in Syria. The total dollar value of each approved license for aircraft parts for flight safety normally will be limited to no more than $2 million over the 24-month standard license term, except in the case of complete overhauls. In addition, consistent with part 734 of the EAR, the following are not subject to this General Order: informational materials in the form of books and other media; publicly available software and technology; and technology exported in the form of a patent application or an amendment, modification, or supplement thereto or a division thereof (see 15 CFR 734.3(b)(1)(v), (b)(2) and (b)(3)).

(e) *Savings Clause.* Items that are on dock for loading, on lighter, laden aboard an exporting carrier or en route aboard a carrier to a port of export on May 14, 2004, shall be subject to the licensing rules applicable to such items as of May 13, 2004. Any such items not actually exported or reexported before midnight May 28, 2004, may be exported or reexported only if authorized pursuant to this General Order.

* * * * *

Dated: May 11, 2004.

Peter Lichtenbaum,

Assistant Secretary for Export Administration.

[FR Doc. 04–11059 Filed 5–12–04; 10:14 am]

BILLING CODE 3510–33–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 600

[Docket No. 2003N–0528]

Revision of the Requirements for Spore-Forming Microorganisms; Confirmation of Effective Date

AGENCY: Food and Drug Administration, HHS.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA) is confirming the effective date of June 1, 2004, for the direct final rule that appeared in the

Federal Register of December 30, 2003 (68 FR 75116). The direct final rule amends the biologics regulations by providing options to the existing requirement for separate, dedicated facilities and equipment for work with spore-forming microorganisms. This document confirms the effective date of the direct final rule.

DATES: Effective date confirmed: June 1, 2004.

FOR FURTHER INFORMATION CONTACT: Valerie A. Butler, Center for Biologics Evaluation and Research (HFM–17), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448, 301–827–6210.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 30, 2003 (68 FR 75116), FDA issued a direct final rule amending the biologics regulations by providing options to the existing requirement for separate, dedicated facilities and equipment for work with spore-forming microorganisms. The regulations were amended due to advances in facility, system, and equipment design and in sterilization technologies that allow work with spore-forming microorganisms to be performed in multiproduct manufacturing areas.

FDA solicited comments concerning the direct final rule for a 75-day period ending March 15, 2004. FDA stated that the effective date of the direct final rule would be on June 1, 2004, unless any significant adverse comment was submitted to FDA during the comment period. FDA received only one comment (from private industry) on the direct final rule. The comment requested FDA to revise § 600.11(e)(4) (21 CFR 600.11(e)(4)), and asked whether this rulemaking affects the interpretation of § 600.11(e)(4). That comment is beyond the scope of this rulemaking, which is not intended to affect the requirements for live vaccine processing set forth in § 600.11(e)(4). FDA has determined that the received comment is not a significant adverse comment.

Authority: Therefore, under the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act and under authority delegated to the Commissioner of Food and Drugs, the amendments issued thereby become effective on June 1, 2004.

Dated: May 7, 2004.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 04–11027 Filed 5–13–04; 8:45 am]

BILLING CODE 4160–01–S

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 4022 and 4044

Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: The Pension Benefit Guaranty Corporation's regulations on Benefits Payable in Terminated Single-Employer Plans and Allocation of Assets in Single-Employer Plans prescribe interest assumptions for valuing and paying benefits under terminating single-employer plans. This final rule amends the regulations to adopt interest assumptions for plans with valuation dates in June 2004. Interest assumptions are also published on the PBGC's Web site (*http://www.pbgc.gov*).

DATES: *Effective Date:* June 1, 2004.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024. (TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: The PBGC's regulations prescribe actuarial assumptions—including interest assumptions—for valuing and paying plan benefits of terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974. The interest assumptions are intended to reflect current conditions in the financial and annuity markets.

Three sets of interest assumptions are prescribed: (1) A set for the valuation of benefits for allocation purposes under section 4044 (found in Appendix B to Part 4044), (2) a set for the PBGC to use to determine whether a benefit is payable as a lump sum and to determine lump-sum amounts to be paid by the PBGC (found in Appendix B to Part 4022), and (3) a set for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using the PBGC's historical methodology (found in Appendix C to Part 4022).

Accordingly, this amendment (1) adds to Appendix B to Part 4044 the interest assumptions for valuing benefits for allocation purposes in plans with valuation dates during June 2004, (2) adds to Appendix B to Part 4022 the interest assumptions for the PBGC to use for its own lump-sum payments in plans with valuation dates during June 2004, and (3) adds to Appendix C to Part 4022 the interest assumptions for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using the PBGC's historical methodology for valuation dates during June 2004.

For valuation of benefits for allocation purposes, the interest assumptions that the PBGC will use (set forth in Appendix B to part 4044) will be 4.30 percent for the first 20 years following the valuation date and 5.00 percent thereafter. These interest assumptions represent an increase (from those in effect for May 2004) of 0.40 percent for the first 20 years following the valuation date and are otherwise unchanged.

The interest assumptions that the PBGC will use for its own lump-sum payments (set forth in Appendix B to part 4022) will be 3.50 percent for the period during which a benefit is in pay status and 4.00 percent during any years preceding the benefit's placement in pay status. These interest assumptions represent an increase (from those in effect for May 2004) of 0.50 percent for the period during which a benefit is in pay status and are otherwise unchanged.

For private-sector payments, the interest assumptions (set forth in Appendix C to part 4022) will be the same as those used by the PBGC for determining and paying lump sums (set forth in Appendix B to part 4022).

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest assumptions promptly so that the assumptions can reflect, as accurately as possible, current market conditions.

Because of the need to provide immediate guidance for the valuation and payment of benefits in plans with valuation dates during June 2004, the PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

The PBGC has determined that this action is not a ''significant regulatory action'' under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. *See* 5 U.S.C. 601(2).

List of Subjects

29 CFR Part 4022

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

29 CFR Part 4044

Employee benefit plans, Pension insurance, Pensions.

■ In consideration of the foregoing, 29 CFR parts 4022 and 4044 are amended as follows:

PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE-EMPLOYER PLANS

■ 1. The authority citation for part 4022 continues to read as follows:

Authority: 29 U.S.C. 1302, 1322, 1322b, 1341(c)(3)(D), and 1344.

■ 2. In appendix B to part 4022, Rate Set 128, as set forth below, is added to the table. (The introductory text of the table is omitted.)

Appendix B to Part 4022—Lump Sum Interest Rates for PBGC Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*		*	*	*	*		*
128	6–1–04	7–1–04	3.50	4.00	4.00	4.00	7	8

■ 3. In appendix C to part 4022, Rate Set 128, as set forth below, is added to the table. (The introductory text of the table is omitted.)

Appendix C to Part 4022—Lump Sum Interest Rates for Private-Sector Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*		*	*	*	*		*
128	6–1–04	7–1–04	3.50	4.00	4.00	4.00	7	8

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

■ 4. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

■ 5. In appendix B to part 4044, a new entry, as set forth below, is added to the table. (The introductory text of the table is omitted.)

Appendix B to Part 4044—Interest Rates Used to Value Benefits

* * * * *

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	for t =	i_t	for t =	i_t	for t =
* * *		*	*	*		*
June 2004	.0430	1–20	.0500	>20	N/A	N/A

Issued in Washington, DC, on this 11th day of May 2004.

Joseph H. Grant,

Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation.

[FR Doc. 04–11031 Filed 5–13–04; 8:45 am]

BILLING CODE 7708–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–2004–0135; FRL–7358–9]

Phosphomannose Isomerase and the Genetic Material Necessary for Its Production in All Plants; Exemption from the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues in or on plant commodities of phosphomannose isomerase and the genetic material necessary for its production in all plants when applied/used as plant-incorporated protectant inert ingredients. Syngenta Seeds, Inc. submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (FQPA), requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues in or on all plant commodities of phosphomannose isomerase and the genetic material

necessary for its production in all plants.

DATES: This regulation is effective May 14, 2004. Objections and requests for hearings must be received on or before July 13, 2004.

ADDRESSES: To submit a written objection or hearing request follow the detailed instructions as provided in Unit VIII. of the **SUPPLEMENTARY INFORMATION.** EPA has established a docket for this action under Docket ID number OPP–2004–0135. All documents in the docket are listed in the EDOCKET index at *http://www.epa.gov/edocket.* Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in EDOCKET or in hard copy at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: Mike Mendelsohn, Biopesticides and Pollution Prevention Division (7511C), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–8715; e-mail address: *mendelsohn.mike@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 an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS 111)
- Animal production (NAICS 112)
- Food manufacturing (NAICS 311)
- Pesticide manufacturing (NAICS 32532)

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 in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Access Electronic Copies of this Document and Other Related Information?

In addition to using EDOCKET *(http://www.epa.gov/edocket/)*, you may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/.* A frequently updated electronic version of 40 CFR part 180 is available at E-CFR Beta Site Two at *http://www.gpoaccess.gov/ecfr/.*

II. Background and Statutory Findings

In the **Federal Register** of October 22, 2003 (68 FR 60383) (FRL–7326–1), EPA issued a notice pursuant to section 408(d)(3) of the FFDCA, 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide tolerance petition (PP 3E6748) by Syngenta Seeds, Inc., P.O. Box 12257, 3054 Cornwallis Road, Research Triangle Park, NC 27709–2257. This notice included a summary of the petition prepared by the petitioner Syngenta Seeds, Inc.. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR part 180 be amended by establishing an exemption from the requirement of a tolerance for residues in or on all plant commodities of phosphomannose isomerase and the genetic material necessary for its production in all plants.

Section 408(c)(2)(A)(i) of the FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the exemption is ''safe.'' Section 408(c)(2)(A)(ii) of the FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Pursuant to section 408(c)(2)(B), in establishing or maintaining in effect an exemption from the requirement of a tolerance, EPA must take into account the factors set forth in section 408(b)(2)(C), which require EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue....'' Additionally, section 408(b)(2)(D) of the FFDCA requires that the Agency consider ''available information concerning the cumulative effects of a particular pesticide's residues'' and ''other substances that have a common mechanism of toxicity.''

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. First, EPA determines the toxicity of pesticides. Second, EPA examines exposure to the pesticide through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings.

III. Toxicological Profile

Consistent with section 408(b)(2)(D) of the FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness, and reliability and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

EPA's dietary and human health analysis of proteins expressed as PIPs and the inert ingredients associated with PIPs as marker proteins is based on the guidelines for microbial pesticides (See 40 CFR 158.740(b)(2)(i)). EPA recognizes that not all the guidance expressed in these test guidelines are necessarily appropriate for proteins. For instance, EPA does not expect a protein alone to exhibit infectivity or pathogenicity. Nonetheless, EPA believes that the approach used for the fermentation products of microbial agents applies equally well for proteins expressed in plants. Therefore, EPA expects acute oral toxicity with high doses of purified protein and specific criteria on protein degradation and similarity analyses to provide adequate information to reach a finding of a reasonable certainity of no harm in the aggregate for a PIP protein or an inert ingredient associated with a PIP. Such data have been submitted for pure phosphomannose isomerase (PMI) protein. These data demonstrate the safety of the products at levels well above maximum possible exposure levels that are reasonably anticipated in the crops.

The PMI protein is a new marker gene employing unusual carbohydrate metabolism to allow for selection of transformants in cell culture. Use of this

marker addresses some of the complaints received from the public about the possible adverse effects of using antibiotic resistance genes as selection markers. The PMI protein is a ubiquitous enzyme involved in carbohydrate metabolism and it, or a highly homologous enzymatic protein, is found expressed in many species including enteric bacteria, fungi, insects, some species of plants and nematodes, and even mammals including monkeys, mice and man. The PMI protein for which data was submitted in support of this tolerance determination was originally isolated from *Escherichia coli*, a common intestinal bacterium, which is considered a non-allergenic source of protein traits. Since the PMI protein is found in the human intestinal flora and a homologue is expressed by humans, it is logical to expect that there has always been a natural background exposure as well as a low quantity found in the human diet.

An acute oral study was submitted for the PMI protein. The acute oral toxicity data submitted support the prediction that the PMI protein would be non-toxic to humans. The mouse oral LD_{50} for males, females, and combined was greater than 5,050 mg/kg of dosing solution or 3,080 mg/kg of PMI protein.

When proteins are toxic, they are known to act via acute mechanisms and at very low dose levels (Sjoblad, Roy D., *et al*. ''Toxicological Considerations for Protein Components of Biological Pesticide Products,'' Regulatory Toxicology and Pharmacology 15, 3-9 (1992)). Therefore, since no effects were shown to be caused by the PMI protein inert ingredient, even at relatively high dose levels, the PMI protein is not considered toxic. Further, amino acid sequence comparisons showed no similarity between the PMI protein to known toxic proteins available in public protein data bases.

Since PMI is a protein, allergenic sensitivities were considered. Current scientific knowledge suggests that common food allergens tend to be resistant to degradation by heat, acid, and proteases, and may be glycosylated and present at high concentrations in the food.

Data have been submitted that demonstrate that the PMI protein is rapidly degraded (2 minutes) by gastric fluid *in vitro*. Incubation at 65 and 95°C for 30 minutes inactivated PMI. The PMI protein showed no significant amino acid homology with known or putative allergenic proteins using either an 8 amino acid sequence stepwise comparison or an 80 amino acid fragment comparison. The proteins identified as sharing significant amino acid similarity with the *E. coli* PMI are either proteins confirmed as having PMI activity in other organisms or proteins with inferred PMI enzymatic activity from the close amino acid sequence similarity with PMI and the organism's ability to mannose. The source organisms with significant similarity to PMI were identified as numerous bacteria, fungi, plants, insects, and mammals as well as a nematode and protist. This wide diversity of source organisms and the fact that PMI is involved in carbohydrate metabolism indicates that PMI is an essential enzyme involved with routine functions (i.e. housekeeping) and already has broad expression and exposure in humans and many food items.

The potential for the PMI protein to be food allergens is minimal. Regarding toxicity to the immune system, the acute oral toxicity data submitted support the prediction that the PMI protein would be non-toxic to humans. As noted above, toxic proteins typically act as acute toxins with low dose levels. Therefore, since no effects were shown to be caused by the PMI protein inert ingredient plant-incorporated protectants, even at relatively high dose levels, the PMI protein is not considered toxic.

IV. Aggregate Exposures

In examining aggregate exposure, section 408 of the FFDCA directs EPA to consider available information concerning exposures from the pesticide residue in food and all other non-occupational exposures, including drinking water from ground water or surface water and exposure through pesticide use in gardens, lawns, or buildings (residential and other indoor uses).

The Agency has considered available information on the aggregate exposure levels of consumers (and major identifiable subgroups of consumers, such as infants and children) to the pesticide chemical residue and to other related substances. These considerations include dietary exposure under the tolerance exemption and all other tolerances or exemptions in effect for the PMI inert ingredient plant-incorporated protectants chemical residue, and exposure from non-occupational sources. Exposure via the skin or inhalation is not likely since the PMI protein inert ingredient plant-incorporated protectants are contained within plant cells, which essentially eliminates these exposure routes or reduces these exposure routes to negligible. Oral exposure, at very low levels, may occur from ingestion of food products and, potentially, drinking water. However, a lack of mammalian toxicity and the digestibility of the PMI protein inert ingredient plant-incorporated protectants have been demonstrated. The use sites for the PMI protein inert ingredient plant-incorporated protectants are all agricultural associated with the control of plant pests. Therefore, exposure via residential or lawn use to infants and children is not expected. Even if negligible exposure should occur, the Agency concludes that such exposure would present no risk due to the lack of toxicity demonstrated for the PMI protein.

V. Cumulative Effects

Section 408(b)(2)(D)(v) of the FFDCA requires the Agency, when considering whether to establish, modify, or revoke a tolerance, to consider available information concerning the cumulative effects of a particular pesticide's residues and other substances that have a common mechanism of toxicity. These considerations include the possible cumulative effects of such residues on infants and children. Because of the lack of toxicity demonstrated for the PMI protein and because there is no indication of mammalian toxicity to these plant-incorporated protectant inert ingredients, we conclude that there are no cumulative effects for the PMI protein.

VI. Determination of Safety for U.S. Population, Infants and Children

A. Toxicity and Allergenicity Conclusions

The data submitted and cited regarding potential health effects for the PMI protein include the characterization of the expressed PMI protein in corn, as well as the acute oral toxicity, and in vitro digestibility of the protein. The results of these studies were determined applicable to evaluate human risk and the validity, completeness, and reliability of the available data from the studies were considered.

Data was submitted that adequately shows that the PMI test material derived from microbial cultures, which was the material used for testing purposes, is biochemically and functionally similar to the PMI protein produced in the plant. Production of microbially produced protein was chosen in order to obtain sufficient material for testing. Proteins have a certain predictable metabolic fate: Once ingested, proteins are broken down by the combination of secreted acid and digestive enzymes into peptides that are absorbed and

turned into new molecules by the body's protein synthetic processes.

When proteins are toxic, they are known to act via acute mechanisms and at very low dose levels (Sjoblad, Roy D., *et al.* ''Toxicological Considerations for Protein Components of Biological Pesticide Products,'' Regulatory Toxicology and Pharmacology 15, 3-9 (1992)). The acute oral toxicity data submitted supports the prediction that the PMI protein would be non-toxic to humans. Since no effects were shown to be caused by PMI, even at relatively high dose levels (greater than 5,050 mg/kg body wt. of dosing solution or 3,080 mg/kg body wt.of PMI protein), the PMI protein are not considered toxic. This is similar to the Agency position regarding toxicity and the requirement of residue data for the microbial pesticide products like *Bacillus thuringiensis* (Bt). See 40 CFR 158.740(b)(2)(i). For microbial products, further toxicity testing and residue data are triggered by significant acute effects in studies such as the mouse oral toxicity study to verify the observed effects and clarify the source of these effects (Tiers II and III). Since no adverse reactions occurred at near limit dose testing with PMI protein, no further testing of PMI protein is indicated. Thus, residue chemistry data were not required for a human health effects assessment of the subject PMI plant-incorporated protectant inert ingredients because of the lack of mammalian toxicity.

Available information concerning the dietary consumption patterns of consumers (and major identifiable subgroups of consumers including infants and children), and safety factors, which in the opinion of experts qualified by scientific training and experience to evaluate the safety of food additives are generally recognized as appropriate for the use of animal experimentation data, were not considered. See section 408(b)(D) of the FFDCA. Since PMI was tested in an acute oral toxicity test and found to have no adverse effects, showed no unusual stability to digestive enzymes or heat, and had no amino acid similarity to known toxic or allergenic proteins, no mammalian toxicity was identified. The lack of mammalian toxicity at high levels of exposure to the PMI protein demonstrate the safety of the product at levels well above possible maximum exposure levels anticipated in crops. Given the lack of toxicity at high dose levels, several orders of magnitude above the expected dietary exposure from submitted expression data, no additional safety factors to account for the use of animal data were deemed necessary to provide a reasonable certainty of no harm to the aggregate exposure to PMI.

The genetic material necessary for the production of the plant-incorporated protectant inert ingredients are the nucleic acids (DNA, RNA) which comprise genetic material encoding these proteins and their regulatory regions. The genetic material (DNA, RNA) necessary for the production of PMI protein in plant crops have been exempted under the blanket exemption for all nucleic acids (40 CFR 174.475).

B. Infants and Children Risk Conclusions

Section 408(b)(2)(C) of the FFDCA provides that EPA shall apply an additional tenfold margin of exposure (safety) for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure, unless EPA determines that a different margin of exposure (safety) will be safe for infants and children. Margins of exposure (safety), which often are referred to as uncertainty factors, are incorporated into EPA risk assessment either directly or through the use of a margin of exposure analysis or by using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk.

In this instance, based on all the available information, the Agency concludes that the PMI protein and the genetic material necessary for its production in all plants are not toxic and, therefore, that there are no threshold effects of concern. As a result, the Agency has determined that the additional margin of safety is not necessary to protect infants and children and that not adding any additional margin of safety will be safe for infants and children.

C. Overall Safety Conclusion

There is a reasonable certainty that no harm to the U.S. population, including infants and children, will result from aggregate exposure to residues of the PMI protein and the genetic material necessary for its production in all plants. This includes all anticipated dietary exposures and all other exposures for which there is reliable information. The Agency has arrived at this conclusion because, as discussed above, no toxicity to mammals has been observed for the PMI plant-incorporated protectant inert ingredients.

VII. Other Considerations

A. Endocrine Disruptors

FQPA requires EPA to develop a screening program to determine whether certain substances, including all pesticide chemical (both inert and active ingredients), may have an effect in humans that is similar to an effect produced by naturally occurring estrogen, or such other endocrine effect... EPA has been working with interested stakeholders to develop a screening and testing program, as well as a priority-setting scheme. As the Agency proceeds with implementation of this program, it is not anticipated that testing of PMI protein for endocrine effects will be required. The PMI inert ingredients are proteins, derived from sources that are not known to exert an influence on the endocrine system. Therefore, the Agency is not requiring information on the endocrine effects of PMI proteins at this time.

B. Analytical Method(s)

An analytical method is not required for enforcement purposes since the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation. Further, there was a finding of no toxicity or allergenicity for the PMI plant-incorporated protectant inert ingredients and they act simply as marker proteins.

C. Codex Maximum Residue Level

No Codex maximum residue levels exists for the plant-incorporated protectant inert ingredient marker protein phosphomannose isomerase (PMI) protein and the genetic material necessary for its production in all plants.

VIII. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) of the FFDCA provides essentially the same process for persons to ''object'' to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d) of the FFDCA, as was provided in the old sections 408 and 409 of the FFDCA. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number OPP–2004–0135 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before July 13, 2004.

1. *Filing the request*. Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential 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 information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900L), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001. You may also deliver your request to the Office of the Hearing Clerk in Suite 350, 1099 14th St. NW, Washington, DC 2005. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 564-6255.

2. *Tolerance fee payment*. If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it ''Tolerance Petition Fees.''

EPA is authorized to waive any fee requirement ''when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection.'' For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305–5697, by e-mail at *tompkins.jim@epa.gov*, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

3. *Copies for the Docket*. In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VIII.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in **ADDRESSES**. Mail your copies, identified by docket ID number OPP–2004–0135, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001. In person or by courier, bring a copy to the location of the PIRIB described in **ADDRESSES**. You may also send an electronic copy of your request via e-mail to: *opp-docket@epa.gov*. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

IX. Statutory and Executive Order Reviews

This final rule establishes an exemption from the tolerance requirement under section 408(d) of the FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this rule has been exempted from review under Executive Order 12866 due to its lack of significance, this rule is not subject to Executive Order 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under section 408(d) of the FFDCA, such as the exemption in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on 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, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is

defined in the Executive order to include regulations that 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.'' This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of the FFDCA. For these same reasons, the Agency has determined that this rule does not have any ''tribal implications'' as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and the Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.'' This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

X. Congressional Review Act

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 U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: May 6, 2004.

James Jones,

Director, Office of Pesticide Programs.

■ Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Section 180.1252 is added to subpart D to read as follows:

§ 180.1252 Phosphomannose isomerase and the genetic material necessary for its production in all plants; exemption from the requirement of a tolerance.

Phosphomannose isomerase (PMI) protein and the genetic material necessary for its production in plants are exempt from the requirement of a tolerance when used as plant-incorporated protectant inert ingredients in plant commodities. Genetic material necessary for its production means the genetic material which comprise genetic material encoding the PMI protein and its regulatory regions. Regulatory regions are the genetic material, such as promoters, terminators, and enhancers, that control the expression of the genetic material encoding the PMI protein.

[FR Doc. 04–10877 Filed 5–13–04; 8:45 am]

BILLING CODE 6560–50–S

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 1812

RIN 2700–AD00

Clauses Authorized for Use in Commercial Acquisitions

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This final rule revises the NASA FAR Supplement (NFS) by removing the NASA specific clause regarding Central Contractor Registration (CCR) from t he list of clauses authorized for use in acquisitions of commercial items. The NASA CCR clause was removed from the NFS in a final rule published in the **Federal Register** on February 3, 2004, however the rule failed to remove the clause from part 1812. This change corrects this omission.

DATES: *Effective Date:* May 14, 2004.

FOR FURTHER INFORMATION CONTACT: Celeste Dalton, NASA, Office of Procurement, Contract Management Division (Code HK); (202) 358–1645; e-mail: *Celeste.M.Dalton@nasa.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

Item I of FAC 2001–16 revised the FAR to require registration of contractors in the Central Contractor Registration (CCR) database prior to award of any contract, basic agreement, basic ordering agreement, or blanket purchase agreement. As a result, NASA's specific coverage of CCR was no longer required and Subpart 1804.74—Central Contractor Registration and its associated clause at 1852.204–74 were deleted from the NFS under a final rule published in the **Federal Register** on February 3, 2004. Due to an oversight, the rule failed to remove 1852.204–74 from the list of clauses authorized for use in acquisitions of commercial items contained in the 1812.301, ''Solicitation provisions and contract clauses for the acquisition of commercial items.'' This final rule corrects this omission by removing the reference to 1852.204–74.

This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

This final rule does not constitute a significant revision within the meaning of FAR 1.501 and Pub. L. 98–577, and publication for public comment is not required. However, NASA will consider comments from small entities concerning the affected NFS part 1812 in accordance with 5 U.S.C. 610.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes do not impose recordkeeping or information collection requirements which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 1812

Government procurement.

Tom Luedtke,

Assistant Administrator for Procurement.

■ Accordingly, 48 CFR Part 1812 is amended as follows:

PART 1812—ACQUISITION OF COMMERCIAL ITEMS

■ 1. The authority citation for 48 CFR part 1812 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1)

1812.301 [AMENDED]

■ 2. Amend section 1812.301 by removing paragraph (f)(i)(A) and redesignating paragraphs (f)(i)(B) through (f)(i)(O) as (f)(i)(A) through (f)(i)(N), respectively.

[FR Doc. 04–10921 Filed 5–13–04; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 1813

RIN 2700–AC83

Re-Issuance of NASA FAR Supplement Part 1813

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule; correction.

SUMMARY: This document corrects the final rule document published April 22, 2004, which removed from the Code of Federal Regulations (CFR) those portions of the NASA FAR Supplement containing information that consists of internal Agency administrative procedures and guidance that does not control the relationship between NASA and contractors or prospective contractors and does not require publication for public comment. This document corrects the identification of one section in Part 1813 that is being removed from the CFR.

DATES: *Effective Date:* May 14, 2004.

FOR FURTHER INFORMATION CONTACT: Celeste Dalton, NASA, Office of Procurement, Contract Management Division (Code HK); (202) 358–1645; e-mail: *Celeste.M.Dalton@nasa.gov.*

SUPPLEMENTARY INFORMATION: NASA published a final rule in the **Federal Register** of April 22, 2004 (69 FR 21763), removing from the Code of Federal Regulations (CFR) those portions of the NASA FFAR Supplement containing information that consists of internal Agency administrative procedures and guidance. In part 1813 of that final rule, section 1813.301–73 was incorrectly listed as section 1813.701–73. This document corrects that error.

PART 1813—[CORRECTED]

■ In rule FR Doc. 04–9011 published on April 22, 2004, (69 FR 21763), on page 21764, in the listing of sections under part 1813, remove ''1813.701–73'' and add ''1813.301–73'' in its place.

Tom Luedtke,

Assistant Administrator for Procurement.

[FR Doc. 04–10920 Filed 5–13–04; 8:45 am]

BILLING CODE 7510–01–M

Proposed Rules

Federal Register
Vol. 69, No. 94
Friday, May 14, 2004

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.

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

7 CFR Part 1739

RIN 0572–AB94

Broadband Grant Program

AGENCY: Rural Utilities Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Rural Utilities Service (RUS) is proposing regulations to administer the Community Connect Grant Program for the provision of broadband transmission service in rural America. This proposed rule is intended to establish eligibility and application requirements, the review and approval process, and grant administration procedures for the Community Connect Grant Program.

DATES: Comments on this proposed rule must be received by, or bear a postmark or equivalent, no later than June 14, 2004.

ADDRESSES: You may submit comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Agency Web site: http://www.usda.gov/rus/index2/Comments.htm.* Follow the instructions for submitting comments.
- *E-mail: RUSComments@usda.gov.* Include in the subject line of the message ''Broadband Grant Program.''
- *Mail:* Addressed to Richard Annan, Acting Director, Program Development and Regulatory Analysis, Rural Utilities Service, United States Department of Agriculture, 1400 Independence Avenue, SW., STOP 1522, Washington, DC 20250–1522.
- *Hand Delivery/Courier:* Addressed to Richard Annan, Acting Director, Program Development and Regulatory Analysis, Rural Utilities Service, United States Department of Agriculture, 1400 Independence Avenue, SW., Room 5168–S, Washington, DC 20250–1522.

Instructions: All submissions received must include the agency name and the subject heading ''Broadband Grant Program''. All comments received must identify the name of the individual (and the name of the entity, if applicable) who is submitting the comment. All comments received will be posted without change to *http://www.usda.gov/rus/index2/Comments.htm*, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Roberta D. Purcell, Assistant Administrator, Telecommunications Program, Rural Utilities Service, STOP 1590, 1400 Independence Avenue SW., Washington, DC 20250–1590, Telephone (202) 720–9554, Facsimile (202) 720–0810. Email address: *Bobbie.Purcell@usda.gov*.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This proposed rule has been determined to be not significant for purposes of Executive Order 12866, and therefore has not been reviewed by the Office of Management and Budget (OMB).

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance (CFDA) Program number assigned to the Community Connect Grant Program is 10.863. The Catalog is available on a subscription basis from the Superintendent of Documents, the United States Government Printing Office, Washington, DC 20402–9325, telephone number (202) 512–1800.

Executive Order 12372

This program is not subject to the requirements of Executive Order 12372, ''Intergovernmental Review of Federal Programs,'' as implemented under USDA's regulations at 7 CFR part 3015.

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. RUS has determined that this proposed rule meets the applicable standards provided in section 3 of the Executive Order. In addition, all state and local laws and regulations that are in conflict with this rule will be preempted, no retroactive effect will be given to this rule, and, in accordance with Sec 212(e) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6912(e)), administrative appeal procedures, if any, must be exhausted before an action against the Department or its agencies may be initiated.

Executive Order 13132, Federalism

The policies contained in this proposed rule do not have any substantial direct effect on 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. Nor does this proposed rule impose substantial direct compliance costs on state and local governments. Therefore, consultation with states is not required.

Regulatory Flexibility Certification

Pursuant to 5 U.S.C. 553(a)(2), this proposed rule related to grants is exempt from the rulemaking requirements of the Administrative Procedure Act (5 U.S.C. 551 *et seq.*), including the requirement to provide prior notice and an opportunity for public comment. Because this proposed rule is not subject to a requirement to provide prior notice and an opportunity for public comment pursuant to 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable.

Unfunded Mandates

This proposed rule contains no Federal mandates (under the regulatory provision of Title II of the Unfunded Mandates Reform Act of 1995) for State, local, and tribal governments or the private sector. Therefore, this proposed rule is not subject to the requirements of sections 202 and 205 of the Unfunded Mandates Reform Act of 1995.

Environmental Impact Statement

This proposed rule has been examined under RUS environmental regulations at 7 CFR part 1794. The RUS Administrator has determined that this action is not a major Federal action significantly affecting the environment. Therefore, in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an Environmental Impact Statement or Assessment is not required.

Information Collection and Recordkeeping Requirements

This rule contains no new reporting or recordkeeping burdens under OMB control number 0572–0127 that would require approval under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Background

On July 8, 2002, RUS published a Notice of Funds Availability (''NOFA'') in the **Federal Register** (67 FR 45079) announcing its Community Connect pilot grant program for the provision of broadband transmission service in extremely rural, lower-income American communities. Initially, twenty million dollars in grant authority was made available to promote ''community-oriented connectivity,'' which would stimulate economic development and enhance educational and health care opportunities in rural areas through theretofore unavailable broadband transmission service. *See* Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Act of 2002, Pub. L. 107–76, Title III, *Distance Learning and Telemedicine Program (2001)*. In addition, a community center that would provide such service free to area residents for two years was required.

In response to the July 8, 2002, NOFA, RUS received more than 300 applications totaling more than $185 million in funding requests. As part of a national competition, RUS reviewed the applications for eligibility and scored the applications according to the rurality of the project, the economic need of the project service area, and the ''community-oriented-connectivity'' benefits to be derived from the proposed service. On May 16, 2003, Secretary of Agriculture, Ann Veneman, announced the 40 highest scoring grants totaling $20,184,642. This announcement fully utilized RUS' 2002 appropriation.

Due to the overwhelming response to that NOFA, RUS had eligible applications on hand totaling more than the $10 million appropriation received for Fiscal Year 2003. *See* Consolidated Appropriations Resolution of 2003, Pub. L. 108–7, 117 Stat. 11, Title III, *Distance Learning and Telemedicine Program (2003)*. To eliminate the need for fully eligible applicants to resubmit applications during Fiscal Year 2003, RUS utilized its 2003 appropriation by funding eligible projects submitted in accordance with the July 8, 2002 NOFA. The 2003 grant announcements were made September 24, 2003.

For Fiscal Year 2004, $9 million in grants will be made available through a national competition to applicants proving broadband transmission service on a ''community-oriented connectivity'' basis. *See* Consolidated Appropriations Act of 2004, Pub. L. 108–199, 118 Stat. 3, Title III, *Distance Learning and Telemedicine Program (2004)*. RUS now proposes the following regulation to administer the program for Fiscal Year 2004 and will open a new window for the submission of applications.

To encourage ''community-oriented connectivity,'' RUS will provide grants to eligible applicants who will deploy broadband transmission service in rural communities where such service does not currently exist; who will connect all critical community facilities such as local schools, education centers, libraries, hospitals, health care providers, law enforcement agencies, public safety organizations, fire, and rescue services, as well as residents and businesses; and who will operate a community center which provides free and open access to area residents. Grants will be made available, on a competitive basis, for the deployment of broadband transmission services to critical community facilities, rural residents, and rural businesses and for the construction, acquisition, expansion, and/or operation of a community center which would provide free access to broadband transmission services to community residents for at least two years. Funding is also available for end-user equipment, software, and installation costs. A state-of-the-art community center will not only provide improved access but will aid rural residents in developing on-line businesses and will allow them to reap the benefits of Internet-based advanced placement courses and continuing adult education. Applications are limited to one project, as defined in this regulation. Applicants wishing to serve multiple projects must submit an application for each project.

The 30-day comment period for this proposed regulation is based on two factors. First, the program will essentially operate as it has been since the pilot phase. No significant changes are being proposed with the implementation of this proposed regulation. Second, in an effort to expedite the application process this year, RUS believes that a 30-day comment period is necessary in order to proceed with final regulations that will enable application processing and approval of grants during this fiscal year.

List of Subjects in 7 CFR Part 1739

Broadband, Grant programs—communications, Rural areas, Telecommunications, Telephone.

For reasons set forth in the preamble, RUS proposes amending Chapter XVII of title 7 of the Code of Federal Regulations by adding part 1739 as follows:

PART 1739—BROADBAND GRANT PROGRAM

Subpart A—Community Connect Grant Program

Sec.
1.1 Purpose.
1.2 Funding availability and application dates and submission.
1.3 Definitions.
1739.4–1739.9 [Reserved]
1739.10 Eligible applicant.
1739.11 Eligible project.
1739.12 Eligible grant purposes.
1739.13 Ineligible grant purposes
1739.14 Matching contributions.
1739.15 Completed application.
1739.16 Review of grant applications.
1739.17 Scoring of applications.
1739.18 Grant documents.
1739.19 Reporting and oversight requirements.
1739.20 Audit requirements.
1739.21 OMB control number.

Subpart B—[Reserved]

Authority: Title III, Pub. L. 108–199, 118 Stat. 3.

Subpart A—Community Connect Grant Program

§ 1739.1 Purpose.

(a) The provision of broadband transmission service is vital to the economic development, education, health, and safety of rural Americans. The purpose of the Community Connect Grant Program is to provide financial assistance in the form of grants to eligible applicants that will provide, on a ''community-oriented connectivity'' basis, broadband transmission service that fosters economic growth and delivers enhanced educational, health care, and public safety services. RUS will give priority to rural areas that it believes have the greatest need for broadband transmission services, based on the criteria contained herein.

(b) Grant authority will be used for the deployment of broadband transmission service to extremely rural, lower-income communities on a ''community-oriented connectivity'' basis. The ''community-oriented connectivity'' concept will stimulate practical, everyday uses and applications of broadband by cultivating the deployment of new broadband transmission services that improve

economic development and provide enhanced educational and health care opportunities in rural areas. Such an approach will also give rural communities the opportunity to benefit from the advanced technologies that are necessary to achieve these goals.

§ 1739.2 Funding availability and application dates and submission.

(a) RUS will publish, annually in the **Federal Register**, a Notice of Funds Availability (hereinafter ''NOFA'') that will set forth the total amount of funding available; the maximum and minimum funding for each grant; the application submission dates; and the appropriate addresses and agency contact information. The NOFA will also outline and explain the procedures for submission of applications, including electronic submissions. RUS may publish more than one NOFA should additional funding become available.

(b) Notwithstanding paragraph (a) of this section, RUS may, in response to a surplus of qualified eligible applications which could not be funded from the previous fiscal year, decline to publish a NOFA for the following fiscal year and fund said applications without further public notice.

§ 1739.3 Definitions.

As used in this subpart:

Bandwidth means the capacity of the radio frequency band or physical facility needed to carry the Broadband Transmission Services.

Basic Broadband Transmission Service means the broadband transmission service level provided by the applicant at the lowest rate or service package level for residential or business customers, as appropriate, provided that such service meets the requirements of this part.

Broadband Transmission Service means providing an information-rate equivalent to at least 200 kilobits/second in the consumer's connection to the network, both from the provider to the consumer (downstream) and from the consumer to the provider (upstream).

Community means any incorporated or unincorporated town, village, or borough recognized in the U.S. Census in a Rural Area.

Community Center means a public building, or a section of a public building with at least ten (10) Computer Access Points, that is used for the purposes of providing free access to and/or instruction in the use of broadband Internet service, and is of the appropriate size to accommodate this purpose. The community center must be open and accessible to area residents before, during, and after normal working hours and on Saturday or Sunday. Examples of facilities that may be partially used for the described purposes include school, library, or city hall.

Computer Access Point means a new computer terminal with access to Basic Broadband Transmission Service.

Critical Community Facility means a public school, public library, public medical clinic, public hospital, community college, public university, or law enforcement, fire and ambulance stations.

Eligible Applicant shall have the meaning as set forth in § 1739.10 of this part.

Eligible Grant Purposes shall have the meaning as set forth in § 1739.12 of this part.

End-User Equipment means computer hardware and software, audio or video equipment, computer network components, telecommunications terminal equipment, inside wiring, interactive video equipment, or other facilities required for the provision and use of Broadband Transmission Services.

Matching Contribution means the applicant's qualified contribution to the Project, as outlined in § 1739.14 of this part.

Project means the applicant's proposed Basic Broadband Transmission Service financed by the grant and Matching Contribution for the proposed Service Area.

Rural Area means any area not included within the boundaries of any incorporated or unincorporated city, town, village, or borough having a population of more than 20,000 inhabitants within the United States, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas Islands, the Western Pacific Territories, Marshall Islands, Federated States of Micronesia, Republic of Palau, and the U.S. Virgin Islands.

RUS means the Rural Utilities Service, an agency of the United States Department of Agriculture, which is part of the Rural Development Utilities Program.

Service Area means a single Community and, may include the unincorporated areas or locally recognized communities, not recognized in the U.S. Census, located outside and contiguous to the Community's boundaries.

Spectrum means a defined band of frequencies that will accommodate the Broadband Transmission Services.

Telecommunications Terminal Equipment means the assembly of telecommunications equipment at the end of a circuit or path of a signal, including but not limited to facilities that receive or transmit over-the-air broadcast, satellite, and microwave, normally located on the premises of the end user, that interfaces with telecommunications transmission facilities, and that is used to modify, convert, encode, or otherwise prepare signals to be transmitted via such telecommunications facilities, or that is used to modify, reconvert, or carry signals received from such facilities, the purpose of which is to accomplish the goal for which the circuit or signal was established.

USDA means the United States Department of Agriculture.

§§ 1739.4–1739.9 [Reserved]

§ 1739.10 Eligible applicant.

To be eligible for a grant, the applicant must:

(a) Be legally organized as an incorporated organization, an Indian tribe or tribal organization, as defined in *25 U.S.C. 450b(b) and (c)*, a state or local unit of government, or other legal entity, including private corporations or limited liability companies organized on a for profit or not-for profit basis.

(b) Have the legal capacity and authority to own and operate the broadband facilities as proposed in its application, to enter into contracts and to otherwise comply with applicable federal statutes and regulations.

§ 1739.11 Eligible project.

To be eligible for a grant, the Project must:

(a) Serve a Rural Area where Broadband Transmission Service does not currently exist, to be verified by RUS prior to the award of the grant;

(b) Serve one Community recognized in the latest U.S. Census. Additional communities located in the contiguous areas outside the Community's boundaries that are not recognized (due to size) in the U.S. Census, can be included in the applicant's proposed Service Area, but must be supported by documentation, acceptable to RUS, as to their existence;

(c) Deploy Basic Broadband Transmission Service, free of all charges for at least 2 years, to all Critical Community Facilities located within the proposed Service Area;

(d) Offer Basic Broadband Transmission Service to residential and business customers within the proposed Service Area; and

(e) Provide a Community Center with at least ten (10) Computer Access Points within the proposed Service Area, and

make Broadband Transmission Service available therein, free of all charges to users for at least 2 years.

§ 1739.12 Eligible grant purposes.

Grant funds may be used to finance:

(a) The construction, acquisition, or lease of facilities, including spectrum, to deploy Broadband Transmission Services to all Critical Community Facilities and all required facilities needed to offer such service to residential and business customers located within the proposed Service Area;

(b) The improvement, expansion, construction, or acquisition of a Community Center that furnishes free access to broadband Internet service, provided that the Community Center is open and accessible to area residents before, during, and after normal working hours and on Saturday or Sunday. Grant funds provided for such costs shall not exceed the greater of five percent (5%) of the grant amount requested or $100,000;

(c) End-User Equipment needed to carry out the Project;

(d) Operating expenses incurred in providing Broadband Transmission Service to Critical Community Facilities for the first 2 years of operations and in providing training and instruction. Salary and administrative expenses will be subject to review, and may be limited by RUS for reasonableness in relation to the scope of the Project; and

(e) The purchase of land, buildings, or building construction needed to carry out the Project.

§ 1739.13 Ineligible grant purposes.

(a) Grant funds may not be used to finance the duplication of any existing Broadband Transmission Services provided by other entities.

(b) Facilities financed with grant funds cannot be utilized, in any way, to provide local exchange telecommunications service to any person or entity already receiving such service.

§ 1739.14 Matching contributions.

(a) The grant applicant must contribute a Matching Contribution which is at least fifteen percent (15%) of the grant amount requested and shall be in the form of:

(1) Cash for eligible grant purposes.

(2) In-kind contributions for purposes that could have been financed with grant funds under this part. In-kind contributions must be new or non-depreciated assets with established monetary values. Manufacturers' or service providers' discounts are not Matching Contributions.

(3) The rental value of space provided within an existing Community Center, provided that the space is provided free of charge to the applicant, for the first 2 years of operations.

(4) Salary expenses incurred for the individual(s) operating the Community Center, for the first 2 years of operations.

(5) Expenses incurred in operating the Community Center, for the first 2 years of operations.

(b) Costs incurred by the applicant, or by others on behalf of the applicant, for facilities, installed equipment, or other services rendered prior to submission of a completed application shall not be considered as an Eligible Grant Purpose or Matching Contribution.

(c) Rental values of space provided must be substantiated by rental agreements documenting the cost of space of a similar size in a similar location.

(d) Rental values, salaries, and other expenses incurred in operating the Community Center will be subject to review by RUS for reasonableness in relation to the scope of the Project.

(e) Any financial assistance from federal sources will not be considered as Matching Contributions unless there is a federal statutory exception specifically authorizing the federal financial assistance to be considered as a Matching Contribution.

§ 1739.15 Completed application.

A completed application must include the following documentation, studies, reports and information in form satisfactory to RUS. Applications should be prepared in conformance with the provisions of this part and applicable USDA regulations including 7 CFR parts 3015, 3016, and 3019. Applicants must use the RUS Application Guide for this program, found at *http://www.usda.gov/rus/telecom/* containing instructions and all necessary forms, as well as other important information, in preparing their application. Completed applications must include the following:

(a) *An application for Federal assistance.* A completed Standard Form 424.

(b) *An executive summary of the Project.* The applicant must provide RUS with a general project overview that addresses the following categories:

(1) A description of why the Project is needed;

(2) A description of the applicant;

(3) An explanation of the total Project cost;

(4) A general overview of the broadband telecommunications system to be developed, including the types of equipment, technologies, and facilities to be used;

(5) Documentation describing the procedures used to determine the unavailability of existing Broadband Transmission Service; and

(6) A description of the participating Critical Community Facilities (such as schools, health care providers, police and fire departments, etc.).

(c) *Scoring criteria documentation.* Each grant applicant must address and provide documentation on how it meets each of the scoring criteria detailed in § 1739.17 of this part.

(d) *System design.* The applicant must submit a system design that contains the following, satisfactory to RUS:

(1) A narrative discussing the proposed Community Center, all costs of the Project, all existing and proposed facilities that are a part of the Project, the services to be provided by the Project, and the proposed Service Area;

(2) Engineering design studies providing an economical and practical engineering design of the Project, including a detailed description of the facilities to be funded, technical specifications, data rates, and costs; and

(3) A map of the proposed Service Area reflecting the proposed location of the Community Center and all Critical Community Facilities.

(e) *Scope of work.* The scope of work must include, at a minimum:

(1) The specific activities and services to be performed under the Project;

(2) Who will carry out the activities and services;

(3) The time-frames for accomplishing the Project objectives and activities; and

(4) A budget for all capital and administrative expenditures reflecting the line item costs for Eligible Grant Purposes, the Matching Contribution, and other sources of funds necessary to complete the Project.

(f) *Community-Oriented Connectivity Plan.* The applicant must provide a Community-Oriented Connectivity Plan consisting of the following:

(1) A listing of all Critical Community Facilities to be connected, including local public schools, education center, public libraries, public medical clinics, public hospitals, community colleges, public universities, and law enforcement, fire, and ambulance stations. For those Critical Community Facilities in the Service Area which will not be included in the Project, an explanation of why they are not being included should be provided. The applicant must also provide documentation that it has consulted with agents of all Critical Community Facilities in the Service Area, and must provide statements as to their willingness to participate, or not to participate, in the proposed Project;

(2) A description of the services available to local residents through the use of the Community Center;

(3) A listing of the proposed Telecommunications Terminal Equipment, telecommunications transmission facilities, data terminal equipment, interactive video equipment, computer hardware and software systems, and components that process data for transmission via telecommunications, computer network components, communication satellite ground station equipment, or any other elements of the Project designed to further the deployment and use of Broadband Transmission Service, that the applicant intends to build or fund using RUS grant funds and the Matching Contribution; and

(4) If other telecommunications carriers (including interexchange carriers, cable television operators, enhanced service providers, providers of satellite services and telecommunications equipment manufacturers and distributors) are participating in the delivery of services, a description of the consultations and the anticipated role of such providers in the proposed Project.

(g) *Financial information and sustainability.* The applicant must provide a narrative description demonstrating the sustainability of the Project during the first two years and after completion and the sufficiency of resources and expertise necessary to undertake and complete the Project. The following financial information is required:

(1) Certified financial statements, if available; otherwise, the most current income statement and balance sheet for existing operations; and

(2) Pro-forma financial information for 5 years, evidencing the sustainability of the Project.

(h) *A statement of experience.* Information on the owners' and principal employees' relevant work experience that would ensure the success of the Project. The applicant must provide a written narrative describing its demonstrated capability and experience, if any, in operating a broadband telecommunications system.

(i) *Evidence of legal authority and existence.* The applicant must provide evidence of its legal existence and authority to enter into a grant agreement with RUS and to perform the activities proposed under the grant application.

(j) *Funding commitment from other sources.* If the Project requires additional funding from other sources in addition to the RUS grant, the applicant must provide evidence that funding agreements have been obtained to ensure completion of the Project.

(k) *Compliance with other federal statutes.* The applicant must provide evidence of compliance with other federal statutes and regulations, including, but not limited to the following:

(1) 7 CFR part 15, subpart A—Nondiscrimination in Federally Assisted Programs of the Department of Agriculture—Effectuation of Title VI of the Civil Rights Act of 1964.

(2) 7 CFR part 3015—Uniform Federal Assistance Regulations.

(3) 7 CFR part 3017—Governmentwide Debarment and Suspension (Non-procurement).

(4) 7 CFR part 3018—New Restrictions on Lobbying.

(5) 7 CFR part 3021—Governmentwide Requirements for Drug-Free Workplace (Financial Assistance).

(6) Certification regarding Architectural Barriers.

(7) Certification regarding Flood Hazard Precautions.

(8) An environmental report, in accordance with 7 CFR part 1794.

(9) Certification that grant funds will not be used to duplicate lines, facilities, or systems providing Broadband Transmission Services.

(10) Federal Obligation Certification on Delinquent Debt.

§ 1739.16 Review of grant applications.

(a) All applications for grants must be delivered to RUS at the address and by the date specified in the NOFA (see § 1739.2 of this part) to be eligible for funding. RUS will review each application for conformance with the provisions of this part. RUS may contact the applicant for additional information or clarification.

(b) Incomplete applications as of the deadline for submission will not be considered. If an application is determined to be incomplete, the applicant will be notified in writing and the application will be returned with no further action.

(c) Applications conforming with this part will then be evaluated competitively by a panel of RUS employees selected by the Administrator of RUS, and will be awarded points as described in the scoring criteria in § 1739.17 of this part. Applications will be ranked and grants awarded in rank order until all grant funds are expended.

(d) Regardless of the score an application receives, if RUS determines that the Project is technically or financially infeasible, RUS will notify the applicant, in writing, and the application will be returned with no further action.

§ 1739.17 Scoring of applications.

(a) All eligible applications will receive points for the following scoring criteria:

(1) The rurality of the Project (up to 40 points);

(2) The economic need of the Project's Service Area (up to 20 points); and

(3) The ''community-oriented connectivity'' benefits derived from the proposed service (up to 30 points).

(b) Scoring criteria:

(1) *The rurality of the project*—up to 40 points.

(i) This criterion will be used to evaluate the rurality of the Community served by the Project, in accordance with the following method of scoring. Rurality shall be determined by the 2000 population data contained in the U.S. Bureau of the Census at *http://factfinder.census.gov.* The following categories are used in the evaluation of rurality:

(A) Level 1 means any Community having a population of less than 500 inhabitants.

(B) Level 2 means any Community having a population of at least 500 and not in excess of 1,000 inhabitants.

(C) Level 3 means any Community having a population over 1,000 and not in excess of 2,000 inhabitants.

(D) Level 4 means any Community having a population over 2,000 and not in excess of 3,000 inhabitants.

(E) Level 5 means any Community having a population over 3,000 and not in excess of 4,000 inhabitants.

(F) Level 6 means any Community having a population over 4,000 and not in excess of 5,000 inhabitants.

(G) Level 7 means any Community having a population over 5,000 and not in excess of 10,000 inhabitants.

(H) Level 8 means any Community having a population over 10,000 and not in excess of 20,000 inhabitants.

(ii) Each application will receive points based on the location of the facilities financed using the definitions in paragraphs (b)(1)(i)(A) through (H) of this section.

(A) For a Service Area that includes a Level 1 Community, it will receive 40 points.

(B) For a Service Area that includes a Level 2 Community, it will receive 35 points.

(C) For a Service Area that includes a Level 3 Community, it will receive 30 points.

(D) For a Service Area that includes a Level 4 Community, it will receive 25 points.

(E) For a Service Area that includes a Level 5 Community, it will receive 20 points.

(F) For a Service Area that includes a Level 6 Community, it will receive 15 points.

(G) For a Service Area that includes a Level 7 Community, it will receive 10 points.

(H) For a Service Area that includes a Level 8 Community, it will receive 5 points.

(2) *The economic need of the Project Service Area*—up to 30 points.

(i) This criterion will be used to evaluate the economic need of the Service Area. Applicants must utilize the per capita personal income for the Community serviced, as determined by the U.S. Bureau of the Census at *http://factfinder.census.gov.* Applicants will be awarded points as outlined below for service provided in the Community where the per capita personal income (PCI) is less than 70 percent of the national average per capita personal income (NAPCI):

(A) PCI is 75 percent or greater of NAPCI; 0 points;

(B) PCI is less than 75 percent and greater than or equal to 70 percent of NAPCI; 5 points;

(C) PCI is less than 70 percent and greater than or equal to 65 percent of NAPCI; 10 points;

(D) PCI is less than 65 percent and greater than or equal to 60 percent of NAPCI; 15 points;

(E) PCI is less than 60 percent and greater than or equal to 55 percent of NAPCI; 20 points;

(F) PCI is less than 55 percent and greater than or equal to 50 percent of NAPCI; 25 points;

(G) PCPI is less than 50 percent of NAPCPI; 30 points;

(ii) [Reserved]

(3) *The ''community-oriented connectivity'' benefits derived from the proposed service*—up to 30 points.

(i) This criterion will be used to score applications based on the documentation in support of the need for services, benefits derived from the services proposed by the Project, and local community involvement in planning and implementation of the Project. Applicants may receive up to 30 points for documenting the need for services and benefits derived from service as explained in this section.

(ii) RUS will consider:

(A) The extent of the applicant's documentation explaining the economic, education, health care, and public safety issues facing the community and the applicant's proposed plan to address these challenges on a community-wide basis;

(B) The extent of the Project's planning, development, and support by local residents, institutions, and community facilities will be considered. This includes evidence of community-wide involvement, as exemplified in community meetings, public forums, and surveys. In addition, applicants should provide evidence of local residents' participation in the Project planning and development;

(C) The extent to which the Community Center will be used for instructional purposes including Internet usage, Web-based curricula, and Web page development; and

(D) Web-based community resources enabled or provided by the applicant, such as community bulletin boards, directories, and public web-hosting.

§ 1739.18 Grant documents.

The terms and conditions of grants shall be set forth in grant documents prepared by RUS. The documents shall require the applicant to own all equipment and facilities financed by the grant. Among other matters, RUS may prescribe conditions to the advance of funds that address concerns regarding the Project feasibility and sustainability. RUS may also prescribe terms and conditions applicable to the construction and operation of the Project and the delivery of Broadband Transmission Services to Rural Areas, as well as other terms and conditions applicable to the individual Project.

§ 1739.19 Reporting and oversight requirements.

(a) A project performance activity report will be required of all recipients on an annual basis until the Project is complete and the funds are expended by the applicant. Recipients are to submit an original and one copy of all project performance reports, including, but not limited to, the following:

(1) A comparison of actual accomplishments to the objectives established for that period;

(2) A description of any problems, delays, or adverse conditions which have occurred, or are anticipated, and which may affect the attainment of overall Project objectives, prevent the meeting of time schedules or objectives, or preclude the attainment of particular Project work elements during established time periods. This disclosure shall be accompanied by a statement of the action taken or planned to resolve the situation; and

(3) Objectives and timetable established for the next reporting period.

(b) A final project performance report must be provided by the recipient. It must provide an evaluation of the success of the Project in meeting the objectives of the program. The final report may serve as the last annual report.

(c) RUS will monitor recipients, as it determines necessary, to assure that Projects are completed in accordance with the approved scope of work and that the grant is expended for Eligible Grant Purposes.

(d) Recipients shall diligently monitor performance to ensure that time schedules are being met, projected work within designated time periods is being accomplished, and other performance objectives are being achieved.

§ 1739.20 Audit requirements.

A grant recipient shall provide RUS with an audit for each year, beginning with the year in which a portion of the financial assistance is expended, in accordance with the following:

(a) If the recipient is a for-profit entity, an existing Telecommunications or Electric Borrower with RUS, or any other entity not covered by the following paragraph, the recipient shall provide an independent audit report in accordance with 7 CFR part 1773, ''Policy on Audits of RUS Borrowers.''

(b) If the recipient is a State or local government, or non-profit organization, the recipient shall provide an audit in accordance with 7 CFR part 3052, ''Audits of States, Local Governments, and Non-Profit Organizations.''

§ 1739.21 OMB Control Number.

The information collection requirements in this part are approved by the Office of Management and Budget (OMB) and assigned OMB control number 0572–0127.

Subpart B—[Reserved]

Dated: April 22, 2004.

Blaine D. Stockton,

Acting Administrator, Rural Utilities Service.

[FR Doc. 04–10908 Filed 5–13–04; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–166012–02]

RIN 1545–BB82

National Principal Contracts; Contingent Nonperiodic Payments; Hearing Cancellation

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Cancellation of public hearing on proposed rulemaking.

SUMMARY: This document cancels a public hearing on a notice of proposed rulemaking under section 446(b) of the Internal Revenue Code relating to the inclusion into income or deduction of a contingent nonperiodic payment provided for under a notional principal contract (NPC).

DATES: The public hearing originally scheduled for May 25, 2004, at 10 a.m., is cancelled.

FOR FURTHER INFORMATION CONTACT: Sonya M. Cruse of the Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedures and Administration), at (202) 622–4693 (not a toll-free number).

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking and notice of public hearing that appeared in the **Federal Register** on Thursday, February 26, 2004 (69 FR 8886), announced that a public hearing was scheduled for May 25, 2004, at 10 a.m., in the auditorium, Internal Revenue Service Building, 1111 Constitution Avenue, NW., Washington, DC. The subject of the public hearing is under section 446(e) of the Internal Revenue Code.

The public comment period for these regulations expired on May 4, 2004. The notice of proposed rulemaking instructed those interested in testifying at the public hearing to submit a request to speak and an outline of the topics to be addressed. As of Friday, May 7, 2004, no one has requested to speak. Therefore, the public hearing scheduled for May 25, 2004, is cancelled.

Cynthia E. Grigsby,

Acting Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedures and Administration).

[FR Doc. 04–11016 Filed 5–13–04; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD13–04–019]

RIN 1625–AA00

Security Zones; Protection of Military Cargo, Captain of the Port Zone Puget Sound, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish two security zones in Commencement Bay, WA. These security zones are needed to protect Department of Defense assets and military cargo in Puget Sound, Washington. This proposed rule, when enforced by the Captain of the Port Puget Sound, would provide for the regulation of vessel traffic in the vicinity of military cargo loading facilities in the navigable waters of the United States.

DATES: Comments and related material must reach the Coast Guard on or before June 14, 2004.

ADDRESSES: You may mail comments and related material to Commanding Officer, Marine Safety Office Puget Sound, 1519 Alaskan Way South, Seattle, Washington 98134. Marine Safety Office Puget Sound maintains the public docket [CGD13–04–019] for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at Marine Safety Office Puget Sound between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LTjg T. Thayer, c/o Captain of the Port Puget Sound, 1519 Alaskan Way South, Seattle, WA 98134, (206) 217–6232. For specific information concerning enforcement of this rule, call Marine Safety Office Puget Sound at (206) 217–6200 or (800) 688–6664.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD13–04–019), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know that your submission reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to Marine Safety Office Puget Sound at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a separate notice in the **Federal Register**.

Background and Purpose

Hostile entities continue to operate with the intent to harm U.S. National Security by attacking or sabotaging national security assets. The President has continued the national emergencies he declared following the September 11, 2001 terrorist attacks. 67 FR 58317 ((Sept. 13, 2002) (continuing national emergency with respect to terrorist attacks)); 67 FR 59447 ((Sept. 20, 2002) continuing national emergency with respect to persons who commit, threaten to commit or support terrorism)); 68 FR 55189 ((Sept. 22, 2003 (continuing national emergency with respect to persons who commit, threaten to commit or support terrorism)).

The President also has found pursuant to law, including the Magnuson Act (50 U.S.C. 191 *et seq.*), that the security of the United States is and continues to be endangered following the attacks (E.O. 13,273, 67 FR 56215 (Sept. 3, 2002) (security endangered by disturbances in international relations of U.S. and such disturbances continue to endanger such relations). Moreover, the ongoing hostilities in Afghanistan and Iraq make it prudent for U.S. ports and waterways to be on a higher state of alert because the al Qaeda organization and other similar organizations have declared an ongoing intention to conduct armed attacks on U.S. interests worldwide.

The Coast Guard, through this proposed rule, intends to assist the Department of Defense and protect vital national security assets, in waters of Puget Sound. This proposed rule would establish security zones and notification requirements that will exclude persons and vessels from these zones during military cargo loading and unloading operations. Entry into these zones will be prohibited unless authorized by the Captain of the Port or his designee. The Captain of the Port may be assisted by other federal, state, or local agencies.

Discussion of Proposed Rule

During the past 6 months, the Captain of the Port has issued four temporary final rules establishing security zones in Commencement Bay, Washington. (CGD13–04–024 issued April 29, 2004; 69 FR 24513, May 4, 2004, item 13–04–006; 69 FR 4237, 4239, January 29, 2004; items 13–03–037 and 13–03–039)

These temporary final rules have been established to protect facilities used by

vessels to load and/or unload military cargo. Moreover, these temporary zones have differed in size and description. This proposed rule would establish a permanent, uniform, security zone, which would control vessel movement in and around the Blair and Sitcum Waterways, Commencement Bay, WA. However, the Captain of the Port will only enforce the proposed rule after issuing a notice of enforcement. Upon notice of suspension of enforcement, all persons and vessels are authorized to enter, move within and exit these security zones. This proposed rule is deemed necessary to protect vital national security assets and military cargo.

The Coast Guard proposes establishing a security zone in the Blair Waterway, Commencement Bay, WA, which includes all waters enclosed by the following points: 47°16′57″ N, 122°24′39″ W, which is approximately the beginning of Pier No. 23 (also known as the Army pier); then northwesterly to 47°17′05″ N, 122°24′52″ W, which is the end of the Pier No. 23 (Army pier); then southwesterly to 47°16′33″ N, 122°25′18″ W, which is the approximate location of a private buoy on the end of the sewage outfall; then southeasterly to 47°16′42″ N, 122°25′04″ W, which is approximately the northwestern end of Pier No. 5; then northeasterly to the northwestern end of Pier No. 1; then southeasterly along the shoreline of the Blair Waterway to the Blair Waterway turning basin; then along the shoreline around the Blair Waterway turning basin; then northwesterly along the shoreline of the Blair Waterway to the Commencement Bay Directional Light (light list number 17159); then northeasterly along the shoreline to the point of origin. [Datum: NAD 1983].

This proposed rule would also establish a security zone in the Sitcum Waterway, Commencement Bay, WA which includes all waters enclosed by the following points: 47°16′42″ N, 122°25′04″ W, which is approximately the northwestern end of Pier No. 5; then northwesterly to 47°16′33″ N, 122°25′18″ W, which is the approximate location of a private buoy on the end of the sewage outfall; then southwesterly to 47°16′23″ N, 122°25′36″ W; then southeasterly to 47°16′10″ N, 122°25′27″ W, which is the northwestern corner of Pier No. 2; then extending northeasterly to 47°16′13″ N, 122°25′13″ W; then extending southeasterly along the shoreline of the Sitcum Waterway; then northeasterly along the shoreline at the terminus of the Sitcum Waterway and then northwesterly along the shoreline of the Sitcum Waterway; then northeasterly along the shoreline of Pier No. 5 to the point of origin. [Datum: NAD 1983].

Finally, this proposed rule would also establish requirements for all vessels to obtain permission of the COTP or the COTP's designated representative, including the Vessel Traffic Service Seattle (VTS), to enter the Blair Waterway or Sitcum Waterway security zones when they are being enforced. To allow time for the request to be considered, vessels 20 meters or greater in length should seek permission 4 hours in advance, and vessels less than 20 meters should seek permission to enter at least 1 hour in advance. Also, vessels must obtain permission from the COTP or a Designated Representative to move within or exit these security zones when they are being enforced.

This proposed rule would be enforced from time to time by the Captain of the Port Puget Sound for such times before, during, and after military cargo loadings and unloadings as he or she deems necessary to prevent damage or injury to any vessel or waterfront facility, to safeguard ports, harbors, territories, or waters of the United States or to secure the observance of the rights and obligations of the United States. The Captain of the Port Puget Sound will cause notice of enforcement or suspension of enforcement of this security zone to be made by all appropriate means to effect the widest publicity among the affected segments of the public, including Marine Safety Office Puget Sound's Internet Web page located at *http://www.uscg.mil/d13/units/msopuget.* In addition, Marine Safety Office Puget Sound maintains a telephone line that is manned 24 hours a day, 7 days a week. The public can contact Marine Safety Office Puget Sound at (206) 217–6002 or (800) 688–6664 to obtain information concerning enforcement of this rule.

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 that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Homeland Security (DHS). We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. Although this proposed rule would restrict access to the regulated area, the effect of this proposed rule would not be significant. This expectation is based on the fact that the regulated area established by the rule would encompass a limited area in the Blair and Sitcum Waterways, Commencement Bay, WA. In addition, temporary final rules established for past cargo loading and unloading operations have only lasted from a few days to over a week in duration. Hence, the Coast Guard expects that enforcement periods under of this proposed rule will be of similar duration. Further, Coast Guard forces will actively monitor and enforce the Blair Waterway and Sitcum Waterway security zones and are authorized by the Captain of the Port to grant authorization to vessels to enter these waterways. In addition, in certain circumstances VTS may grant authorization to enter, move within or depart these waterways. In other words, those vessels or persons who may be impacted by this rule may request permission to enter, move within or depart these security zones. Finally, the Coast Guard will cause a notice of suspension of enforcement to be published when cargo loading or unloading operations have concluded. For the above reasons, the Coast Guard does not anticipate any significant economic impact.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

This proposed rule would affect the following entities, some of which may be small entities: the owners or operators of vessels intending to operate near or anchor in the vicinity of Blair and/or Sitcum Waterways.

This proposed rule would not have a significant economic impact on a substantial number of small entities for the following reasons: (i) Individual security zones are limited in size; (ii) designated representatives of the Captain of the Port may authorize access to the security zone; (iii) security zones for any given operation will effect a given geographical location for a limited time; (iv) the Coast Guard will make

notifications via maritime advisories so mariners can adjust their plans accordingly and (v) the Coast Guard will cause a notice of suspension of enforcement to be published when cargo loading or unloading operations have concluded.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact one of the points of contact listed under **FOR FURTHER INFORMATION CONTACT**.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This proposed rule would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

Indian Tribal Governments

The Coast Guard recognizes the rights of Native American Tribes under the Stevens Treaties. Moreover, the Coast Guard is committed to working with Tribal Governments to implement local policies to mitigate tribal concerns. We have determined that these security zones and fishing rights protection need not be incompatible. We have also determined that this Proposed Rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. Nevertheless, Indian Tribes that have questions concerning the provisions of this Proposed Rule or options for compliance are encourage to contact the point of contact listed under **FOR FURTHER INFORMATION CONTACT**.

Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Environment

The Coast Guard's preliminary review indicates this proposed rule is categorically excluded from further environmental documentation under figure 2–1, paragraph 34(g) of Commandant Instruction M16475.1D. The environmental analysis and Categorical Exclusion Determination will be prepared and be available in the docket for inspection and copying where indicated under **ADDRESSES**. All standard environmental measures remain in effect.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and record keeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1

2. Add § 165.1321 to read as follows:

§ 165.1321 Security Zone; Protection of Military Cargo, Captain of the Port Zone Puget Sound, WA.

(a) *Notice of enforcement or suspension of enforcement.* The Captain of the Port Puget Sound will enforce the security zones established by this section only upon notice. Captain of the Port Puget Sound will cause notice of the enforcement of these security zones to be made by all appropriate means to effect the widest publicity among the affected segments of the public including publication in the **Federal**

Register as practicable, in accordance with 33 CFR 165.7(a). Such means of notification may also include but are not limited to, Broadcast Notice to Mariners or Local Notice to Mariners. The Captain of the Port Puget Sound will issue a Broadcast Notice to Mariners and Local Notice to Mariners notifying the public when enforcement of these security zones is suspended.

(b) *Definitions.* The following definitions apply to this section:

Designated Representative means those persons designated by the Captain of the Port Puget Sound to monitor these security zones, permit entry into these zones, give legally enforceable orders to persons or vessels within these zones and take other actions authorized by the Captain of the Port Puget Sound. Persons authorized in paragraph (g) to enforce this section and Vessel Traffic Service Puget Sound (VTS) are Designated Representatives.

Federal Law Enforcement Officer means any employee or agent of the United States government who has the authority to carry firearms and make warrantless arrests and whose duties involve the enforcement of criminal laws of the United States.

Navigable waters of the United States means those waters defined as such in 33 CFR part 2.

Public vessel means vessels owned, chartered, or operated by the United States, or by a State or political subdivision thereof.

Washington Law Enforcement Officer means any General Authority Washington Peace Officer, Limited Authority Washington Peace Officer, or Specially Commissioned Washington Peace Officer as defined in Revised Code of Washington section 10.93.020.

(c) *Security zone.* The following areas are security zones:

(1) *Blair Waterway Security Zone:* The Security Zone in the Blair waterway, Commencement Bay, WA, includes all waters enclosed by a line connecting the following points: 47°16′57″ N, 122°24′39″ W, which is approximately the beginning of Pier No. 23 (also known as the Army pier); then northwesterly to 47°17′05″ N, 122°24′52″ W, which is the end of the Pier No. 23 (Army pier); then southwesterly to 47°16′33″ N, 122°25′18″ W, which is the approximate location of a private buoy on the end of the sewage outfall; then southeasterly to 47°16′42″ N, 122°25′04″ W, which is approximately the northwestern end of Pier No. 5; then northeasterly to the northwestern end of Pier No. 1; then southeasterly along the shoreline of the Blair Waterway to the Blair Waterway turning basin; then along the shoreline around the Blair Waterway turning basin; then northwesterly along the shoreline of the Blair Waterway to the Commencement Bay Directional Light (light list number 17159); then northeasterly along the shoreline to the point of origin. [Datum: NAD 1983].

(2) *Sitcum Waterway Security Zone:* The Security Zone in the Sitcum waterway, Commencement Bay, WA, includes all waters enclosed by a line connecting the following points: 47°16′42″ N, 122°25′04″ W, which is approximately the northwestern end of Pier No. 5; then northwesterly to 47°16′33″ N, 122°25′18″ W, which is the approximate location of a private buoy on the end of the sewage outfall; then southwesterly to 47°16′23″ N, 122°25′36″ W; then southeasterly to 47°16′10″ N, 122°25′27″ W, which is the northwestern corner of Pier No. 2; then extending northeasterly to 47°16′13″ N, 122°25′13″ W; then extending southeasterly along the shoreline of the Sitcum Waterway; then northeasterly along the shoreline at the terminus of the Sitcum Waterway and then northwesterly along the shoreline of the Sitcum Waterway; then northeasterly along the shoreline of Pier No. 5 to the point of origin. [Datum: NAD 1983].

(d) *Obtaining permission to enter, move within, or exit the security zones:* All vessels must obtain permission from the COTP or a Designated Representative to enter, move within, or exit the security zones established in this section when these security zones are enforced. Vessels 20 meters or greater in length should seek permission from the COTP or a Designated Representative at least 4 hours in advance. Vessels less than 20 meters in length should seek permission at least 1 hour in advance. VTS Puget Sound may be reached on VHF channel 14.

(e) *Compliance.* Upon notice of enforcement by the Captain of the Port Puget Sound, the Coast Guard will enforce these security zones in accordance with rules set out in this section. Upon notice of suspension of enforcement by the Captain of the Port Puget Sound, all persons and vessels are authorized to enter, transit, and exit these security zones.

(f) *Regulations.* Under the general regulations in 33 CFR part 165 subpart D, this section applies to any vessel or person in the navigable waters of the United States to which this section applies. No person or vessel may enter the security zones established in this section unless authorized by the Captain of the Port or his designated representatives. Vessels and persons granted permission to enter the security zone shall obey all lawful orders or directions of the Captain of the Port or his designated representatives. All vessels shall operate at the minimum speed necessary to maintain a safe course.

(g) *Enforcement.* Any Coast Guard commissioned, warrant, or petty officer may enforce the rules in this section. In the navigable waters of the United States to which this section applies, when immediate action is required and representatives of the Coast Guard are not present or not present in sufficient force to provide effective enforcement of this section, any Federal Law Enforcement Officer or Washington Law Enforcement Officer may enforce the rules contained in this section pursuant to 33 CFR 6.04–11. In addition, the Captain of the Port may be assisted by other Federal, State or local agencies in enforcing this section pursuant to 33 CFR 6.04–11.

(h) *Exemption.* Public vessels as defined in paragraph (b) of this section are exempt from the requirements in this section.

(i) *Waiver.* For any vessel, the Captain of the Port Puget Sound may waive any of the requirements of this section, upon finding that operational conditions or other circumstances are such that application of this section is unnecessary or impractical for the purpose of port security, safety or environmental safety.

Dated: May 7, 2004.

Danny Ellis,

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

[FR Doc. 04–10997 Filed 5–13–04; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AZ 120–0063; FRL–7661–2]

Revisions to the Arizona State Implementation Plan, Arizona Department of Environmental Quality

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing a full approval of some revisions to the Arizona Department of Environmental Quality (ADEQ) portion of the Arizona State Implementation Plan (SIP) and a limited approval/limited disapproval of other revisions to the Arizona SIP. These revisions concern sulfur dioxide (SO_2) emissions from existing primary copper smelters. We are proposing

action on local rules that regulate this emission source under the Clean Air Act as amended in 1990 (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

DATES: Any comments must arrive by June 14, 2004.

ADDRESSES: Mail comments to Andy Steckel, Rulemaking Office Chief (AIR–4), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, or e-mail to *steckel.andrew@epa.gov,* or submit comments at *http://www.regulations.gov.*

You can inspect copies of the submitted SIP revisions and EPA's technical support document (TSD) at our Region IX office during normal business hours. You may also see copies of the submitted SIP revisions at the following locations: Arizona Department of Environmental Quality, 1110 West Washington Street, Phoenix, AZ 85007.

A copy of the rules may also be available via the Internet at *http://www.sosaz.com/public_services/Title_18/18–02.htm.* Please be advised that this is not an EPA website and may not contain the same version of the rule that was submitted to EPA.

FOR FURTHER INFORMATION CONTACT: Al Petersen, Rulemaking Office (AIR–4), U.S. Environmental Protection Agency, Region IX, (415) 947–4118, *petersen.alfred@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to EPA.

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I. The State's Submittal

A. What Rules Did the State Submit?

Table 1 lists the rules addressed by this proposal with the dates that they were adopted and submitted by the Arizona Department of Environmental Quality (ADEQ).

TABLE 1.—SUBMITTED RULES

Local agency	Rule #	Rule title	Amended	Submitted
ADEQ	R18–2–715 (sections F, G, and H).	Standards of Performance for Existing Primary Copper Smelters, Site-specific Requirements.	08/09/02	09/12/03
ADEQ	R18–2–715.01	Standards of Performance for Existing Primary Copper Smelters, Compliance and Monitoring.	08/09/02	09/12/03
ADEQ	R18–2–715.02	Standards of Performance for Existing Primary Copper Smelters, Fugitive Emissions.	11/15/93	07/15/98
ADEQ	R18–2-appendix 8	Procedures for Utilizing the Sulfur Balance Method for Determining Sulfur Emissions.	11/15/93	07/15/98

On November 14, 2003, the submittal of Rules R18–2–715 (sections F, G, and H) and R18–2–715.01 was found to meet the completeness criteria in 40 CFR part 51, appendix V, which must be met before formal EPA review. On December 18, 1998, the submittal of Rules R18–2–715.02 and R18–2-appendix 8 was found to meet the completeness criteria.

B. Are There Other Versions of These Rules?

We approved versions of Rules R18–2–715, R18–2–715.01, and R18–2–715.02 into the SIP as Rule R9–3–515 at various times. Specifically, we approved a version of Rule R18–2–715 (sections F, G, and H) into the SIP as Rule 9–3–515 (sections A and C.1 (a through g)), portions of which were submitted on September 20, 1979, July 17, 1980, and February 2, 1983, on January 14, 1983 (48 FR 1717) and October 19, 1984 (49 FR 41026). Part was submitted on September 20, 1979; part submitted on July 17, 1980; part submitted on July 13, 1981 and approved at 48 FR 1717 (January 14, 1983), part submitted on June 3, 1982 and approved at 47 FR 42572 (September 28, 1982), and part submitted on February 3, 1984 and approved at 49 FR 41026 (October 19, 1984).

We approved a version of Rule R18–2–715.01 into the SIP as Rule R9–3–515 (sections C.1(h and i), C.2, C.3, C.4, C.5, and C.6), portions of which were submitted on September 20, 1979, July 13, 1981, June 3, 1982, and February 3, 1984, on January 14, 1983 (48 FR 1717) and Ocbober 19, 1984 (49 FR 41026).

We approved a version of Rule R18–2–715.02 into the SIP as Rule R9–3–515 (sections C.8 and C.9), portions of which were submitted on September 20, 1979 and June 3, 1982, on January 14, 1983 (48 FR 1717).

We approved a version of Rule R18–2-appendix 8 into the SIP as Rule R9–3-appendix 8 (sections 8A.3.1 and 8A.3.2), submitted on June 3, 1982, on September 28, 1982 (47 FR 42572).

C. What Is the Purpose of the Submitted Rule Revisions?

Sulfur dioxide is formed by the combustion of fuels and by certain industrial processes, including those at smelters. High concentrations of SO_2 affect breathing and may aggravate existing respiratory and cardiovascular disease. Section 110(a) of the CAA requires states to submit regulations that control SO_2 emissions. The submitted rules regulate SO_2 emissions from existing primary copper smelters. The TSD has more information about these rules.

II. EPA's Evaluation and Action

A. How Is EPA Evaluating the Rules?

Pursuant to the CAA as amended in 1977, EPA designated six areas in Arizona as nonattainment for the SO_2 National Ambient Air Quality Standards (NAAQS). See 43 FR 8962 (March 3, 1978), 44 FR 21261 (April 10, 1979), and 44 FR 53081 (September 12, 1979). Local copper smelters were the principal sources of SO_2 emissions in these areas. Under the CAA as amended in 1977, States were required to revise their SIPs to include air quality plans that set forth a strategy to bring nonattainment areas into attainment. As part of the attainment strategy, ADEQ initially submitted R9–3–515, the predecessor regulation to the submitted rules evaluated herein, to EPA on September 20, 1979. As noted above, EPA approved various provisions of R9–3–515 into the Arizona SIP at different times. See the proposed rule at 46 FR 58098 (November 30, 1981), and related final rules at 47 FR 42572 (September 28, 1982), 48 FR 1717 (January 14, 1983), and 49 FR 41026 (October 19, 1984).

Rule R9–3–515 provides SO_2 stack emission limits for seven individual copper smelters in the six nonattainment areas: Magma Copper Company (San Manuel); ASARCO, Inc. (Hayden); Kennecott Copper Company, Ray Mines Division (Hayden); Inspiration Consolidated Copper Company (Miami); Phelps Dodge Corp., New Cornelia Branch (Ajo); Phelps Dodge Corp., Douglas Reduction Works (Douglas); and Phelps Dodge Corp., Morenci Branch (Morenci). While EPA took action to fully approve R9–3–515, EPA also concluded that the control strategy for SO_2 in these six areas was incomplete due to the failure to address the fugitive emissions problems at the copper smelters. See 48 FR 1717 (January 14, 1983) and 40 CFR 52.125(a)(1).

Under the CAA as amended in 1990, areas designated nonattainment prior to enactment of the amendments retained their nonattainment designations by operation of law. See section 107(d)(1)(C) of the CAA. Thus, the six areas covered by R9–3–515 remained nonattainment for the SO_2 NAAQS following enactment of the 1990 CAA Amendments. Under subpart 5 of part D of title I of the CAA, as amended in 1990, States that contained areas designated nonattainment with respect to the NAAQS for SO_2 by operation of law but lacking a fully approved implementation plan complying with the requirements of the CAA as in effect immediately before enactment of the CAA Amendments of 1990 were required to prepare and submit a SIP revision meeting the requirements of subpart 1 (of part D). See section 191(b) of the CAA. Section 191(b) of the CAA applies to the six SO_2 nonattainment areas in Arizona because, as noted above, the pre-1990 implementation plan for those areas failed to address the fugitive emissions problems at the copper smelters.

The subpart 1 (of part D) requirement that is applicable to the submitted rules is section 172(c)(1): Such plan provisions shall provide for the implementation of all reasonably available control measures as expeditiously as practicable (including such reductions in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of reasonably available control technology (RACT)) and shall provide for attainment of the NAAQS. The submitted rules are evaluated herein to ensure they comply with RACT and that they contain the provisions necessary to ensure that the rules are enforceable. In addition, we evaluate the submitted rules for approvability under sections 110(l) and 193 of the CAA.

Guidance and policy documents that we used to help evaluate specific enforceability requirements consistently include the following:

- *Requirements for Preparation, Adoption, and Submittal of Implementation Plans,* U.S. EPA, 40 CFR part 51.
- *Issues Relating to VOC Regulation, Cutpoints, Deficiencies, and Deviations* (the ''Blue Book''), U.S. EPA, OAQPS (May 25, 1988).
- *Guidance Document for Correcting Common Volatile Organic Compounds & Other Rule Deficiencies,* EPA Region IX (August 2, 2001), available at *http://www.epa.gov/region09/air/sips/littlebluebook2001.pdf.*
- Alushin, Michael S., Associate Enforcement Counsel for Air Enforcement, Alan W. Eckert, Associate General Counsel, Air and Radiation Division, and John S. Seitz, Director, Stationary Source Compliance Division, Office of Air Quality Planning and Standards, memorandum, *Review of State Implementation Plans and Revisions for Enforceability and Legal Sufficiency,* (September 23, 1987).

B. Do the Rules Meet the Evaluation Criteria?

The submitted rules constitute source-specific SO_2 SIP rules for three of the seven primary copper smelters covered by the corresponding existing SIP rules: BHP Copper (formerly Magma Copper Company) (San Manuel); ASARCO, Inc. (Hayden); and Inspiration Consolidated Copper Company (Miami). The other four smelters have been completely dismantled or are no longer operational. See the TSD for additional information on these smelters. For those smelters that remain in operation, the submitted rules improve the SIP by establishing more stringent SO_2 stack emissions limits, by establishing SO_2 emissions limits for fugitive emissions, by adding compliance and monitoring provisions related to fugitive SO_2 emissions, and by revising the record retention period from two to five years.

As noted above, the San Manuel, Hayden, and Miami areas are designated as nonattainment for the SO_2 NAAQS. As required under the CAA as amended in 1990, ADEQ prepared SIP revisions involving the development of air quality plans that provide for attainment of the SO_2 NAAQS in these areas. ADEQ drafted these plans to provide for maintenance of the SO_2 NAAQS as well as attainment and has requested that the areas be redesignated from nonattainment to attainment under section 107(d) of the CAA. These plans rely primarily on the stack and fugitive SO_2 emission limits and related compliance and monitoring provisions in the submitted rules to attain and maintain the SO_2 NAAQS in the three nonattainment areas. SO_2 NAAQS violations have not been recorded in these areas for at least the past five years. See ADEQ's *San Manuel Sulfur Dioxide Nonattainment Area State Implementation and Maintenance Plan* (June 2002), submitted to EPA on June 20, 2002; *Miami Sulfur Dioxide Nonattainment Area State Implementation and Maintenance Plan* (June 2002), submitted to EPA on June 26, 2002; *Hayden Sulfur Dioxide Nonattainment Area State Implementation and Maintenance Plan* (June 2002), submitted to EPA on June 27, 2002.

Since the submitted rules are consistent with the control strategy that provides for attainment of the SO_2 NAAQS in the applicable nonattainment areas, they would fully satisfy the requirements for implementation of RACT under sections 172(c) and 191(b) and would be fully approvable by EPA under section 110(l) of the CAA but for the deficiencies in Rule R18–2–appendix 8, which are summarized below and discussed further in the TSD. In addition, the submitted rules contain more stringent emissions limits than the corresponding pre-1990 SIP requirements, they are approvable by EPA under section 193 of the CAA.

C. What Are the Rule Deficiencies?

These provisions of Rule R18–2–appendix 8 conflict with section 110 and part D of the CAA and prevent full approval of the SIP revision.

- Sections A.8.1.2 and A.8.2 contain excessive Director's discretion by allowing the Director to approve an equivalent method to calculate the sulfur content without providing the criteria that will be used to determine approvability. The *Guidance Document for Correcting Common Volatile Organic Compounds (VOC) & Other Rule Deficiencies,* EPA Region IX (August 2, 2001), provides guidance on correcting instances of Director's discretion. Also for greater clarity, the term ''equivalent method'' should be replaced with ''alternative method'' in paragraph A.8.1.2, as these phrases have distinct meanings. See 40 CFR 60.2. Excessive director's discretion in essence allows for a variance from SIP requirements, and variances are not allowed under section 110(i) of the CAA unless they are submitted as individual SIP revisions by a State and then approved by EPA.

• Sections A.8.1.2.1.1, A.8.1.2.1.2, and A.8.1.2.1.3 should clarify how a representative sample should be taken from belt feeders, railcars, and trucks so that the sampling process is not biased. ADEQ may wish to investigate possible ASTM methods or other industry sampling methods.

• Sections A.8.1.2.3.1 and A.8.1.2.3.2 should provide specific test methods for the ''barium sulfate'' and ''potassium iodine'' procedures.

• Section A.8.2.5.5 should provide a specific test method for ''chemical gravimetric means.'' Apparently it is intended to be the ''barium sulfate'' method from section A.8.1.2.3.1. Also the accuracy is stated as +50%, but it should be a ± number. The accuracy of a gravimetric procedure is normally about ±1%, not ±50%.

• The reference in A8.3.1 should be changed from R18–2–715(C)(4) to R18–2–715.01(K)–(O). Also, the reference in A.8.3.2 should be changed from R18–2–715(C)(7)(v) to R18–2–715.01(Q).

D. Proposed Action and Public Comment

In order to strengthen the SIP, EPA is proposing a full approval of ADEQ's submitted Rules R18–2–715 (sections F, G, and H), R18–2–715.01, and R18–2–715.02 as fulfilling the requirements of RACT, SIP relaxations, and enforceability.

Because of the above deficiencies, we cannot grant full approval of Rule R18–2-appendix 8 under section 110(k)(3) and part D. However, EPA may grant a limited approval of Rule R18–2-appendix 8 under section 110(k)(3) in light of EPA's authority pursuant to section 301(a) to adopt regulations necessary to further air quality by strengthening the SIP. The approval is limited because EPA's action also contains a simultaneous limited disapproval.

EPA is proposing a limited approval of Rule R18–2-appendix 8 under sections 110(k)(3) and 301(a) of the CAA as meeting the requirements of section 110(a) and part D. At the same time, EPA is also proposing a limited disapproval of Rule R18–2appendix 8 because it contains deficiencies which must be corrected in order to fully meet the requirements of section 110 and part D of the CAA. Under section 179(a)(2), if the Administrator disapproves a submission under section 110(k) for an area designated nonattainment, based on the submission's failure to meet one or more of the elements required by the CAA, the Administrator must apply one of the sanctions set forth in section 179(b) unless the deficiency has been corrected within 18 months of such disapproval. Section 179(b) provides two sanctions available to the Administrator: Highway funding and offsets. The 18-month period referred to in section 179(a) will begin on the effective date of EPA's final limited disapproval. Moreover, the final disapproval triggers the Federal implementation plan (FIP) requirement under section 110(c). It should be noted that the rules covered by this document have been adopted and are currently in effect. EPA's final limited disapproval action will not prevent ADEQ or EPA from enforcing these rules. Also, if we finalize this action as proposed, the submitted rules will supersede the corresponding existing SIP rule in the Arizona SIP.

We will accept comments from the public on the proposed action for the next 30 days.

III. Statutory and Executive Order Reviews

A. Executive Order 12866, Regulatory Planning and Review

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, entitled ''Regulatory Planning and Review.''

B. Paperwork Reduction Act

This proposed rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*)

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

This rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.

Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.,* v. *U.S. EPA,* 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

D. Unfunded Mandates Reform Act

Under sections 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action proposed does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action proposes to approve pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

E. Executive Order 13132, Federalism

Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612 (Federalism) and 12875 (Enhancing the Intergovernmental Partnership). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that 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.'' Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not

required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This proposed rule 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, as specified in Executive Order 13132, because it merely proposes to approve a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

F. Executive Order 13175, Coordination With Indian Tribal Governments

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' This proposed rule does not have tribal implications, as specified in Executive Order 13175. It will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes. Thus, Executive Order 13175 does not apply to this proposed rule.

EPA specifically solicits additional comment on this proposed rule from tribal officials.

H. Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This proposed rule is not subject to Executive Order 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

I. Executive Order 13211, Actions That Significantly Affect Energy Supply, Distribution, or Use

This proposed rule is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use ''voluntary consensus standards'' (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this proposed action. Today's action does not require the public to perform activities conducive to the use of VCS.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur oxides.

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

Dated: April 28, 2004.

Deborah Jordan,

Acting Regional Administrator, Region IX.

[FR Doc. 04–10940 Filed 5–13–04; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

[ET Docket No. 04–151; ET Docket No. 02–380; and ET Docket No. 98–237; FCC 04–100]

Unlicensed Operation of the 3650–3700 Band

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Commission's rules to maximize the efficient use of the 3650–3700 MHz band. The proposal would allow unlicensed devices to operate in either all, or portions of, this radiofrequency (RF) band under flexible technical limitations with smart/cognitive features that should prevent interference to licensed satellite services. This proposal fosters the introduction of new and advanced services to the American public, especially in rural areas.

DATES: Comments must be filed on or before July 28, 2004, and reply comments must be filed on or before August 27, 2004.

FOR FURTHER INFORMATION CONTACT: Neal McNeil at (202) 418–2408, *Neal.McNeil@fcc.gov,* Gary Thayer at (202) 418–2290, *Gary.Thayer@fcc.gov,* or Ahmed Lahjouji, (202) 418–2061, *Ahmed.Lahjouji@fcc.gov*—Office of Engineering and Technology; or Eli Johnson at (202) 418–1395, *Eli.Johnson@fcc.gov,* or Marty Liebman at (202) 418–0633, *Martin.Liebman@fcc.gov*—Wireless Telecommunications Bureau, TTY (202) 418–2989.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rule Making,* ET Docket No. 04–151, ET Docket No. 02–380 and ET Docket No. 98–237, FCC 04–100, adopted April 15, 2004, and released April 23, 2004. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257), 445 12th Street, SW., Washington, DC 20554. The complete text of this document also may be purchased from the Commission's copy contractor, Qualex International, 445 12th Street, SW., Room, CY–B402, Washington, DC 20554. The full text may also be downloaded at: *http://www.fcc.gov.* Alternate formats are available to persons with disabilities by contacting Brian Millin at (202) 418–7426 or TTY (202) 418–7365.

Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments on or before July 28, 2004, and reply comments on or before August 27, 2004. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121, May 1, 1998. Comments filed through the ECFS can be sent as an electronic file via the Internet to *http://www.fcc.gov/e-file/ecfs.html.* Although this proceeding is captioned under multiple dockets, only one copy of an electronic submission, captioned to ET Docket No. 04–151, should be filed. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to *ecfs@fcc.gov,* and should include the following words in the body of the message, ''get form <your e-mail address>.'' A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing.

All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express mail, and Priority Mail should be addressed to 445 12th Street, SW., Washington, DC 20554.

Summary of Notice of Proposed Rulemaking

1. In the Notice of Proposed Rulemaking (NPRM), the Commission proposed to amend its rules to maximize the efficient use of the 3650–3700 MHz band (''3650 MHz band'') and foster the introduction of new and advanced services. In broad terms, the central proposal of this NPRM would allow unlicensed devices to operate in either all, or portions of, this radiofrequency (RF) band under flexible technical limitations with smart/cognitive features that should prevent interference to licensed satellite services. Specifically, we propose to allow these devices to operate with higher power than currently authorized under part 15 of the rules subject to cognitive technology safeguards. In order to foster the development of the unlicensed use that was proposed in the NPRM, we seek comment on whether to restore a uniform primary allocation for all Fixed Satellite Service (FSS) earth stations in the band regardless of the date the earth stations were authorized, and whether to delete the existing co-primary allocations for the Fixed Service (FS) and Mobile Service (MS) in this band. We also seek comment on other options that could also allow for the provision of licensed terrestrial service in this band. On a related matter, we defer action on the petitions for reconsideration of the *First Report and Order* (3650 MHz Allocation Report & Order) in ET Docket No. 98–237, 65 FR 69451, November 11, 2000, that challenge the Commission's previous allocation decisions in the 3650–3700 MHz band pending adoption of final rules regarding the allocation changes proposed in this proceeding.

2. We tentatively conclude that permitting unlicensed operation in the 3650 MHz band would foster the introduction of new and advanced services to the American public, especially in rural areas, and will result in a more efficient use of spectrum. This band appears particularly well suited to respond to the needs expressed by the growing number of entrepreneurial wireless internet service providers (WISPs) who are today bringing broadband services to consumers in rural areas of the United States who have many fewer choices for such services than consumers in more populated areas. WISPs have been asking the Commission for additional spectrum for unlicensed uses to provide both backhaul service and broadband service to their customers. Among the various alternatives we are considering, this spectrum is particularly promising in part because the incumbents—FSS earth stations that are limited to international intercontinental traffic—are concentrated primarily on the coasts, leaving available the rural areas targeted by these providers. In addition, unlicensed use in this band would complement existing unlicensed operations in the 2.4 GHz band and new operations in the 5 GHz band by enabling the proposals should provide substantial opportunities for future, high-power, unlicensed devices and achieve efficient use of this 50 megahertz block of spectrum. As a result, these proposals should facilitate the rapid deployment of advanced telecommunications services and technologies to all Americans, especially in rural areas of the United States, thus promoting the objectives of Section 706 of the Telecommunications Act of 1996.

3. In addition, in order to ensure that we can consider other possible approaches to achieve our goals for this 50 megahertz block of spectrum, we also are seeking comment here on alternative options that could potentially provide a combination of unlicensed and licensed terrestrial services in this band. For example, we could include both FSS and FS licensed operations sharing the band while still allowing for unlicensed devices in the band, or split the band to allow separate spectrum for unlicensed and terrestrial licensed use, all in conjunction with FSS operations. Ultimately, our goal is to maximize the efficient use of this band and foster the introduction of new and advanced services.

4. We believe that the 3650 MHz band is well-suited for the provision of new and advanced services to the American public, particularly in rural areas. Because incumbent FSS earth stations do not exist in much of the continental United States, this band appears particularly well suited to satisfy the demands of existing service providers using unlicensed devices for spectrum with which to enhance service to rural areas through high power unlicensed operation. Furthermore, as we observed in the *Unlicensed Spectrum NOI,* 68 FR 2730, January 21, 2003, the rules for unlicensed operation of RF devices have been very successful in providing consumers and businesses with a wide variety of additional choices to obtain and use information. Today, for example, a growing number of WISPs are emerging with the intention of providing an alternative to DSL and cable for high-speed connections into the home or office. The use of unlicensed RF devices appears to have proven to be ideally suited to bridge the gap, especially in rural areas, where cable or DSL services have been slow to arrive. Small entities with limited resources have stepped in to provide such service in areas that other service providers have not prioritized. In

numerous fora, these providers have expressed a desire for additional spectrum that could be used on an unlicensed basis, especially on a higher-power basis. These providers have stated that existing spectrum available for unlicensed operation is not adequate to accommodate Wireless Metropolitan Area Networks (MANs) or broadband access in all rural areas. In short, we see that there is a growing demand for higher-powered unlicensed devices operating at lower frequencies where the combination of propagation characteristics and higher power are more conducive to longer-range communications.

5. Consequently, we tentatively conclude that allowing unlicensed operations in the 3650–3700 MHz band would hold great promise for addressing those needs. This contiguous 50 megahertz block of spectrum is sufficiently wide to permit wide bandwidth applications such as high-speed data transmissions which, for example, could serve to better encourage its use for Internet service or backhaul by WISPs due to the relatively low entry barriers posed by unlicensed operation as compared with licensed operations. Also, the 3650–3700 MHz band could be used to enhance the utility of existing unlicensed operations by creating the potential for additional synergies. This band is situated between the 2.4 GHz (2400–2483.5 MHz) and 5.8 GHz (5.15–5.825 GHz) bands which are commonly used on an unlicensed basis. In addition, our proposals here would appear to facilitate the development and deployment of devices and systems capable of identifying and using the optimal band at any given time, such as under the newly adopted IEEE 802.16a (''WiMax'') standard. We envision multi-band systems which can analyze the operating environment and automatically select from the 2.4 GHz, 3650 MHz, or 5.8 GHz bands. Systems of this type would be able to more effectively support applications such as broadband connectivity, distance learning, and telemedicine in many rural or underserved communities as well as on Native American Tribal lands.

6. While our central proposal is for the use of unlicensed devices with cognitive radio techniques, we also wish to ensure that we can consider other possible approaches to achieve our goals; and thus we are seeking comment on various options that involve the use of licensed terrestrial services, such as those that may operate with lower power levels than those normally associated with licensed use. Specifically, we seek comments on various technical and operational issues associated with such options, and seek comment on whether some portion of the 3650 MHz band should be designated for licensed terrestrial use.

Allocation Issues

7. In broad terms, we believe that widespread use of the unlicensed devices proposed in the NPRM could be more readily encouraged if such devices were to coexist with only FSS operations in the 3650 MHz band. We reach this tentative conclusion because, the current FSS allocation, which is limited to international intercontinental operations, results in earth stations being sited primarily on the east and west coasts, thus leaving much of the continental United States available for other uses. Moreover, we believe that even a moderate presence of potentially ubiquitous terrestrial services under a licensed allocation could hamper or preclude the operation of unlicensed devices in large geographic areas—including, especially, rural America where the need is greatest. Therefore, our initial proposal to allow unlicensed operation in either all, or portions of, the 3650 MHz band would also entail retention of an FSS allocation that is limited to international intercontinental use, and the deletion of the existing terrestrial FS/MS allocations in any portions of the band in which unlicensed operation would be allowed.

8. Of course, if we ultimately adopt an alternative approach that authorizes licensed terrestrial services in the 3650 MHz band, we would reflect that by adopting or maintaining a terrestrial allocation enabling that approach. In our discussion of licensed alternatives, we also discussed whether to modify the relative protection status of future FSS earth stations if we retain a FS and MS allocation. We seek comment on what allocation changes would maximize efficient use of this spectrum.

FSS Allocation

9. In the *3650 MHz Allocation Order,* the Commission determined to grandfather existing FSS earth station operations on a primary basis and to permit new FSS earth station operations on a secondary basis. The Commission reasoned that allowing new FSS earth station operations on an unrestrained co-primary basis would impede any potential widespread use of the band for terrestrial services. Due to the weak signals that are received in the FSS, it was determined that coordination with the high-powered terrestrial operations would result in potentially large geographic areas where terrestrial services could not operate to avoid interference to FSS. The Commission stated that the size and shape of these ''exclusion zones'' could be different for each FSS earth station site because of factors associated with shielding, antenna orientation and terrain elevation. The Commission found that these coordination requirements and the presence of exclusion zones would significantly increase transaction costs and create a disincentive for deployment of new terrestrial operations. Thus, the Commission found that unrestrained deployment of FSS earth stations could hinder or greatly inhibit the opportunities for terrestrial operations in the band.

10. Since the decision to allow new FSS earth station operations in the 3650 MHz band only on a secondary basis, significant strides have been made in the area of smart/cognitive radio technologies. By using these features, we seek comment on whether we should revise the 3650 MHz band's existing allocations to permit new FSS operations in the band on a co-primary basis with unlicensed devices. Note that the scope of this NPRM does not contemplate any changes to the FSS earth station operations grandfathered indefinitely on a primary basis in the band pursuant to the *3650 MHz Allocation Order.*

11. While we seek comment on the possibility of permitting new FSS operations in the band on a primary or co-primary basis, we propose to retain the application of footnote US245 to the Table of Frequency Allocations. This footnote restricts FSS use of the 3650 MHz band to international intercontinental operations. Although deletion of the footnote could provide more flexibility for FSS operations in the band, we also believe that more extensive FSS use could curtail the efficient use of this band by terrestrial operations, whether licensed or unlicensed; and, potentially, increase the costs associated with coordinating other co-primary users of the band, thus inhibiting opportunities for such operation. In contrast, retaining the application of footnote US245 would make this band particularly attractive for intensive use by a wide array of advanced wireless technologies including higher-powered unlicensed devices. We seek comment on our proposal to retain footnote US245. Alternatively, we seek comment on whether we should recast footnote U.S. 245 as a new footnote particularly for the 3650 MHz band (*e.g.*, as footnote NGxxx), without the requirement for case-by-case electromagnetic compatibility analysis.

12. Four parties representing FSS interests filed Petitions for Reconsideration of the decisions made in the *3650 MHz Allocation Order.* In addition, an Emergency Motion for Stay was filed. In broad terms, these petitioners request that we reverse the Commission's decision to make future FSS operations secondary in the 3650 MHz band. If we revise the 3650 MHz band's allocations to include primary or co-primary status for new FSS operations, this decision would substantially effect the disposition of those petitions. Accordingly, we defer further action on the Petitions for Reconsideration and the Emergency Motion for Stay of the *3650 MHz Allocation Order* pending our adoption of final rules concerning the allocation proposals in the NPRM.

Fixed Service and Mobile Service Allocations

13. The 3650 MHz band's current primary allocation provides for Fixed and Mobile (base station only) operations. While the range of licensed services that might be implemented under such an allocation could be limited, we believe that, with some modification to the allocation, the band could accommodate various new and advanced licensed services, including the services that could be provided by unlicensed devices.

14. If we adopt our proposal for unlicensed use in any portion of the 3650 MHz band, we propose to delete the FS and MS allocations for the portion designated for unlicensed use. We believe that the provision of ubiquitous licensed terrestrial services, in addition to FSS operations, would hinder the successful deployment of unlicensed devices in many areas. One alternative approach could involve segmenting the 3650 MHz band into one portion that would allow only unlicensed and FSS operations, and another portion that would allow only licensed and FSS operations.

15. We seek comment on whether the 3650 MHz band's current Fixed and Mobile (base station only) allocations should be maintained, modified or deleted. In particular, we seek comment on whether there is any need or interest for licensed terrestrial services.

Proposals for Part 15 Unlicensed Operations

16. The 3650–3700 MHz band can be used to enhance the utility of existing unlicensed operations. As we stated above and in the Unlicensed Spectrum NOI, the distribution of incumbent FSS earth stations—primarily along the east and west coasts—makes this band particularly suitable for high power unlicensed operation especially in rural areas. Furthermore, since this band is situated between the 2.4 GHz (2400–2483.5 MHz) and 5.8 GHz (5.15–5.135 GHz and 5.47–5.825 GHz) bands which are commonly used on an unlicensed basis, allowing unlicensed operation in some, or all, of the 3650 MHz band could add flexibility to current service offerings in all three bands.

17. We propose two general approaches for enabling both fixed and non-fixed unlicensed devices to operate while protecting FSS earth stations and Federal Government operations in the 3650 MHz band. The first approach, which would apply to fixed unlicensed devices, requires professional installation of each device to ensure that certain criteria are met so that operation at a particular location and power would not result in interference to any FSS earth station. The second approach, which would apply to non-fixed unlicensed devices, requires such devices to be capable of automatically adjusting the EIRP based upon detection of the presence and strength of RF transmissions from operating FSS earth stations. In practice, this latter approach would employ methods similar in nature to dynamic frequency selection (DFS) techniques used in other bands. In addition, we propose that both fixed and non-fixed unlicensed devices be required to transmit a device identification signal to facilitate determining the source of any interference that might be caused by the operation of these devices. Finally, part 15 of the Commission's rules governs the operation of unlicensed radiofrequency devices. Therefore, as a general condition of operation, the unlicensed devices proposed herein may not cause harmful interference to authorized radio services and must accept any interference that they receive.

18. We seek comment on whether both fixed and non-fixed unlicensed devices should be permitted to operate in either all, or portions of, this band. Commenters should discuss all the benefits and costs associated with using all, or portions of, the 3650 MHz band for such unlicensed use.

Fixed Unlicensed Operation

19. Because the location of an operating fixed unlicensed device does not change, the development of criteria for ensuring that FSS operations are protected from interference is greatly simplified. In particular, once an appropriate location and operating parameters are chosen for a fixed device (*i.e.*, those where its operation will not cause harmful interference to an FSS station), both the unlicensed device and the FSS should be able to operate without mutual adverse effect.

20. *Professional Installation.* To ensure that fixed unlicensed devices are established and operated in a manner that will avoid causing interference to FSS earth stations, we propose to require that such devices be installed by a professional. The professional installer would be held responsible to account for the presence of all FSS earth stations and Federal Government operations in the vicinity of the unlicensed device. Using appropriate knowledge of each earth station's location and other relevant technical characteristics, the professional installer would be required to ensure that the installation and operational characteristics of the fixed unlicensed device complies with the following criteria.

21. We expect that a primary use for fixed unlicensed devices in this band would be to provide wireless broadband connectivity by WISPs in rural areas. Therefore, we propose to allow fixed unlicensed devices to operate in the 3650–3700 MHz band with a maximum EIRP of 25 Watts (14 dBW) in order to increase effective range. This EIRP should be beneficial—particularly in rural areas—because, compared to current Part 15 limits, an EIRP of 25 Watts would more than double the signal range of an unlicensed device. We further believe that omnidirectional antennas would typically be employed for this purpose in order to achieve the most uniform coverage of a particular geographic area. To promote flexibility in system design, we propose to permit any combination of transmitter output power/antenna gain, so long as the 25 Watt EIRP limit is not exceeded. Because interference potential is directly related to a device's EIRP, specifying this parameter rather than separate output power and antenna gain limits would more directly reflect the potential for interference in the band. We seek comment on our proposal to set a maximum EIRP of 25 Watts (14 dBW) for unlicensed RF devices in the 3650–3700 MHz band. Commenters who believe that it would be beneficial to specify other limits, such as transmitter output power and antenna gain, should provide details regarding the benefits or costs of such an approach as compared to our proposal. We also seek comment on our proposed equipment authorization requirements, recognizing the fixed and non-fixed equipment would likely need to be authorized separately because of the different rule requirements.

22. *Antennas.* In ET Docket No. 03–201, 68 FR 68823, December 10, 2003, we noted that sectorized and phased array antennas could be used to create highly spectrum efficient networks by forming dynamic communication links with mobile or fixed devices in any direction around an antenna structure. This could enable an application like a broadband local area network to serve a number of spatially separated clients from a single fixed antenna site. Such antennas allow systems to use spectrum more efficiently by making it possible to re-use a given frequency to communicate with different devices along non-overlapping paths. We seek to encourage both new and novel antenna technologies that would foster more intensive spectrum use. Therefore, we do not believe that fixed unlicensed devices should be prohibited from using any particular type of antenna. However, we propose that devices using sectorized, scanning spot-beam, or other antenna types with multiple beam capability be required to limit the EIRP in any direction to no more that 25 Watts. We seek comment on how compliance with this requirement could be determined.

23. *FSS Protection Zones.* FSS earth stations in the 3650–3700 MHz band use high gain antennas that are very susceptible to interference from undesired signals directed toward the main beam. As a result, operation of a fixed unlicensed device located within the earth station's main beam, even with relatively low EIRP, could cause interference at large distances. Conversely, an unlicensed device located outside the earth station's main beam could operate with relatively higher power and at closer separation distances without causing interference.

24. It would be possible, using various propagation models, to develop a continuum of permissible EIRPs as a function of both the unlicensed device's azimuth with respect to the main beam of the FSS earth station, and the separation distance between the two. However, we believe that another approach could provide a greater safeguard for protecting FSS earth stations, while simultaneously reducing and simplifying the burden on professional installers to comply with the standards proposed herein. In short, we propose to define protection zones around each FSS earth station; within which, operation of a fixed unlicensed device would be prohibited. Specifically, we propose that installation of a fixed unlicensed device be prohibited within a plus-or-minus 15 degree arc of any earth station's main antenna beam if the separation distance between the fixed device and the earth station is within 180 km. At azimuths outside this main beam protection arc, a fixed unlicensed device would be prohibited if the separation distance from the earth station is within 25 km. At all other locations outside these zones, we propose that fixed unlicensed devices could be installed and be permitted to transmit with a total maximum EIRP of 25 Watts. Based upon standard propagation models, we tentatively conclude that these criteria should afford FSS earth stations more than adequate protection from interference. We seek comment on this conclusion and invite comment on whether other distance versus azimuth criteria would be more appropriate.

25. The separation distance proposed for unlicensed fixed operations, *i.e.*, 180 km within 15 degrees of the FSS antenna main-beam azimuth and 25 km otherwise, is a conservative approach derived from the coordination zone that the Commission previously proposed as appropriate for much higher powered licensed fixed operations to protect FSS earth stations in the 3650 MHz band. In the 3650 MHz Second NPRM, the Commission tentatively concluded that within 200 kilometers of a FSS site it would be necessary for a licensed fixed operation to coordinate with the FSS operation. Outside of this coordination zone, the licensed operation would not need to coordinate and could operate with up to 1640 Watts EIRP. The 200 kilometer licensed coordination zone was based on line of sight protection to FSS earth stations and took into account elevation angle, and terrain shielding and over the horizon distances from the FSS earth station sites. By way of comparison, the 180 kilometer separation distance, or exclusion zone, we are proposing herein is 20 kilometers less than the 200 kilometer coordination zone proposed for licensed fixed point-to-point stations in the *3650 MHz Service Rules Second NPRM*. However, the EIRP of the proposed unlicensed devices will be on the order of 18 dB lower than that proposed earlier for licensed fixed point-to-point facilities. Accordingly, we believe that the reduced separation distance of 180 kilometers within 15 degrees of the main beam is appropriate. Outside of the main beam, the required separation distance (or exclusion zone) of 25 kilometers assumes that a noise-to-interference ratio of 10 dB is acceptable to the FSS operators and that the ITU–R large FSS antenna roll-off gain pattern is appropriate. We believe that these separation distances within which unlicensed fixed devices will not be allowed to operate, in conjunction with the requirement for professional installation will ensure that these fixed devices will not interfere with FSS earth stations. We invite comment on whether the assumptions used are sufficient to provide appropriate protection to the FSS earth stations.

Non-Fixed Unlicensed Operation

26. With respect to non-fixed operation by unlicensed devices, the challenge of protecting FSS is more complex because a non-fixed device would not be limited to a single location, but may move around from one site to another. We believe that the FSS earth stations can be afforded adequate interference protection from non-fixed unlicensed devices.

27. *Power Limits.* As an initial matter, we propose lower power limits for non-fixed unlicensed devices than the limits proposed above for fixed unlicensed devices. We envision that non-fixed devices operating in the 3650 MHz band will be used in similar fashion to non-fixed unlicensed devices used in the 2.4 GHz and 5.8 GHz bands. Operations in the 2.4 GHz band are limited to a maximum power of 1 Watt. Power levels for devices operating in the 5.8 GHz band range from 50 milliwatts (1 Watt EIRP) for devices in the 5.15–5.25 GHz sub-band to 1 Watt (4 Watts EIRP) for devices in the 5.725–5.825 GHz sub-band. In order to protect the FSS and Federal Government operations in the 3650 MHz band, we propose that non-fixed unlicensed devices in the 3650—3700 MHz band be limited to a peak EIRP of 1 Watt. We note that handheld unlicensed devices in the 2.4 GHz and 5.8 GHz bands normally operate well below the maximum of 1 Watt due to battery power limitations and human exposure to RF radiation limitations. Therefore, we find that this proposed limit for the 3650 MHz band should allow for most types of unlicensed use while, along with the other limitations discussed in paragraphs 51 through 54 of the NPRM, protect FSS and Federal Government operations. We seek comment on this proposal.

28. *Listen-before-talk, Power Adjustment Capability.* In order to protect FSS earth stations from non-fixed unlicensed devices, we propose that non-fixed devices be required to employ a DFS-like, listen-before-talk mechanism. In operation, this mechanism would automatically adjust the EIRP of the device based upon the received strength of an FSS uplink signal which is transmitted (in another frequency band) by the same earth station antenna being protected. Detection of a stronger FSS signal by the

unlicensed device would indicate relatively closer proximity to an earth station, thus requiring the unlicensed device to operate with lower power; while a weaker received signal would, conversely, indicate that a higher device power could be used. We believe that this approach is desirable in its simplicity because it does not require an unlicensed device to independently determine any other information; such as, the separation from, or its azimuth with respect to the main beam of, an FSS earth station.

29. The Commission tentatively conclude that existing uplink transmissions from FSS earth stations in other bands could be used for this purpose. We reach this conclusion because the FSS stations that we seek to protect—whose operations in the 3650–3700 MHz band are used for downlink purposes—are also used for uplink (earth-to-space transmit) communications in the 5.85–5.925 GHz and 6.425–6.723 GHz bands. Therefore, we propose to require that unlicensed devices be designed with the ability to listen for an FSS uplink signal in these other bands in order to enable automatic EIRP adjustment. We further propose that, if the non-fixed device detects an uplink signal above a minimum power-switching detection threshold of −76 dBm referenced to a 1-megahertz bandwidth (thus indicating close proximity to an earth station), then the non-fixed device would be prohibited from transmitting. For received uplink signals from −76 dBm to −79 dBm, the device would be limited to a maximum EIRP of 250 mW. For received uplink signals between −79 dBm and −82 dBm, the non-fixed device could operate at an EIRP of up to 500 mW. Finally, for received uplink signals at levels of −82 dBm or less, the non-fixed unlicensed devices would be permitted to operate at 1 Watt, provided such operation complies with applicable human exposure limits. We propose to define the power-switching detection threshold as the received signal strength (RSS) in dBm (or some other metric of received signal format), referenced to the output of a 0 dBi receive antenna. These power limits are captured in proposed § 215.252(c)(2) in Appendix A.

30. The received power levels are based upon a number of technical assumptions including that the maximum allowed EIRP of the unlicensed device would be uniformly spread over a 50 megahertz bandwidth. All of our assumptions are delineated in Appendix C of the NPRM. We seek comment on this approach and invite comment on whether the assumptions used in developing these power levels are appropriate to for providing protection to the FSS earth stations. For example, if the maximum allowed EIRP was assumed to be spread over less than a 50 megahertz bandwidth, how would such an assumption affect the tentative results we have obtained? We invite comment on the appropriateness and practicality of implementing this approach for non-fixed unlicensed devices.

31. With respect to the receive bandwidth of the unlicensed device, we believe that no bandwidth correction factor would be required if the receive bandwidth of the non-fixed device is greater than 1 MHz. However, if the RSS is to be measured correctly by a non-fixed device having a receive bandwidth less than 1 MHz, then we propose that a bandwidth correction factor be taken into account. We seek comment on whether 10*Log (BW/1MHz) (where BW is the non-fixed device's bandwidth) should be used as the appropriate correction factor for non-fixed devices that have a bandwidth less than 1 MHz. Finally, we seek comment on what equipment authorization procedures should be required to verify compliance with these proposals. This proposal is most easily implemented if satellite uplinks in readily identified bands are operational at times where the FSS earth station is also in receive mode. We recognize that there may be no correlation between the transmit and receive frequencies of the earth stations and that some earth stations may be operating in a receive-only mode. We seek comment on the extent to which this scenario may exist, and possible approaches to apply in those cases.

32. For systems, where multiple devices operate under a central controller, we propose that only the central controller be required to have the capability just described to detect the power-switching threshold and to convey appropriate commands to all devices under its control. We recognize that there may be devices or architectures developed, whereby remote devices are not under the control of a master device. We seek comment on requiring such devices to have power-switching threshold detection capability. We also invite comment on how to identify remote units that operate only under the control of a central controller. If a device is to operate under the control of a central controller we invite comment on the maximum distance the unlicensed device should be allowed to be separated from the central controller and how to ensure that the remote device ceases transmissions when it exceed this maximum distance.

Issues Applicable to Fixed and Non-Fixed Operations

33. *Federal Government Facilities.* We seek comment on whether the methods described for both fixed and non-fixed unlicensed devices would provide an effective means of protecting the three Federal Government radiolocation stations that operate in the 3650–3700 MHz on a primary basis. These stations, located at St. Inigoes, MD, Pascagoula, MS, and Pensacola, FL, were grandfathered as a condition of the transfer of the 3650 MHz band to a mixed-use status. The rules require that FS and FSS stations located within 80 kilometers of each site coordinate with the Federal Government, but there is no coordination requirement for unlicensed devices. We observe that an unlicensed device could be designed to listen for transmissions from these facilities and to activate the capabilities of the device to modify its operations.

34. *Operation in Proximity to U.S. Borders.* To provide sufficient protection to Canadian and Mexican stations operating in the 3650–3700 MHz band that are located near the U.S. borders, we propose to require that fixed devices be located at least 8 kilometers from the U.S./Canada or U.S./Mexico border if the antenna of the device looks within the 160° sector away from the border and be located at least 56 kilometers from each border if the device looks within the 200° sector towards the border. This proposal is consistent with the treatment of licensed fixed stations in bands above 470 MHz along the U.S./Canada border. In addition, we point out that, even under these guidelines, operators of unlicensed devices may need to further reduce their power to protect FSS earth stations in Canada or Mexico. We believe that treating devices along the border in this manner would strike a balance between providing sufficient flexibility for unlicensed operations and the need to protect foreign stations. We seek comment on this proposal. We also invite suggestions for alternative approaches for treating unlicensed devices in the 3650–3700 MHz band along the U.S. borders.

35. We tentatively conclude that no additional requirements are needed for non-fixed unlicensed devices to protect FSS earth stations that may be located in Mexico or Canada. The listen-before-talk, automatic power adjustment mechanism we have proposed for these devices should be sufficient to ensure that no Canadian or Mexican FSS earth stations licensed pursuant to the current

regulations will encounter interference. However, we seek comment on whether any special circumstances exist that might require non-fixed devices to incorporate other mechanisms to protect foreign FSS installations.

36. *Removal of Restriction on Unlicensed Operation in the 3650–3700 MHz band.* Unlicensed devices are currently restricted from operating in the 3650–3700 MHz band. Consequently, unlicensed devices are limited to only spurious emissions in this band. Historically, restricted bands were established to protect sensitive Federal Government and Non-Federal Government operations, such as radio-astronomy, which rely on reception of extremely weak signals. However, as noted, the change in the allocation status of the 3650 MHz band from shared to mixed use provides an opportunity to reexamine that prohibition in this band. Because the proposed allocation changes set forth in the NPRM would limit licensed use of the 3650–3700 MHz band to relatively few FSS and Federal Government users and because no new Federal Government operations will be assigned in this band, we no longer believe that this band needs to remain restricted. In its comments, SIA states that it is opposed to permitting unlicensed devices to operate in the 3650–3700 MHz band regardless of power level. It takes this position for several reasons, including lack of technical parameters for unlicensed devices and lack of knowledge of the potential number of unlicensed devices and their geographic orientation to FSS earth stations. We are not persuaded by SIA's argument because, as explained, it is feasible to develop operating rules for unlicensed devices in a manner that should address the in-band interference concerns raised by SIA. Accordingly, in order to accommodate new unlicensed use, we propose to revise § 15.205(a) by removing the restricted designation from the 3650–3700 MHz portion of the currently restricted 3600–4400 MHz band.

37. *Adjacent Band Emissions.* In proposing to remove the restricted status of the 3650–3700 MHz band, we also recognize that it would be adjacent to frequency bands that will continue to be restricted. Therefore, in order to maintain the same degree of protection for adjacent band licensed operations that currently exist under the rules, we propose to require that new unlicensed operations in the 3650 MHz band limit emissions into the adjacent 3600–3650 MHz and 3700–4400 MHz bands to spurious emissions only (*i.e.*, emissions with a maximum field strength of 500 microvolts/meter measured at 3 meters). A similar situation currently exists in the 2400–2483.5 MHz band which lies between the restricted bands 2310–2390 MHz below and 2483.5–2500 MHz above. Using spectrum-efficient system design and filtering, however, unlicensed devices are nevertheless capable of operating in this band at higher power levels than all other unlicensed devices. In a similar fashion, we believe that transmitters can be designed for the 3650–3700 MHz band with sufficient filtering at the band edges to satisfy the emission limits in our rules. We seek comment on this proposal to limit emissions in the adjacent restricted bands.

38. *Device Identification Signaling.* While we believe that the technical requirements proposed above for fixed and non-fixed unlicensed devices should be more than adequate to avoid interference to FSS earth stations in the first instance, we must also guard against any unforeseen instances when interference might nevertheless occur (*e.g.*, when a new FSS earth station is installed, or when an existing earth station relocates). As an initial matter, we again emphasize that, pursuant to § 15.5 of the rules, unlicensed devices are required to cease operation if found to be causing interference to any licensed service. In the event that interference might be caused, it could be difficult for the operator of a licensed station to identify and locate an unlicensed device that may be causing interference. Therefore, as a means of facilitating this identification, we propose to require all unlicensed devices to broadcast identification information at regular intervals.

39. At a minimum, the transmitted data should consist of the contact information of the owner/operator of the device. In addition, information about the location of a fixed device could be included. Will this information be useful to FSS licensees? Commenters advocating an identification requirement should also provide detail regarding how often the identification signaling should be done and what other information would be useful. Would information such as the FCC ID number and transmitter serial number be helpful? We also seek comment on the need for, and effective methods to update the contact information when an unlicensed non-fixed device is sold or otherwise transferred to a new owner/operator after the initial sale of the device.

40. We seek to ensure that any identification information embedded within the transmission of an unlicensed device can be easily extracted. Therefore, we seek comment on whether it is necessary to define an identification channel in which to place the data. Initially we propose to require the identification information to be confined to the 1 MHz portion of the band between 3650 MHz—3651 MHz segment of the band. We note that the proposed band segment for the identification lies adjacent to the newly re-designated 3600–3650 MHz restricted band. We reiterate that only spurious emissions are permitted in the restricted bands. Will unlicensed devices be able to effectively use the 3650–3651 MHz segment for identification purposes without transmitting unauthorized energy into the restricted band? Alternatively, the identification information can be transmitted as data packets interspersed among the unlicensed device communication data. Will FSS licensees be able to make use of such information and how often should it be transmitted? Finally, regardless of the method used to embed the identification data, we seek comment on whether there is a need to specify a modulation scheme and standardized data format so that the information may be successfully decoded.

Other Methodologies for Protecting FSS Earth Stations

41. Finally, although we believe that the technical approach could be an effective approach for fostering efficient use of the 3650–3700 MHz band by unlicensed devices, we seek comment on two other specific approaches, as well as on other approaches commenters may propose. Either of these approaches could be required, if we ultimately decide that our proposed approach is not practical, or potentially could be alternatives available to manufacturers of unlicensed devices for protecting FSS earth stations.

42. *Geo-location Option.* A first alternative approach for protecting FSS earth stations in the 3650–3700 MHz band would be to use cognitive/smart unlicensed devices that know their current location and the location of nearby earth stations. We sought comment on that approach in the *Unlicensed NOI*, and a number of parties supported that approach. This approach would be based on a determination of reasonable distance separation standards for the operation of low-power non-fixed unlicensed devices in this band. For example, using known protection criteria for an FSS earth station, an unlicensed device could adjust its power based on its location relative to nearby FSS earth stations.

43. This technical approach appears to be feasible. For example, IEEE 802.18 states that embedding GPS in unlicensed devices is technically feasible and could be used to limit the device so that it does not transmit when located in an area where interference to a satellite receive earth station is likely. We also recently noted that one of the benefits of cognitive radio would be the ability to determine its location and the location of other transmitters, and then select the appropriate operating parameters such as the power and frequency allowed at its location.

44. One of the requirements of this approach is that we specify distance separations for protecting FSS earth stations. In its comments on the *Unlicensed NOI,* SIA submits a technical annex proposing calculated exclusion zones where unlicensed devices would not be able to operate. It argues that its analysis indicates a worst case exclusion zone of 416 km is needed for a 1 Watt EIRP unlicensed device to protect a satellite earth station. We find that SIA's methodology, while clearly deriving distances that would protect FSS earth stations, is overly conservative for the 1-Watt devices we are considering here. We also believe that the current guidelines in our rules for identifying when coordination is necessary are overly conservative for purposes of the *NPRM.* For instance, in comments filed in the *3650 MHz Service Rules Second NPRM,* Comsearch stated that it has been able to coordinate stations at distances much less than otherwise thought necessary, and that in certain cases, earth stations have actually been located near the base of fixed service sites in the same band.

45. We therefore seek comment on alternative methods for determining more accurate minimum separation distances for these low EIRP levels. Under the simplest approach, an unlicensed device need only estimate its distance from the earth station. While overprotecting the earth station when a device is behind the station's main lobe, it still would appear to allow operation over significant geographic areas of the United States. If a device could also estimate its orientation relative to the main lobe of the FSS antenna, we might reasonably determine lower distance separation requirements when a device is offset from the main lobe, thus granting additional operational flexibility in terms of geographic areas, but at the cost of added complexity. Ultimately, if there are no better methodologies for determining distance separation than those currently in the record, we could permit those approaches even though, compared with our preferred technical method, we believe that they overprotect FSS earth stations and thus needlessly limit the operational flexibility of unlicensed devices in this band.

46. Unlicensed devices would need to protect not only existing FSS earth stations, but also any future earth stations in the 3650–3700 MHz band. Thus, devices relying on geo-location must have a means to identify new FSS earth station locations, which should not occur very frequently. We seek comment regarding methods by which an unlicensed device would access a database of earth station sites and by which an updated database would be maintained. In addition, we seek comment on how often devices would need to update their databases in order to continue to be able to operate, as well as on the type of information that could or should be made available.

47. We also note that it could be possible for an unlicensed device to lose contact with its geo-location reference signals under various circumstances. We seek comment on the protocols that should be followed when an unlicensed device using the geo-location option loses its location detecting capability, such as the period of time that the device could continue to operate before ceasing to transmit. It would appear to make sense to treat an unlicensed device 500 km away from the nearest earth when it lost its geo-location differently from one, for example, only 75 km away.

48. Finally, we seek comment on whether a geo-location approach would be an effective means of protecting the three Federal Government radiolocation stations that operate in the 3659–3700 MHz band on a primary basis, as well as earth stations located in Canada and Mexico. As previously noted, the rules require that FS and FSS stations located within 80 kilometers of each site coordinate with the Federal Government. The locations of Canadian and Mexican earth stations presumably can be made readily available for use with a geo-location approach. Using the techniques described above, it would appear to be possible for unlicensed devices to maintain appropriate separation distances.

49. *Dedicated RF beacon signal.* We also seek comment, although we see various difficulties spelled out, on whether an unlicensed device could make use of dedicated RF beacon signals emanating either directly from an FSS earth station or from another transmitter located in close proximity to an FSS earth station. Under this approach, unlicensed devices would be designed with cognitive capabilities to detect the absence, presence, or relative strength of the FSS pilot beacon at the location of the unlicensed device and make decisions about whether to transmit or what power levels would be appropriate to protect licensed FSS earth stations. In its simplest form, transmission by the unlicensed device would be enabled at permitted power levels only if no pilot beacon were detected. With a more sophisticated capability, an unlicensed device could detect not only the presence of a pilot beacon, but also the relative strength of the received pilot beacon or information in the data stream of the signal about the earth station's receive antenna type and/or orientation. A relatively weak, or absent, beacon signal would indicate that a higher EIRP could be used by the unlicensed device while, conversely, a relatively higher pilot beacon strength would require a corresponding reduction in EIRP.

50. This approach would appear to require adoption of various standardized technical requirements to ensure that unlicensed devices could readily detect a beacon signal. Our analysis does indicate that a separate pilot beacon EIRP of between 1.5 Watts and 26.5 Watts would be sufficient to ensure that non-fixed unlicensed devices would be able to receive the beacon under any foreseeable circumstances where interference to FSS earth station could be a concern. We also think that a standard beacon EIRP might have to be specified, perhaps as well as standard format or information content, so that every earth station would present the same reference beacon signal strength at a given distance. We seek comment on any necessary technical parameters.

51. We also seek comment on the important issue of a standardized frequency or frequencies for such beacon signals. Using a frequency within the 3650–3700 MHz band for a transmission emanating from a location at or close to an FSS earth station raises very significant technical questions about interference to FSS earth stations—especially because this band is in the middle of a broader satellite receive band. If not a frequency within this band, what other frequencies might potentially be available that could provide the needed functionality without causing interference to existing licensees? If no such frequencies are available, it is not clear how this approach could be implemented.

52. Also, especially compared with the previous two approaches, namely, professional installation of fixed devices and automatic EIRP adjustment for non-fixed unlicensed devices, this

methodology also raises questions about the costs and responsibilities for implementation. For example, with respect to responsibility for the operation of a beacon signal, it is not clear how the safeguard could be implemented by unlicensed device operators, so the burden would appear to fall on the FSS earth station licensee. The potentially significant costs raise questions about the equities of imposing them on existing licensees. There are also significant issues regarding whether and how those costs might be paid by unlicensed device operations.

53. To allow FSS earth stations operating in this band, or other entities, to implement a separate beacon, we might need to modify footnote US348 of the Table of Allocations to include a secondary radiolocation allocation for this purpose. We also seek comment on such modification as well as on any necessary modifications to part 25 of the Commission's rules if we take this approach. Finally, we seek comment on how, under this approach, we should protect the three Federal Government radiolocation stations that operate in the 3650–3700 MHz on a primary basis, as well as earth stations located in Canada or Mexico.

Options for Licensed Operations

54. In order to ensure that we can consider all possible approaches for achieving our goals of maximizing efficient use of the 3650 MHz band and the provision of new and advanced service, we are also seeking comment on whether spectrum in this band should be designated for licensed use. If we decide to permit licensed use of the band, we will have to adopt appropriate allocation, technical and operational rules to govern such operations. Initially, however, we seek comment on the types of licensed services that might be implemented in the band, what kinds of technologies could be utilized to develop these services, how quickly these services could be developed, and where in the country these services might be implemented. Commenters should also discuss any technical, legal or economic advantages and costs associated with these service options.

55. *Fixed Service and Mobile Service Allocations.* In addition to seeking comment on whether to maintain the band's current primary Fixed and Mobile allocations, we seek comment on whether to remove the mobile station restriction in the current Mobile allocation in this band. Since the Commission adopted the *3650 MHz Allocation Report & Order,* great strides have been made in the development of smart/cognitive radio features that potentially could be used with licensed mobile handset operations to prevent interference with FSS operations. As a result, we seek comment on whether, if we adopt technical rules requiring use of smart/cognitive features, we should revise the existing Fixed and Mobile allocations to permit mobile stations to operate in the 3650 MHz band.

56. We also seek comment on whether we should modify the FSS allocation if we retain the FS and MS allocations in the band. In the *3650 MHz Allocation Report & Order,* the Commission found that spectrum sharing between licensed terrestrial services and FSS operations on an unrestrained co-primary basis would not be feasible. As a result, the Commission decided to grandfather existing FSS earth station operations on a primary basis and to allow new FSS earth station operations only on a secondary basis to any FS/MS terrestrial stations. We seek comment on whether the use of smart/cognitive technologies by licensed services would make it technically feasible for new FSS operations to coexist with FS/MS services. Assuming such uses of the spectrum are found to be technically feasible, we request comment on whether FSS could be co-primary with FS/MS and, if so, how this might be accomplished.

57. *Band Segmentation Between Licensed and Unlicensed Use and Band Pairing.* If we adopt an option that permits terrestrial licensed operations, one way of allowing licensed fixed and mobile services, higher-powered unlicensed devices, and FSS earth stations to each have access to the 3650 MHz band would be to segment the band. For example, one segmentation option could be to divide the band into two 15-megahertz segments and a 20-megahertz segment. The two 15-megahertz segments could be located at the bottom and the top of the band (*i.e.*, 3650–3665 MHz and 3685–3700 MHz), with the 20-megahertz segment situated in the middle of the band (*i.e.*, 3665–3685 MHz). Under this option, higher-powered unlicensed operations would be restricted to the two 15-megahertz segments and fixed and mobile licensed operations to the 20-megahertz segment, and FSS earth station operations would have access to the entire band on a co-primary or secondary basis with licensed fixed and mobile operations. Licensed fixed and mobile operations would only have to coordinate with FSS earth stations operating on co-channel spectrum, and, because unlicensed devices operate on a non-interference basis, any FSS earth station would be protected from interference potentially caused by unlicensed devices.

58. We seek comment on this segmentation option, as well as splits between unlicensed and licensed terrestrial users in other proportions. Another option, for instance, would be to establish a paired 20 megahertz allocation of 3650–3660 MHz and 3690–3700 MHz for licensed terrestrial services while retaining 30 megahertz in the 3660–3690 MHz portion of the band for unlicensed operation. In addressing different band segmentation scenarios, commenters should discuss whether such scenarios would provide sufficient bandwidth to enable broadband voice or data services—on both the licensed and unlicensed segments. Commenters should also discuss the types of licensed services that might be provided if the licensed spectrum in the band is unpaired, *e.g.*, TDD operations, and the amount of spectrum needed for such services.

59. Alternatively, we seek comment on whether spectrum at 3650–3700 MHz that is made available for licensed terrestrial operations could be paired with spectrum in other frequency bands, *e.g.*, in the 2 GHz to 4 GHz range, and if so, what kinds of services could be provided under this type of licensing scenario. We invite commenters to suggest possible band pairing options. Commenters should address whether, if the frequency bands suggested are relatively far from the 3650–3700 MHz band, it would be technically feasible to produce equipment (*e.g.*, handsets) that could operate on both spectrum bands.

60. *Power Limits.* If, under a licensing approach, we remove the current allocation restriction on the use of licensed mobile devices in the 3650 MHz band (*i.e.*, base station only), licensed and unlicensed operations in the band could take on similar operational characteristics. We thus could require that licensed devices operating in the 3650 MHz band employ the same power limits as proposed above for unlicensed devices. Specifically, we could require that licensed non-fixed devices operate at a maximum power level of 1 watt EIRP, and that licensed fixed devices operate at a maximum power level of 25 watts EIRP. By adopting the same power limit for licensed devices as proposed for unlicensed devices, we should not introduce any interference conditions, with respect to FSS operations, that would not be caused by unlicensed devices alone.

61. We also seek comment on allowing higher power limits for licensed fixed stations operating in 3650 MHz band to enable greater coverage areas and transmission distances for such stations. Along with greater power

levels, of course, comes the concern about increased potential interference to FSS earth stations operating both within and above the 3650–3700 MHz band. However, as discussed in the *3650 MHz Service Rules Second NPRM,* we could adopt coordination zones surrounding co-channel FSS stations, within which any terrestrial station operator would have to coordinate with the FSS licensee. Because the size of a coordination zone would be a function of the power level of the fixed station, protection of co-channel FSS stations by high-powered licensed fixed stations would be accomplished simply by requiring larger coordination zones for such stations. In the *3650 MHz Service Rules Second NPRM,* the Commission proposed a 1000-Watt EIRP limit for base and fixed stations. Such a power limit would create relatively large coordination zones, but would provide greater flexibility for licensees operating in the band. We therefore seek comment on the appropriate EIRP limit—*e.g.*, 25 Watts, 1000 Watts—for licensed base and fixed stations operating in the 3650–3700 MHz band.

62. *Adjacent Band Emissions.* If we decide to permit licensed systems to operate in the 3650 MHz band, we would also have to decide how such systems would protect services operating in adjacent bands. In the *3650 MHz Service Rules Second NPRM,* we proposed that, in order to protect FSS operations in the 3700–4200 MHz band from interference, terrestrial stations operating in the 3650–3700 MHz band would have to comply with the part 101 emission limits already in place to protect such FSS systems from licensed fixed stations operating in the 3700–4200 MHz band. With our proposal to provide for unlicensed use of the 3650 MHz band, we seek updated comment on what interference criteria might be used to protect adjacent band services from licensed systems operating in the 3650 MHz band. For example, should we require that licensed non-fixed devices comply with the field strength limit described above for unlicensed devices; should we require that licensed fixed stations comply with a particular field strength limit or satisfy the adjacent band protection criteria proposed in the *3650 MHz Service Rules Second NPRM?*

63. *Protection of FSS Operations.* If we ultimately adopt a regulatory approach that permits licensed operations in this band, we believe that it would be appropriate to require that licensed devices employ the same measures to protect FSS operations as proposed above for unlicensed devices. We seek comment on whether these measures (or any of the additional measures proposed above to enable unlicensed devices to protect FSS stations—*e.g.*, the geo-location method, the RF beacon method) could or should be applied to licensed devices as a means of protecting Government radiolocation stations, non-Government FSS stations, and Canadian and Mexican stations operating near U.S. borders, or whether, for any reason, other measures (such as applying our present interservice coordination rules) might be more appropriate.

64. *Geographic Area Licensing.* If we ultimately decide to permit licensed operations in this band, we would need to adopt a licensing approach for such operations. In the *3650 MHz Service Rules Second NPRM,* the Commission tentatively concluded to license the 3650 MHz band using geographic area licensing and sought comment on what sized licensing area or areas should be utilized to license this spectrum and whether nationwide licensing would be appropriate. Similarly, the Commission sought comment on spectrum block size or sizes and whether the band should be licensed using a 50-megahertz license. The Commission also sought comment on a range of issues concerning possible competitive bidding procedures. We seek updated comment from interested parties in all these areas.

65. We thus ask interested parties to refresh the record on whether we should license this band using geographic licensing, as well as on particular geographic licensing approaches. As opposed to site-by-site licensing, geographic licensing may permit licensees more flexibility to respond to market demand and may result in significant improvements in spectrum utilization. In particular, geographic licensing allows licensees to coordinate usage across an entire geographic area to maximize the use of spectrum in areas of highest demand. Geographic licenses also provide the flexibility to dynamically adjust spectrum usage depending upon market demands. We note that one option for this band would be one nationwide license. Under this approach, there would only be one fixed and mobile services license available for this band which would give the terrestrial licensee greater flexibility in building-out its services. We seek comment on whether it would be appropriate to have one nationwide fixed and mobile services license for this band. We also seek comment on the competitive bidding procedures that should be used in the event that mutually exclusive applications are accepted, and whether the procedures proposed in the *3650 Service Rules Second NPRM* would be appropriate for the services that are contemplated to be introduced in this band.

66. *Spectrum Leasing.* Additionally, we seek comment on whether fixed and mobile service licensees in the 3650 MHz band should be able to lease their spectrum through the policies established in the *Secondary Markets Report and Order and Further Notice of Proposed Rulemaking (Secondary Markets Report and Order* and *Secondary Markets Further NPRM,* respectively). In the *Secondary Markets Report and Order,* we took action to remove unnecessary regulatory barriers to the development of secondary markets to permit third parties to access spectrum through spectrum leasing arrangements. We adopted new policies and procedures that enable most wireless licensees to lease some or all of their spectrum usage rights to third-party spectrum lessees. Under these rules, the Commission is notified of the spectrum leasing arrangements (either through a spectrum manager lease notification or a *de facto* transfer lease application). We tentatively conclude that if we adopt licensing rules for this band, our spectrum leasing adopted in the *Secondary Markets Order* would apply. In addition, the *Secondary Market Further NPRM* proposed additional ways to facilitate third party access to spectrum through spectrum leasing arrangements, including further streamlining of the notification requirements, and creating leasing mechanisms to facilitate access by opportunistic devices with cognitive radio capability. We seek comment on whether adoption of some of the proposals in the *Secondary Markets Further NPRM,* or other revisions in the spectrum leasing policies would help optimize the use of the 3650 MHz band.

67. *Third-Party Access to Licensed Spectrum Under A ''Band Manager'' Approach.* We also wish parties to update the record on whether, if we adopt licensing rules for this band, we should allow third parties access to spectrum in the 3650 MHz band through a ''band manager'' licensing model, either as a complement or alternative to the spectrum leasing approach adopted under the *Secondary Markets Report and Order.* In the *3650 MHz Service Rules Second NPRM,* the Commission sought comment on whether the use of band manager licensing would be appropriate for the 3650 MHz band. As envisioned by that Commission, the band manager would be a Commission licensee that could engage in the business of making spectrum available to third-party spectrum users through private, written contracts. The

Commission specifically sought comment on whether the fixed and mobile services licensee should have the option of electing to operate as a band manager, a traditional licensee (with the right to enter into spectrum leasing arrangements), or both to the extent they serve to complement each other.

68. Under this band manager approach, the fixed and mobile services licensee would essentially act as a ''spectrum broker'' and as spectrum use coordinator. As a spectrum broker, the licensee would have the ability to lease discrete spectrum usage rights to different third party spectrum users through private, contractual agreements, without having to secure prior approval by the Commission and without having to notify the Commission of every lease. As a spectrum use coordinator, the licensee would have the flexibility to lease and coordinate different spectrum rights, including different power levels and other technical parameters, to various spectrum users. We seek comment on whether a licensing framework utilizing the concept of band manager would optimize use of the 3650 MHz band by providing continued protection for incumbents as well as maximum flexibility for the potential fixed and mobile services licensee and for the creation of new and advanced services. Under this approach, the licensee, subject to the technical rules that we adopt, would decide how to maximize efficient use of the spectrum and coordination issues would be managed by the licensee through private contracts. In addition, the licensee would be directly responsible to the Commission for preventing harmful interference among the different users in the band, including the FSS licensees, as well as licensees in other bands. We also seek comment on any potential disadvantages of this type of a band manager approach, especially related to the interference risks of any particular features of the spectrum in question.

69. If we choose to allow the fixed and mobile services licensee to act as a band manager, the licensee would be subject to any band manager service rules that we adopt. We seek comment on whether our spectrum management policies would be enhanced by permitting the licensee the flexibility to use its spectrum internally or provide telecommunications services, in addition to leasing it. If we were to permit such flexibility, should we also implement safeguards to ensure that a band manager's core function remains focused on leasing to other, third party spectrum users; and if so, how? Also, if the fixed and mobile services licensee choices to be a band manager, should the licensee have the ability to use the spectrum directly and construct its own facilities? In other words, should we limit the concept of a band manager to non-facilities-based operations so the licensee would only be engaged in the business of leasing spectrum? We also seek comment on whether it is necessary to provide additional safeguards to prevent a band manager from discriminating among spectrum users.

70. We also request comment on the type of information to be included in agreements between a band manager and spectrum users if we adopt band manager licensing. We seek comment on whether the requirements the Commission established for agreements between Guard Band Managers and spectrum users in part 27 of our rules would be appropriate. For example, under part 27 of our rules, agreements between the Guard Band Manager and spectrum user(s) in the 700 MHz band must specify in detail the operating parameters of the proposed systems including power, antenna height, frequency(s) of operation, base station locations and area of operations.

71. We also seek comment on whether we should require the fixed and mobile services licensee if it choose to be a band manager to file annual reports on its spectrum usage with the Commission. We seek comment on whether such agreements should ensure that the licensee is responsible for violations of rules by users of the spectrum assigned to them, and whether the licensee must provide the Commission with information on users to allow the Commission to limit interference and enforce our rules.

72. *Site-By-Site Licensing.* If we license fixed and mobile services in the 3650 MHz band, another licensing approach would be to use site-by-site licensing. One advantage to a site-by-site licensing option, might be that this licensing scheme allows access to the spectrum and entry into the market at a relatively low upfront cost. Under this licensing scheme, we could employ several methods. One method would be an exclusive use approach. Under this approach the first licensee to acquire a license is guaranteed to have its operations protected from interference from other later in time licensees. However, if the licensee wished to add more sites, it would have to acquire a new license for each additional site. We could also use frequency coordinators similar to those for certain microwave services. Under this approach, a frequency coordinator would decide whether interference will be caused by another entity's facilities being located near an existing licensee's facilities. If the frequency coordinator determines that the second entity's facilities will not cause interference to an existing licensee's operations, then the second entity would be able to acquire a license for its facilities.

73. Another method would be a coordinated shared use approach. This approach would utilize a frequency coordinator similar to those for the shared private land mobile radio (PLMR) frequencies to determine where licensees can locate their facilities. These coordinators do not seek to achieve interference-free operations. By definition, with a coordinated shared use approach, we can have multiple licensees operating on the same frequencies in the same geographic areas without having exclusive spectrum usage rights and interference protections. Coordinators could perform the function, for an applicant, of choosing the best frequency(s) available in the service for which the applicant is applying at a particular site. They can do this by trying to match compatible operations, both in terms of the nature of the operations and the number of base stations and associated mobiles already on frequencies in the area, as well as proposed.

74. *Other Issues.* Finally, we seek comment on any other issues that might arise in the event that fixed and mobile services are allowed in the 3650–3700 MHz band along with unlicensed devices and FSS operations.

75. In sum, we seek comment on our proposal to allow unlicensed operations in the 3650–3700 MHz band as well as comment on the specific technical options described above. We request that commenters provide detailed information regarding the potential benefits and problems that might result from the use of these technical options—either alone, in tandem, or in combination with the other approaches on which we are seeking comment.

Initial Regulatory Flexibility Analysis

76. As required by the Regulatory Flexibility Act of 1980, as amended (RFA),[1] the Commission has prepared this present Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities by the policies and rules proposed in this Notice of Proposed Rule Making

[1] *See* 5 U.S.C. 603. The RFA, *See* 5 U.S.C. 601 has been amended by the Contract With America Advancement Act of 1996,), Public Law 104–112, 110 Stat. 847 (1996)(CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

(NPRM). Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the NPRM provided in paragraph 62 of the NPRM. The Commission will send a copy of the NPRM, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA).[2] In addition, the NPRM and IRFA (or summaries thereof) will be published in the **Federal Register**.[3]

A. Need for, and Objectives of, the Proposed Rules

77. The 3650–3700 MHz band is a ''transfer'' band that the National Telecommunications and Information Administration (NTIA) reallocated from Government/non-Government shared use status to mixed use status effective 1993.[4] Prior to the transfer, the non-government use of the band was limited to international, intercontinental Fixed Satellite Service (FSS) receive stations.[5] A condition of the transfer allows Government radiolocation stations to continue to operate indefinitely in the 3650—3700 MHz band at three locations with a ''radius of operation'' of 80 kilometers (49.7 miles).[6] In reallocating this spectrum, we sought to maximize the use of the band, and particularly to facilitate the provision of a broad range of traditional voice and broadband high-speed services, and to foster the introduction of such service to rural areas of the country.[7] We expected this allocation to encourage new and more effective competition to existing wireline local exchange carriers by providing for an economical means to offer competitive ''local loop'' or ''last mile'' facilities.

78. On December 20, 2002, the Commission released a *Notice of Inquiry* (NOI) in ET Docket No. 02–380 seeking comment from the public on the possibility of permitting unlicensed devices to operate in additional frequency bands.[8] Specifically, the *NOI* sought comment with regard to the feasibility of allowing unlicensed devices to operate in TV broadcast spectrum and the technical requirements that would permit unlicensed devices to operate in that spectrum such that the devices do not cause interference to authorized services. Additionally, the *NOI* sought comment on the feasibility of permitting unlicensed devices to operate in the 3650–3700 MHz band at power levels higher than those permitted for unlicensed devices in other bands. Seventy-five parties filed comments and twenty-six parties filed reply comments in response to the *NOI*.

79. These proposals, if adopted, will prove beneficial to manufacturers and users of unlicensed technology, including those who provide services to rural communities. Specifically, we note that a growing number of service providers are using unlicensed devices within wireless networks to serve the varied needs of industry, government, and general consumers alike. One of the more interesting developments is the emergence of wireless Internet service providers or ''WISPs.'' Using unlicensed devices, WISPs around the country are providing an alternative high-speed connection in areas where cable or DSL services have been slow to arrive. We believe that the increased flexibility proposed herein will help to foster a viable last mile solution for delivering Internet services, other data applications, or even video and voice services to underserved, rural, or isolated communities.

B. Legal Basis

80. The proposed action is authorized under sections 4(i), 301, 302, 303(e), 303(f), 303(r), 304 and 307 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 301, 302, 303(e), 303(f), 303(r), 304 and 307.

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

81. The RFA directs agencies to provide a description of, and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted.[9] The RFA defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small business concern'' under Section 3 of the Small Business Act.[10] Under the Small Business Act, a ''small business concern'' is one that: (1) Is independently owned and operated; (2) is not dominant in its field of operations; and (3) meets any additional criteria established by the Small Business Administration (SBA).[11]

82. A small organization is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.''[12] Nationwide, as of 1992, there were approximately 275,801 small organizations.[13] The term ''small governmental jurisdiction'' is defined as ''governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.''[14] As of 1997, there were approximately 87,453 governmental jurisdictions in the United States.[15] This number includes 39,044 counties, municipal governments, and townships, of which 27,546 have populations of fewer than 50,000 and 11,498 counties, municipal governments, and townships have populations of 50,000 or more. Thus, we estimate that the number of small governmental jurisdictions is approximately 75,955 or fewer.

83. The Commission has not developed a definition of small entities applicable to unlicensed communications devices manufacturers. Therefore, we will utilize the SBA definition application to manufacturers of Radio and Television Broadcasting and Communications Equipment. Under the SBA's regulations, a radio and television broadcasting and wireless communications equipment manufacturer must have 750 or fewer employees in order to qualify as a small business concern.[16] Census Bureau data indicates that there are 1,215 U.S. establishments that manufacture radio and television broadcasting and wireless communications equipment, and that

[2] *See* 5 U.S.C. 603(a).

[3] *See id.*

[4] *See* Spectrum Reallocation Final Report, Response to Title VI—Omnibus Budget Reconciliation Act of 1993, NTIA Special Publication 95–312, released February 1995. Shared use means that a band of frequencies is generally available for both government and non-government use. *See* 47 CFR 2.105(b). Mixed use means that government use is limited by geographic area, by time or by other means so as to guarantee that the potential use by government stations is substantially less than the potential use to be made by non-government stations. *See* 113(b)(2)(B) of OBRA–93. *See* 47 U.S.C. 923(b)(2)(B).

[5] *See Second Report and Order* in Gen. Docket No. 80–739 (Amendment of Part 2 of the Commission's Rules Regarding Implementation of the Final Acts of the World Administrative Radio Conference, Geneva, 1979), 49 FR 2357 (January 19, 1984).

[6] The three locations are Pascagoula, Mississippi; Pensacola, Florida; and Saint Inigoes, Maryland. Any unlicensed operations in the 3650–3700 MHz band would be required to protect Federal Government operations at these locations.

[7] We also noted and here reiterate our statutory mandate to provide for the deployment of advanced telecommunications services and technologies to all Americans. See Public Law 104–104, Title VII, 706, Feb. 8, 1996, 110 Stat. 153 (Section 706); 47 U.S.C. 157.

[8] *See Notice of Inquiry* in ET Docket No. 03–280, 17 FCC Rcd 25632 (2003).

[9] *See* U.S.C. 603(b)(3).

[10] *Id.* 601(3).

[11] *Id.* 632.

[12] *See* 5 U.S.C. 601(4).

[13] *See* 1992 Economic Census, U.S. Bureau of the Census, Table 6 (special tabulation of data under contract to Office of Advocacy of the U.S. Small Business Administration).

[14] *See* 5 U.S.C. 601(5).

[15] *See* 1995 Census of Governments, U.S. Census Bureau, United States Department of Commerce, Statistical Abstract of the United States (2000).

[16] *See* 13 CFR 121.201, NAICS code 334220.

1,150 of these establishments have fewer than 500 employees and would be classified as small entities.[17] The remaining 65 establishments have 500 or more employees; however, we are unable to determine how many of those have fewer than 750 employees and therefore, also qualify as small entities under the SBA definition. We therefore conclude that there are no more than 1,150 small manufacturers of radio and television broadcasting and wireless communications equipment.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

84. Part 15 transmitters are already required to be authorized under the Commission's certification procedure as a prerequisite to marketing and importation. *See* 47 CFR 15.101, 15.201, 15.305, and 15.405. The changes proposed in this proceeding would not change any of the current reporting or recordkeeping requirements. Further, the proposed regulations add permissible operating frequencies. The proposals would not require the modification of any existing procedures.

E. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

85. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives: (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.

86. At this time, the Commission does not believe the proposals contained in this NPRM will have a significant economic impact on small entities. The NPRM does not propose new device design standards. Instead, it relaxes the rules with respect to the types of devices which are allowed to operate pursuant to the Commission's regulations. There is no burden of compliance with the proposed changes. Manufacturers may continue to produce devices which comply with the former rules and, if desired, design devices to comply with the new regulations. The proposed rules will apply equally to large and small entities. Therefore, there is no inequitable impact on small entities. Finally, this NPRM does not recommend a deadline for implementation. We believe that the proposals are relatively simple and do not require a transition period to implement. An entity desiring to take advantage of the relaxed regulations may do so at any time.

87. Unless our views are altered by comments, we find that the proposed rule changes contained in this Notice will not present a significant economic burden to small entities. Therefore it is not necessary at this time to propose alternative rules. Notwithstanding our finding, we request comment on alternatives that might minimize the amount of adverse economic impact, if any, on small entities.

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rule

88. None.

Ordering Clauses

89. Pursuant to the authority contained in sections 4(i), 302, 303(c), 303(f), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. sections 154(i), 302, 303(c), 303(f), and 303(r) this Notice of Proposed Rule Making *is adopted.*

90. The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, shall send a copy of this NPRM, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 15

Communications equipment, Radio.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

Proposed Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR parts 15 as follows:

PART 15—RADIO FREQUENCY DEVICES

1. The authority citation for part 15 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, 304, 307, 336, and 544a.

2. Section 15.205 is amended by revising the table in paragraph (a) to read as follows:

§ 15.205 Restricted bands of operation.

(a) * * *

MHz	MHz	MHz	GHz
0.090–0.110	16.42–16.423	399.9–410	4.5–5.15
[1] 0.495–0.505	16.69475–16.69525	608–614	5.35–5.46
2.1735–2.1905	16.80425–16.80475	960–1240	7.25–7.75
4.125–4.128	25.5–25.67	1300–1427	8.025–8.5
4.17725–4.17775	37.5–38.25	1435–1626.5	9.0–9.2
4.20725–4.20775	73–74.6	1645.5–1646.5	9.3–9.5
6.215–6.218	74.8–75.2	1660–1710	10.6–12.7
6.26775–6.26825	108–121.94	1718.8–1722.2	13.25–13.4
6.31175–6.31225	123–138	2200–2300	14.47–14.5
8.291–8.294	149.9–150.05	2310–2390	15.35–16.2
8.362–8.366	156.52475–	2483.5–2500	17.7–21.4
8.37625–8.38675	156.52525	2655–2900	22.01–23.12
8.41425–8.41475	156.7–156.9	3260–3267	23.6–24.0
12.29–12.293	162.0125–167.17	3332–3339	31.2–31.8
12.51975–12.52025	167.72–173.2	3345.8–3358	36.43–36.5
12.57675–12.57725	240–285	3600–3650	([2])

[17] *See* Economics and Statistics Administration, Bureau of Census, U.S. Department of Commerce, 1997 Economic Census, Industry Series—Manufacturing, Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing, Table 4 at 9 (1999). The amount of 500 employees was used to estimate the number of small business firms because the relevant Census categories stopped at 499 employees and began at 500 employees. No category for 750 employees existed. Thus, the number is as accurate as it is possible to calculate with the available information.

MHz	MHz	MHz	GHz
13.36–13.41	322–335.4	3700–4400	

[1] Until February 1, 1999, this restricted band shall be 0.490–0.510 MHz.
[2] Above 38.6.

* * * * *

3. Section 15.252 is added to read as follows:

§ 15.252 Operation within the band 3.65–3.70 GHz.

(a) Fixed and non-fixed unlicensed devices in this band must be operated in a manner so as not to cause harmful interference to licensed fixed satellite service (FSS) earth stations authorized to receive signals in the 3650–3700 MHz band.

(b) *Fixed devices.* Fixed devices must be installed by a recognized professional installer. The installer shall ensure that the operation of the fixed device complies with the following requirements.

(1) The maximum peak effective isotropic radiated power (EIRP) shall not exceed 25 Watts. The fixed device may employ an advanced antenna system capable of dynamically modifying the system radiation pattern. The EIRP of the fixed device must be reduced to levels which will not cause interference to existing licensed FSS earth stations.

(2) No fixed unlicensed device shall operate within the sector of a circle around a licensed FSS earth station defined by an arc ± 15° on either side of the FSS earth station antenna boresight and a 180 km radius. Outside of this sector, no fixed device shall operate within 25 km of a licensed FSS earth station.

(c) *Non-fixed devices.* The maximum peak EIRP of non-fixed devices shall not exceed 1 Watt.

(1) The non-fixed device shall employ active interference avoidance mechanisms to detect FSS earth station uplink signals in the bands 5.85–5.925 GHz and 6.425–6.723 GHz.

(2) The non-fixed device shall reduce peak EIRP below 1 Watt in accordance with the receive signal level (RSS) as shown below:

Unlicensed device receive signal strength (R_{SS})	Maximum allowed EIRP
$R_{SS} > -76$ dBm	(not allowed)
-76 dBm $\geq R_{SS} > -79$ dBm	250 mW
-79 dBm $\geq R_{SS} > -82$ dBm	500 mW
-82 dBm $\geq R_{SS}$	1 Watt

(3) For systems having multiple devices operating under a central controller, only the central controller is required to detect FSS earth station uplink signals. The central controller must instruct all devices under its control to reduce transmit EIRP in accordance with the R_{SS} and paragraph (c)(2) of this section.

(d) No device in this band shall be operated within 80 kilometers of the three authorized Government radiolocation stations. See § 2.106, Footnote US348, of this chapter.

(e) *Operation in Border areas.* Fixed devices must be located at least 8 kilometers from the U.S./Canada or U.S./Mexico border if the antenna of that device looks within the 160° sector away for the border. The devices must be located at least 56 kilometers from each border if the antenna looks within the 200° sector towards the border.

(f) Within any one second interval of signal transmission, each unlicensed device must transmit a transmitter identification at least once. The identification must be confined to the 3650–3651 MHz portion of the band. Each application for equipment authorization must declare that the equipment contains the required transmitter identification feature and must specify a method whereby interested parties can obtain sufficient information, at no cost, to enable them to fully detect and decode this transmitter identification information. Upon the completion of decoding, the transmitter identification data block must provide the following fields.

(1) User/owner contact information.

(2) Current physical location of the unlicensed device.

The grantee must implement a method that makes it possible for users to specify and update this data.

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Notices

Federal Register

Vol. 69, No. 94

Friday, May 14, 2004

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

Farm Service Agency

Conference Entitled ''Conservation Reserve Program: Planting for the Future''

AGENCY: Farm Service Agency, USDA.

ACTION: Notice of a scientific conference on the Conservation Reserve Program.

SUMMARY: USDA's Farm Service Agency (FSA) and the Department of Interior's U.S. Geological Survey are hosting a national conference on the future of the Conservation Reserve Program (CRP)—the Nation's largest conservation program.

DATES: June 6–9, 2004. An optional field trip is planned for June 9, 2004, depending on attendee interest. Details will be announced at the conference.

ADDRESSES: The conference will be held at the University Park Holiday Inn, Fort Collins, Colorado. The field trip, if held, will be to the Pawnee National Grasslands and neighboring CRP fields, about 30 miles west of Fort Collins, Colorado. Transportation and directions for the field trip will be provided at the conference.

FOR FURTHER INFORMATION CONTACT: Alexander Barbarika, Natural Resources Analysis Group, Economic Policy and Analysis Group, Farm Service Agency, USDA, 1400 Independence Avenue, SW, STOP 0516, Washington, DC 20250–0516; telephone: (202) 720–7093; FAX (202) 690–2186; email: *Alexander.Barbarika@usda.gov*.

Persons with disabilities who require special accommodation to attend or participate in the conference should contact Laurie Montgomery, telephone: (202) 205–7832; email: *laurie.montgomery@usda.gov*, by May 31, 2004.

Conference Registration: Conference attendees may register in advance or at the conference. Registration is $250 per person if completed by May 21, 2004, and $275 after May 21, 2004. Because space will be limited, advance registration is recommended. Cost of the field trip, if held, will be $20 for bus transportation and lunch, for those registering early, and $35 for those registering for the field trip after May 21, 2004. Conference details, including registration, meeting agenda, and hotel accommodations are available on FSA's Web site at: *http://www.fsa.usda.gov/pas/crpconf.asp* or from Alexander Barbarika at (202) 720–7093; email: *Alexander.Barbarika@usda.gov*.

SUPPLEMENTARY INFORMATION: First established in 1985, the CRP is a voluntary program encouraging farmers to implement conservation practices on environmentally-sensitive agricultural land to reduce soil erosion, protect water quality and enhance wildlife habitat. About 35 million acres are currently enrolled. Over 16 million acres of CRP contracts expire in 2007 and over 6 million acres expire in 2008. Determining the future direction of the CRP is thus critical.

FSA Administrator James R. Little says ''This conference provides an exciting opportunity for CRP experts to help shape the future of the Nation's largest conservation program. I'm quite pleased that we will be focusing on results and the need to use the best science and data available for policy development. Science-based understanding is crucial for effective CRP policy development.'' Rigorous CRP analysis will inform producers, legislators, budget overseers, and other decision-makers on how best to manage the CRP to maximize agricultural and environmental benefits at minimum taxpayer cost.

Noted conservationist Aldo Leopold once wrote that the complexity of the land organism is the outstanding discovery of the twentieth century. Building on that theme, over 40 speakers drawn from academia, State and Federal agencies, and diverse interest groups will present expert insights into the CRP's known impacts, impacts still needing research and quantification, and how science can strongly inform future CRP policy.

Depending on attendee interest, FSA and USGS will host an optional field trip to the Pawnee National Grasslands and neighboring CRP fields, about 30 miles west of Fort Collins. The 190,000–acre grassland reserve provides a rare, sizeable example of native grass species.

Signed in Washington, DC on April 29, 2004.

James R. Little,

Administrator, Farm Service Agency.

[FR Doc. 04–10922 Filed 5–13–04; 8:45 am]

BILLING CODE 3410–05–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletion

AGENCY: Committee for Purchase from People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to and deletion from Procurement List.

SUMMARY: The Committee is proposing to add to the Procurement List product and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and to delete a service previously furnished by such agencies.

Comments Must Be Received on or Before: June 13, 2004.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Sheryl D. Kennerly, (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C 47(a) (2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

ADDITIONS: If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice for each product or service will be required to procure the products and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in any additional reporting,

recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products and services to the Government.

2. If approved, the action will result in authorizing small entities to furnish the products and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the products and services proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

End of Certification

The following products and services are proposed for addition to Procurement List for production by the nonprofit agencies listed:

Products

Product/NSN: Battery Non-rechargeable, Lithium.
6135–01–398–5922,
6135–01–333–6101
NPA: Eastern Carolina Vocational Center, Inc., Greenville, North Carolina
Contract Activity: Defense Supply Center Richmond, Richmond, Virginia
Product/NSN: Flag, National, Interment (Additional 10% of the Department of Veterans Affairs Requirement)
8345–00–656–1432.
NPA: Goodwill Industries of South Florida, Inc., Miami, Florida
NPA: Huntsville Rehabilitation Foundation, Huntsville, Alabama
NPA: North Bay Rehabilitation Services, Inc., Rohnert Park, California
Contract Activity: Department of Veterans Affairs, Washington, DC
Product/NSN: Glow Plug
2920–01–188–3863.
NPA: Shares Inc., Shelbyville, Indiana
Contract Activity: Defense Supply Center Columbus, Columbus, Ohio

Services

Service Type/Location: Custodial Services, IRS Building,
106 S. 15th Street, Omaha, Nebraska
NPA: Goodwill Specialty Services, Inc., Omaha, Nebraska
Contract Activity: GSA, Public Buildings Service (Region 6), Kansas City, Missouri
Service Type/Location: Custodial Services, Judiciary Square,
633 3rd Street, NW., Washington, DC
NPA: Melwood Horticultural Training Center, Upper Marlboro, Maryland
Contract Activity: GSA, National Capital Region, Washington, DC
Service Type/Location: Custodial Services, Key West Naval Air Station, Key West, Florida
NPA: Goodwill Industries of South Florida, Inc., Miami, Florida
Contract Activity: Naval Facilities Engineering Command, North Charleston, South Carolina
Service Type/Location: Janitorial/Custodial, Naval & Marine Corps Reserve Center, Roanoke, Virginia
NPA: Goodwill Industries of the Valleys, Inc., Salem, Virginia
Contract Activity: Naval Facilities Engineering Command Contracts, Norfolk, Virginia

Deletion

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action may result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. If approved, the action may result in authorizing small entities to furnish the service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the service proposed for deletion from the Procurement List.

End of Certification

The following service is proposed for deletion from the Procurement List:

Service

Service Type/Location: Janitorial/Custodial, Federal Building & U.S. Post Office, Dyersburg, Tennessee
NPA: Madison Haywood Developmental Services, Jackson, Tennessee
Contract Activity: General Services Administration

Sheryl D. Kennerly,

Director, Information Management.

[FR Doc. 04–10973 Filed 5–13–04; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase from People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletions from Procurement List.

SUMMARY: This action adds to the Procurement List products and a service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes from the Procurement List a product previously furnished by such agencies.

EFFECTIVE DATE: June 13, 2004.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia, 22202–3259.

FOR FURTHER INFORMATION CONTACT: Sheryl D. Kennerly, (703) 603–7740.

SUPPLEMENTARY INFORMATION:

Additions

On March 19, 2004, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (69 FR 13019) of proposed additions to the Procurement List. After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the products and service and impact of the additions on the current or most recent contractors, the Committee has determined that the products and service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products and service to the Government.

2. The action will result in authorizing small entities to furnish the products and service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the products and service proposed for addition to the Procurement List.

End of Certification

Accordingly, the following products and service are added to the Procurement List:

Products

Product/NSN: Blue Examination Gloves (Nitrile),
6515–00–NIB–0236 (Small),
6515–00–NIB–0237 (Medium),
6515–00–NIB–0238 (Large),
6515–00–NIB–0239 (X Large).
Product/NSN: Blue Examination Gloves (Vinyl),
6530–00–NIB–0104 (Small),
6530–00–NIB–0105 (Medium),

6530–00–NIB–0106 (Large),
6530–00–NIB–0107 (X Large).
NPA: Central Association for the Blind & Visually Impaired, Utica, New York.
Contract Activity: Transportation Security Administration, Arlington, Virginia.

Service

Service Type/Location: Janitorial/Custodial, Thomas D. Lambros Federal Building & U.S. Courthouse, Youngstown, Ohio.
NPA: Youngstown Area Goodwill Industries, Youngstown, Ohio.
Contract Activity: GSA, Public Buildings Service (5P), Chicago, Illinois.

Deletion

On March 19, 2004, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (69 FR 13019) of proposed deletions to the Procurement List. After consideration of the relevant matter presented, the Committee has determined that the product listed below is no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action may result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the product to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the product deleted from the Procurement List.

End of Certification

Accordingly, the following product is deleted from the Procurement List:

Product

Product/NSN: Holder, Soap, 4510–00–965–1259.
NPA: Watauga Opportunities, Inc., Boone, North Carolina.
Contract Activity: GSA, Southwest Supply Center, Fort Worth, Texas.

Sheryl D. Kennerly,

Director, Information Management.

[FR Doc. 04–10974 Filed 5–13–04; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF COMMERCE

Bureau of the Census

[Docket Number 040421123–4123–01]

American Community Survey Data Products

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice and request for comments.

SUMMARY: The Bureau of the Census (Census Bureau) is proposing to revise and expand the data products it produces from the American Community Survey (ACS), and is requesting comments from current and potential future users of ACS data products to help guide the redesign of these products. Our goal is to publish preliminary versions of the new data products by mid-year 2005 and to give data users another opportunity to comment further before the redesigned products are in final form. The ACS has been under development since 1996. Several ACS data products have been released every year since 1997. With full-scale implementation scheduled for July 2004, we are proposing significant enhancements to the ACS data products that the Census Bureau will produce every year beginning in 2006.

DATES: Written comments must be submitted on or before July 14, 2004.

ADDRESSES: Direct all written comments to the Director, U.S. Census Bureau, Room 2049, Federal Building 3, Washington, DC 20233–0101.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Bryson, Program Analyst, Outreach and Analysis Staff, Office of the Associate Director for Decennial Census, on (301) 763–1911, or by e-mail at *kenneth.r.bryson@census.gov*.

SUPPLEMENTARY INFORMATION: The ACS is a very large nationwide survey that will collect and publish data about the demographic, social, economic, and housing characteristics of the population. Full-scale data collection will begin with the mail-out to 250,000 addresses at the end of June 2004. The Census Bureau plans to release a set of redesigned data products from the 2005 ACS, the first full year of data collection, in the summer of 2006. While some of the data products will resemble those from the development phase of the ACS, others will be new or redesigned.

Census Bureau working groups have sought to improve the ACS data products by taking into account the previous comments and suggestions of data users. We have developed a preliminary version of the revised suite of data products and are now asking for feedback from public data users.

We are requesting public comments on the current data products and on the proposed new products. In particular, the Census Bureau is looking for feedback about the basic concept of each product and its usefulness to you. We welcome all comments and suggestions about how the product could be improved.

A special link on the ACS Web site (*http://www.census.gov/acs/www/product_review/*) will enable you to view examples of current and proposed data products. Current ACS data products are as follows:

- Base Tables (previously known as Detailed Tables)—Simple descriptive tabulations of basic concepts and variables, similar to tables in Summary File 3 from Census 2000. Summary File 3 contains tables of sample items from the long form of Census 2000.
- Tabular Profiles—Key summary measures, derived measures (*e.g.*, medians), and collapsed distributions of variables selected from the Base Tables.
- Narrative Profiles—Short prose narratives with simple graphs based on some of the summary information in the Tabular Profiles.
- Geographic Ranking Tables—Tables and related graphs that show the rank order of geographic areas on a key statistics or derived measure.

In addition to retaining the current data products above, the Census Bureau proposes to offer the following new products:

- Subject Tables—These are similar to the Census 2000 Quick Tables, and like the Quick Tables, they are derived from the Base Tables. Quick Tables and Subject Tables are predefined tables with frequently requested information on a single topic for a single geographic area.
- Subpopulation Profiles—This new product would provide certain characteristics from the Tabular Profiles for a specific race or ethnic group (*e.g.*, Alaska Natives) or population subgroup (*e.g.*, people ages 60 and over).
- Thematic Maps—Thematic maps are similar to Geographic Ranking Tables. They have the added advantage of visually displaying on a map the geographic variation of a key summary or derived measure.
- Analytic Reports (in an early development phase)—These could be short documents, two to three pages, on a single topic or theme, or they could be longer documents covering several topics or the entire content of the survey.

Please go to the ACS Web site to review each data product in detail. If you have questions about any of the data products, please contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Paperwork Reduction Act

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to requirements of the Paperwork Reduction Act (PRA), unless that collection of information displays a current, valid Office of Management and Budget (OMB) control number. In accordance with the PRA, 44 U.S.C., Chapter 35, the OMB approved the ACS survey under OMB Control Number 0607–0810. We will furnish report forms to organizations included in the survey, and additional copies will be available upon written request to the Director, U.S. Census Bureau, Washington, DC 20233–0101.

Dated: May 7, 2004.

Hermann Habermann,

Deputy Director, Bureau of the Census.

[FR Doc. 04–10757 Filed 5–13–04; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–852]

Notice of Preliminary Results of Antidumping Duty Changed Circumstances Review: Structural Steel Beams from Japan

AGENCY: Import Administration, International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of Preliminary Results of Antidumping Duty Changed Circumstances Review.

SUMMARY: On December 30, 2003, the Department of Commerce (''Department'') published a notice of initiation of changed circumstances review of the antidumping duty order on structural steel beams (''SSB'') from Japan to determine whether Yamato Steel Co., Ltd. (''Yamato Steel'') is a successor–in-interest company to Yamato Kogyo Co., Ltd. (''Yamato Kogyo'') for purposes of determining antidumping and countervailing duty liabilities. *See Notice of Initiation of Antidumping Duty Changed Circumstances Review: Structural Steel Beams from Japan*, 68 FR 75213 (December 30, 2003) (''Notice of Initiation''). We have preliminarily determined that Yamato Steel is the successor–in-interest to Yamato Kogyo, for purposes of determining antidumping duty liability in this proceeding. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: May 14, 2004.

FOR FURTHER INFORMATION CONTACT: Melissa Blackledge or Howard Smith, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482–3518 or (202) 482–5193, respectively.

SUPPLEMENTARY INFORMATION:

Background

On June 19, 2000, the Department published in the **Federal Register** an antidumping duty order resulting from the Department's investigation of Structural Steel Beams from Japan. *See Structural Steel Beams from Japan: Notice of Antidumping Duty Order*, 65 FR 37960 (June 19, 2000). On November 17, 2003, Yamato Kogyo and Yamato Steel submitted a request that the Department initiate a changed circumstances review of the antidumping duty order on structural steel beams from Japan pursuant to Section 751(b)(1) of the Trade Act of 1930, as amended (''the Act''), and 19 CFR 351.22(c)(3)(ii) (2003). Yamato Steel claims to be the successor–in-interest to Yamato Kogyo, and, as such, claims that it is entitled to receive the same antidumping treatment as Yamato Kogyo. On December 19, 2003, the Department published a *Notice of Initiation of Changed Circumstances Review*, 68 FR 75213. On February 26, 2004, the Department issued a questionnaire requesting further details on the successorship of Yamato Steel. Yamato Kogyo's response was received by the Department on March 26, 2004.

Scope of the Review

For purposes of this review, the products covered are doubly–symmetric shapes, whether hot or cold–rolled, drawn, extruded, formed or finished, having at least one dimension of at least 80 mm (3.2 inches or more), whether of carbon or alloy (other than stainless) steel, and whether or not drilled, punched, notched, painted, coated, or clad. These products (''Structural Steel Beams'') include, but are not limited to, wide–flange beams (''W'' shapes), bearing piles (''HP'' shapes), standard beams (''S'' or ''I'' shapes), and M–shapes.

All products that meet the physical and metallurgical descriptions provided above are within the scope of this review unless otherwise excluded. The following products, are outside and/or specifically excluded from the scope of this review:

Structural steel beams greater than 400 pounds per linear foot or with a web or section height (also known as depth) over 40 inches.

The merchandise subject to this review is classified in the Harmonized Tariff Schedule of the United States (''HTSUS'') at subheadings: 7216.32.0000, 7216.33.0030, 7216.33.0060, 7216.33.0090, 7216.50.0000, 7216.61.0000, 7216.69.0000, 7216.91.0000, 7216.99.0000, 7228.70.3040, 7228.70.6000. Although the HTSUS subheadings are provided for convenience and U.S. Customs and Border Protection (''CBP'') purposes, the written description of the merchandise under review is dispositive.

Preliminary Results of the Review

In submissions to the Department dated November 17, 2003 and March 26, 2004, Yamato Kogyo advised the Department that the firm had conducted a corporate reorganization, resulting in the formation of Yamato Steel which assumed all steel and heavy industry operations formerly held by Yamato Kogyo.

In antidumping duty changed circumstances reviews involving a successor–in- interest determination, the Department typically examines several factors including, but not limited to, changes in: (1) management; (2) production facilities; (3) supplier relationships; and (4) customer base. *See Brass Sheet and Strip from Canada: Notice of Final Results of Antidumping Administrative Review*, 57 FR 20460, 20462 (May 13, 1992) (''*Canada Brass*''). While no single factor or combination of factors will necessarily be dispositive, the Department generally will consider the new company to be the successor to the predecessor company if the resulting operations are essentially the same as those of the predecessor company. *See, e.g., Industrial Phosphoric Acid from Israel: Final Results of Changed Circumstances Review*, 59 FR 6944, 6945 (February 14, 1994), and *Canada Brass*, 57 FR 20462. Thus, if the record evidence demonstrates that, with respect to the production and sale of the subject merchandise, the new company operates as the same business entity as the predecessor company, the Department may assign the new company the cash deposit rate of its predecessor. *See, e.g., Fresh and Chilled*

Atlantic Salmon from Norway: Final Results of Changes Circumstances Antidumping Duty Administrative Review, 64 FR 9979, 9980 (March 1, 1999).

Our review of the evidence provided by Yamato Kogyo and Yamato Steel indicates, preliminarily, that the change in ownership has not significantly changed the company's management, production facilities, supplier relationships or customer base.

Yamato Kogyo and Yamato Steel provided detailed organizational charts and lists of directors both prior to and following the creation of Yamato Steel. *See Yamato Kogyo Co., Ltd. and Yamato Stel Co., Ltd.* submission dated March 26, 2004, at Exhibits A, C, D, E and F. These organizational charts and lists of directors establish that the management and organizational structure of Yamato Steel is substantially the same as that of Yamato Kogyo. Yamato also provided the Modification and Transfer Registration that was filed with the Himeji City Tax Office, which documented the establishment of Yamato Steel, the acquisition by Yamato Steel of all tangible fixed assets, and that Yamato Kogyo is the parent of Yamato Steel. *See Ibid.* at Exhibit H. This was further corroborated by the internal Asset Value Summary of the assets transferred from Yamato Kogyo to Yamato Steel. *See Ibid.* at Exhibit I. This documentation of the establishment of Yamato Steel and transfer of fixed assets provides evidence of Yamato Steel's use of the production facilities formerly used by Yamato Kogyo in the production of subject merchandise. Yamato Steel's supplier relationships are reflective of those of the former Yamato Kogyo, as illustrated by the supplier lists, derived from the respective firms' accounts payable, provided by Yamato Kogyo and Yamato Steel. See Ibid. at Exhibits J and K. Finally, Yamato Kogyo and Yamato Steel provided the customer lists of both the former Yamato Kogyo and the new Yamato Steel, which, while not identical, are sufficiently similar to show no significant change in the customer base. *See Ibid.* at Exhibits J and K.

In sum, Yamato Steel has presented evidence to establish a prima facie case of its successorship status. Yamato Steel's establishment by Yamato Kogyo has precipitated minimal changes to the original Yamato Kogyo corporate structure as it applies to the production of subject merchandise. Yamato Steel's management, production facilities, supplier relationships, sales facilities and customer base are essentially unchanged from those of Yamato Kogyo's. Therefore, the record evidence demonstrates that the new entity essentially operates in the same manner as the predecessor company. Consequently, we preliminarily determine that Yamato Steel should be given the same antidumping duty treatment as Yamato Kogyo, *i.e.*, zero percent antidumping duty cash deposit rate.

If the above preliminary determination results are affirmed in the Department's final results, the cash deposit determination from this changed circumstances review will apply to all entries of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this changed circumstances review. *See Granular Polytetrafluoroethylene Resin from Italy; Final Results of Antidumping Duty Changed Circumstances Review*, 68 FR 25327 (May 12, 2003). This deposit rate shall remain in effect until publication of the final results of the next administrative review in which Yamato Steel participates.

Public Comment

Any interested party may request a hearing within 30 days of publication of this notice. 19 CFR 351.310(c). Any hearing, if requested, will be held 44 days after the date of publication of this notice, or the first working day thereafter. Interested parties may submit case briefs and/or written comments not later than 30 days after the date of publication of this notice. 19 CFR 351.309(c)(ii). Rebuttal briefs, which must be limited to issues raised in such briefs or comments, may be filed not later than 37 days after the date of publication of this notice. *See* 19 CFR 351.309(d). Parties who submit arguments are requested to submit with the argument (1) a statement of the issue, (2) a brief summary of the argument, and (3) a table of authorities. Consistent with section 351.216(e) of the Department's regulations, we will issue the final results of this changed circumstances review no later than 270 days after the date on which this review was initiated.

This notice is in accordance with sections 751(b) and 777(i)(1) of the Act, and section 351.221(c)(3)(i) of the Department's regulations.

Dated: May 10, 2004.

James J. Jochum,

Assistant Secretary for Import Administration.

[FR Doc. 04–11014 Filed 5–13–04; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Malcolm Baldrige National Quality Award Board of Overseers

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. app. 2, notice is hereby given that there will be a meeting of the Board of Overseers of the Malcolm Baldrige National Quality Award on June 3, 2004. The Board of Overseers is composed of eleven members prominent in the field of quality management and appointed by the Secretary of Commerce, assembled to advise the Secretary of Commerce on the conduct of the Baldrige Award. The purpose of this meeting is to discuss and review information received from the National Institute of Standards and Technology with the members of the Judges Panel of the Malcolm Baldrige National Quality Award. The agenda will include: Discussions on Baldrige Program Strategic Objectives, Booz Allen CEO Study Final Report, Criteria for Baldrige Program Collaborations, Requested Program Rule Changes, and Baldrige Program Metrics, a Program and Budget Update and Issues from June 4 Judges' Meeting. All visitors to the National Institute of Standards and Technology site will have to pre-register to be admitted. Please submit your name, time of arrival, email address and phone number to Virginia Davis no later than Tuesday, June 1, 2004, and she will provide you with instructions for admittance. Ms. Davis' email address is *virginia.davis@nist.gov* and her phone number is (301) 975–2361.

DATES: The meeting will convene June 3, 2004, at 8:30 a.m. and adjourn at 3 p.m. on June 3, 2004.

ADDRESSES: The meeting will be held at the National Institute of Standards and Technology, Administration Building, Lecture Room D, Gaithersburg, Maryland 20899. Please note admittance instructions under the **SUMMARY** paragraph.

FOR FURTHER INFORMATION CONTACT: Dr. Harry Hertz, Director, National Quality Program, National Institute of Standards and Technology, Gaithersburg, Maryland 20899, telephone number (301) 975–2361.

Dated: May 6, 2004.

Hratch G. Semerjian,

Acting Director.

[FR Doc. 04–11023 Filed 5–13–04; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Office of Oceanic and Atmospheric Research (OAR); NOAA Research Review Team Report

AGENCY: Office of Oceanic and Atmospheric Research (OAR), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice and request for public comment.

SUMMARY: The Office of Oceanic and Atmospheric Research publishes this notice to announce the availability of the NOAA Research Review Team Draft of the Final Report for public comment. The NOAA Research Report is compiled pursuant to requests from the House and Senate Appropriations Subcommittees in their 2003 reports. The report accompanying the House Commerce, Justice State (CJS) Appropriations Subcommittee requests that NOAA review research in NOAA, and specifically OAR, for the purpose of improving the effectiveness and efficiency of its research enterprise. The report addresses how NOAA should improve the management of research to ensure its maximum efficiency and effectiveness.

DATES: Comments on this draft document must be submitted by June 23, 2004.

ADDRESSES: The NOAA Research Review Team Report will be available on the SAB website at *http://www.sab.noaa.gov/reports/RRT_final-draft_052504.pdf* on May 25, 2004.

The public is encouraged to submit comments electronically to research.review@noaa.gov. For commenters who do not have access to a computer, comments may be submitted in writing to: NOAA Research, Science Advisory Board, (SAB) c/o Ms. M.Whitcomb, Silver Spring Metro Center Bldg 3 Room 11558, 1315 East-West Highway, Silver Spring, Maryland 20910.

FOR FURTHER INFORMATION CONTACT: Ms. M. Whitcomb, Silver Spring Metro Center Bldg 3 Room 11558, 1315 East-West Highway, Silver Spring, Maryland 20910 (phone 301–713–2454 x 173), during normal business hours of 8 a.m. to 5 p.m. Eastern Time, Monday through Friday, or visit the SAB web site at: *http://www.sab.noaa.gov/reports/RRT_final-draft_052504.pdf.*

SUPPLEMENTARY INFORMATION: The Office of Oceanic and Atmospheric Research (OAR) publishes this notice to announce the availability of the NOAA Research Report for public comment. NOAA Research will post the NOAA Research Draft of the Final Report for public comment on May 25, 2004. NOAA Research is seeking public comment from all interested parties. This final report is being issued for comment only and is not intended for interim use. Suggested changes will be incorporated, where appropriate, in the report being submitted to the Congress.

The NOAA Research Report is compiled pursuant to requests from the House and Senate Appropriations Subcommittees in their 2003 reports. The report accompanying the House Commerce, Justice State (CJS) Appropriations Subcommittee requests that NOAA review research in NOAA, and specifically OAR, for the purpose of improving the effectiveness and efficiency of its research enterprise. The report addresses how NOAA should improve the management of research to ensure its maximum efficiency and effectiveness.

In response to the Congressional report language, NOAA appointed an ''Ad Hoc Review Team,'' (here called the NOAA Research Review Team), under the auspices of the SAB consisting of five members to compile the requested information. The Review team will be disbanded once the review is completed and a final report issued. This panel is tasked with: (1) Conducting a review of OAR for the purpose of improving the effectiveness and efficiency of its research enterprise; (2) Determining if OAR is adequately linked to NOAA's service organizations, [*i.e.*, National Weather Service (NWS), National Environmental Satellite Data, and Information Service (NESDIS), National Marine Fisheries Service (NMFS), and the National Ocean Service (NOS)]; (3) Assessing whether the research programs are relevant to the needs of these organizations. The team's recommendations will assist NOAA in responding to the language in the 2004 House and Senate CJS appropriation reports.

The NOAA Research Review Team is presenting its findings to the SAB in two (2) reports. The first report was posted for public comments in December 2003, and was submitted to NOAA on January 29, 2004. The final report, which incorporates the first draft report, will be posted on the SAB web site at: *http://www.sab.noaa.gov/reports/RRT_final-draft_052504.pdf* on May 25, 2004 for public comment. Public comments may be submitted from May 25, 2004 to 30 days after May 25, or June 23, 2004.

NOAA welcomes all comments on the content of the report. We also request comments on any inconsistencies perceived within the report, and possible omissions of important topics or issues. For any shortcoming noted within the draft report, please propose specific remedies.

Please follow these instructions for preparing and submitting a review. Using the format guidance described below will facilitate the processing of reviewer comments and assure that all comments are appropriately considered. Please provide background information about yourself on the first page of your comments: your name(s), organization(s), area(s) of expertise, mailing address(es), telephone and fax numbers, email address(es). Overview comments on the section should follow your background information and should be numbered. Comments that are specific to particular pages, paragraphs or lines of the section should follow any overview comments and should identify the page numbers to which they apply. Please number all pages, (on the upper right hand of each page,) and print identifying information at the top of each page.

Dated: May 10, 2004.

Louisa Koch,

Deputy Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 04–10935 Filed 5–13–04; 8:45 am]

BILLING CODE 3510–KD–P

CONSUMER PRODUCT SAFETY COMMISSION

Proposed Collection of Information; Comment Request—Testing and Recordkeeping Requirements Under the Standard for the Flammability of Mattresses and Mattress Pads

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: As required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Consumer Product Safety Commission requests comments on a proposed three year extension of approval of information collection requirements in the Standard for the Flammability of Mattresses and Mattress Pads. 16 CFR part 1632. The standard is

intended to reduce unreasonable risks of burn injuries and deaths from fires associated with mattresses and mattress pads. The standard prescribes a test to assure that a mattress or mattress pad will resist ignition from a smoldering cigarette. The standard requires manufacturers to perform prototype tests of each combination of materials and construction methods used to produce mattresses or mattress pads and to obtain acceptable results from such testing. Sale or distribution of mattresses without successful completion of the testing required by the standard violates section 3 of the Flammable Fabrics Act. 15 U.S.C. 1192. An enforcement rule implementing the standard requires manufacturers to maintain records of testing performed in accordance with the standard and other information about the mattress or mattress pads which they produce. The Commission will consider all comments received in response to this notice before requesting approval of renewal of this collection of information from the Office of Management and Budget.

DATES: Written comments must be received by the Office of the Secretary not later than July 13, 2004.

ADDRESSES: Written comments should be captioned ''Collection of Information—Mattress Flammability Standard'' and mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207, or delivered to that office, room 502, 4330 East-West Highway, Bethesda, Maryland 20814. Written comments may also be sent to the Office of the Secretary by facsimile at (301) 504–0127 or by e-mail at *cpsc-os@cpsc.gov*.

FOR FURTHER INFORMATION CONTACT: For information about the proposed renewal of this collection of information, or to obtain a copy of 16 CFR part 1632, call or write Linda L. Glatz, Office of Planning and Evaluation, Consumer Product Safety Commission, Washington, DC 20207; (301) 504–7671.

SUPPLEMENTARY INFORMATION:

A. Estimated Burden

The Commission staff estimates that at this time there are 751 establishments producing mattresses, mattress pads, futons, or other types of products required to test and keep records pursuant to 16 CFR part 1632. The staff further estimates that each firm will spend 26 hours for testing and recordkeeping annually for a total of 19,526 hours (751 firms × 26 hours = 19,526 total hours). The annualized cost would be $477,996 based on 19,526 hours times $24.48/hour (based on total compensation of all civilian workers in the U.S., September 2003, Bureau of Labor Statistics).

B. Request for Comments

The Commission solicits written comments from all interested persons about the proposed collection of information. The Commission specifically solicits information relevant to the following topics:

—Whether the collection of information described above is necessary for the proper performance of the Commission's functions, including whether the information would have practical utility;

—Whether the estimated burden of the proposed collection of information is accurate;

—Whether the quality, utility, and clarity of the information to be collected could be enhanced; and

—Whether the burden imposed by the collection of information could be minimized by use of automated, electronic or other technological collection techniques, or other forms of information technology.

Dated: May 10, 2004.

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

[FR Doc. 04–10913 Filed 5–13–04; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Department of the Army

DoD Personal Property Program

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: The Military Surface Deployment and Distribution Command (SDDC), as Program Manager of the Department of Defense (DoD) Personal Property Shipment and Storage Program, proposes to amend Pamphlet 55–4, entitled ''How To Do Business in the Department of Defense Personal Property Program.'' The amended pamphlet is on SDDC's Web site at *www.sddc.army.mil,* Personal Property, under Carrier Qualification/ Performance. We encourage you to review the amended pamphlet. Among other things, the proposed amendments include: Requires all present and future participants (commercial Transportation Service Providers (TSP's)) in the Domestic and International Personal Property Programs to use our proposed amended qualification process via the Web; addresses financial requirements; revises the Certificate of Independent Pricing (CIP) form and adds a new Certificate of Responsibility (COR) form. In addition, the pamphlet adds Trusted Agent for Electronic Transportation Acquisition and includes language concerning SDDC acting within its sole discretion, an appeal process, no tonnage make-up and changes Standard Carrier Alpha Code procedures.

This **Federal Register** notice supercedes and renders null and void the prior SDDC **Federal Register** notice (67 FR 12540) published on March 19, 2002, concerning ''How To Do Business in the Department of Defense Personal Property Program'' and the matters contained therein.

DATES: Comments on this proposed policy must be submitted on or before June 14, 2004, to the address given below. SDDC will implement the proposed policy December 1, 2004, except changes affecting the Debt to equity ratio (becomes required, not desired) and not recognizing amounts due from stockholders, affiliated companies or related parties as current assets for the purpose of computing the quick ratio, which will become effective with the submission of 2004 financial statements.

ADDRESSES: Surface Deployment and Distribution Command, ATTN: SDPP–PO, 10N67, Hoffman Building II, 200 Stovall Street, Alexandria, Virginia 22332–5000; e-mail address: *ppqual@sddc.army.mil.*

SUPPLEMENTARY INFORMATION:

Regulatory Flexibility Act

This change is not considered rule-making within the meaning of the Regulatory Flexibility Act, 5, U.S.C. 601–612.

Paperwork Reduction Act

The Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.,* does not apply because no new information collection or recordkeeping requirements are imposed on contractors, offerors or members of the public.

Thomas Hicks,

Chief, Personal Property Division.

[FR Doc. 04–10941 Filed 5–13–02; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Availability of Draft Integrated Feasibility Report and Programmatic Environmental Impact Statement for the Upper Mississippi River—Illinois Waterway System Navigation Feasibility Study

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of availability.

SUMMARY: A Draft Integrated Feasibility Report and Programmatic Environmental Impact Statement was prepared to address the restructured Upper Mississippi River—Illinois Waterway System Navigation Feasibility Study. This document is available for interested persons to review and prepare comments on the draft. The purpose of this document is to provide a comprehensive documentation of the Upper Mississippi River—Illinois Waterway System Feasibility Study process and draft recommendations for action. The 9-Foot Channel Navigation Project, originally authorized in 1930, was reviewed for changed physical, economic, and environmental conditions that may warrant structural or non-structural modifications to reduce congestion of commercial navigation traffic and to enhance ecosystem restoration. This integrated report describes the plan formulation process, environmental impacts, and the draft preferred plan for this study. The original Notice of Intent for this project was published in the **Federal Register** on November 27, 1995 (60 FR 58339) and a revised Notice of Intent was published February 23, 2004 (69 FR 8185).

DATES: There will be a 70-day public review period for comments on this document. Comments will be accepted at the public hearings, by letter, or electronically at *DraftNavRpt Comments@usace.army.mil.* Comments must be received on or before July 30, 2004. *See* **SUPPLEMENTARY INFORMATION** section for public hearing dates and addresses.

ADDRESSES: Send written comments and suggestions or document requests concerning this proposed project: District Engineer, U.S. Army Engineer District, Rock Island, ATTN: CEMVR–PM–A (Jackson), Clock Tower Building—P.O. Box 2004, Rock Island, IL 61204–2004.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and Draft Integrated Feasibility Report and Programmatic Environmental Impact Statement can be answered by Mr. Kenneth Barr by telephone (309) 794–5349, or by mail: District Engineer, U.S. Army Engineer District, Rock Island, ATTN: CEMVR–PM–A (Barr), Clock Tower Building—P.O. Box 2004, Rock Island, IL 61204–2004.

SUPPLEMENTARY INFORMATION: Public hearings on the Draft Integrated Feasibility Report and Programmatic Environmental Impact Statement will be held on: June 7, 2004, at the Holiday Inn, 5202 Brady Street, Davenport, Iowa; June 8, 2004, at the Grand Harbor Resort and Waterpark—Grand River Center, 350 Bell Street, Dubuque, Iowa; June 9, 2004, at the Radisson Hotel La Crosse, 200 Harborview Plaza, La Crosse, Wisconsin; June 10, 2004, at the Minneapolis Airport Marriott, 2020 American Boulevard East, Bloomington, Minnesota; June 14, 2004, at the Hotel Pere Marquette, 501 Main Street, Peoria, Illinois; June 15, 2004, at the Stoney Creek Inn, 3809 East Broadway Street, Quincy, Illinois; June 16, 2004, at the St. Louis Airport Marriott, I–70 at Lambert Airport, St. Louis, Missouri; and June 17, 2004, at the Phoenix Park Hotel, 520 North Capital Street, NW., Washington, DC.

Public Hearing Schedule (all locations but Washington, DC)

2–4 p.m.—Informal Open House
4–5:30 p.m.—Dinner Break
5:30–6:30 p.m.—Registration
6:30–6:35 p.m.—Opening Remarks
6:35–6:50 p.m.—Presentation
6:50–9:30 p.m. (or later)—Public Hearing

Washington, DC, Schedule

1–3 p.m.—Informal Open House
3–6 p.m.—Registration, Opening Remarks, Presentation, and Public Hearing

This report can be downloaded at *http://www2.mvr.usace.army.mil/umr-iwwsns.* An electronic compact disc (CD) containing the report is available at no cost, and paper copies are available for $34.90 per copy. Requests for copies (CD or paper) of the Draft Integrated Feasibility Report and Programmatic Environmental Impact Statement or to be placed on the mailing list should be sent to the address listed in the Addresses section of this notice.

Dated: April 30, 2004

Duane P. Gapinski,

Colonel, EN, Commanding.

[FR Doc. 04–10943 Filed 5–13–04; 8:45 am]

BILLING CODE 3710–HV–M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement for the Peckman River Basin Flood Control and Ecosystem Restoration Project, Passaic and Essex Counties, NJ

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The U.S. Army Corps of Engineers (Corps), New York District, is preparing a Draft Environmental Impact Statement (DEIS), in compliance with the National Environmental Policy Act (NEPA), which will lead to a NEPA document in accordance with Council on Environmental Quality (CEQ) regulations, as defined and amended in 40 CFR parts 1500–1508 (promulgated pursuant to NEPA), Corps' principle and guidelines as defined in Engineering Regulations (ER) 1105–2 100, Planning Guidance Notebook, and ER 200–2–2, Procedures for Implementing NEPA, and other applicable Federal and State environmental laws for the proposed flood control and ecosystem restoration project in the Peckman River Basin located in Passaic and Essex Counties, NJ. The study area includes the Peckman River, which originates in the Town of West Orange, NJ, and flows northeasterly through the Borough of Verona, the Township of Cedar Grove, the Township of Little Falls, and the Borough of West Paterson to its confluence with the Passaic River.

FOR FURTHER INFORMATION CONTACT: Ms. Bobbi Jo McClain, Project Biologist, Planning Division, U.S. Army Corps of Engineers, New York District, 26 Federal Plaza, Room 2146, New York, NY, 10278–0090 at (212) 264–5818 or at *Bobbi.J.McClain@usace.army.mil.*

SUPPLEMENTARY INFORMATION:

1. This study is authorized by a U.S. House of Representatives' Committee on Transportation and Infrastructure Resolution, Docket Number 2644, adopted on June 21, 2000, reading: ''Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, that the Secretary of the Army is requested to review the report of the Chief of Engineers on the Passaic River Mainstream project, New Jersey and New York, published as House Document 163, 101st Congress, 1st Session, and other reports to determine whether modifications of the recommendations contained therein are

advisable at the present time, in the interest of water resources development, including flood control, environmental restoration and protection, stream bank restoration, and other allied purposes for the Peckman River and tributaries, New Jersey.''

2. A Public Scoping has been completed with the development of a Public Scoping Document. The meeting was held February 11, 2004, at the Little Falls Civic Center in Little Falls, NJ. All comments from public and agency scoping coordination will be addressed in the DEIS. Parties interested in receiving the Scoping Document should contact Bobbi Jo McClain at the above address.

3. A DEIS is due for completion by June 2006, as subject to availability of funds.

4. Federal agencies interested in participating as a Cooperating Agency are requested to submit a letter of intent to COL John B. O'Dowd, District Engineer, at the above address.

Leonard Houston,

Chief, Environmental Analysis Branch.

[FR Doc. 04–10944 Filed 5–13–04; 8:45 am]

BILLING CODE 3710–06–M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Coastal Engineering Research Board (CERB)

AGENCY: Department of the Army, DoD.

ACTION: Notice of meeting.

SUMMARY: In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following committee meeting:

Name of Committee: Coastal Engineering Research Board (CERB).

Date of Meeting: June 7–9, 2004.

Place: The Traverse City Resort and Spa, 100 Grand Traverse Village Boulevard, Acme, MI 49610–0404.

Time: 6:30 p.m. to 8:30 p.m. (June 7, 2004); 8 a.m. to 5 p.m. (June 8, 2004); 8 a.m. to 5:30 p.m. (June 9, 2004).

FOR FURTHER INFORMATION CONTACT: Inquiries and notice of intent to attend the meeting may be addressed to Colonel James R. Rowan, Executive Secretary, Commander, U.S. Army Engineer Research and Development Center, Waterways Experiment Station, 3909 Halls Ferry Road, Vicksburg, MS 39180–6199.

SUPPLEMENTARY INFORMATION:

Proposed Agenda: The theme of the meeting is ''Great Lakes System Management.'' On Monday evening, June 7, there will be an icebreaker. The morning presentations on Tuesday, June 8, during the panel ''Great Lakes (GL) System Management,'' will include: ''GL Coastal Setting and Processes,'' ''Managing the GL System (International Joint Commission Initiatives and Research Needs),'' ''Integrated Ocean Observing System,'' ''Hydrodynamic Modeling Needs (WIS, Nearshore Circulation),'' ''GL Tributary Modeling Program,'' ''Innovations in Erosion Control (Section 227 at Allegan and Sheldon),'' and ''States Perspective Coastal Zone Management in the Great Lakes.'' The afternoon presentations during the panel entitled ''Regional Sediment Management (RSM) in the Great Lakes,'' will include ''Litigation Aspects of RSM,'' ''Lake Michigan Regional Sediment Management Demo (Michigan City to Indiana Dunes),'' ''Lake Ontario and St. Lawrence Seaway Coastal Processes,'' and ''GL Erosion Process Modeling and Damage Potential Analysis.'' On Wednesday, June 9, presentations during the panel entitled, ''Sustaining Coastal Infrastructure,'' will include ''Business Drivers—Maintaining the GL Navigation System,'' Bacterial Contamination of Beach Sands,'' and Clean Beaches Council and Sustainable Beaches Summit.'' During the afternoon, the members of the Board will tour the area via helicopter and will meet in an Executive Session. The attendees will take a bus tour.

These meetings are open to the public; participation by the public is scheduled for 4:15 p.m. on June 8.

The entire meeting is open to the public, but since seating capacity of the meeting room is limited, advance of notice of intent to attend, although not required, is requested in order to assure adequate arrangements. Oral participation by public attendees is encouraged during the time scheduled on the agenda; written statements may be submitted prior to the meeting or up to 30 days after the meeting.

James R. Rowan,

Colonel, Corps of Engineers, Executive Secretary.

[FR Doc. 04–10942 Filed 5–13–04; 8:45 am]

BILLING CODE 3710–61–M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before July 13, 2004.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: May 10, 2004.

Angela C. Arrington,

Leader, Regulatory Information Management Group, Office of the Chief Information Officer.

Institute of Education Sciences

Type of Review: New.

Title: Evaluation of Educational Technology Interventions.

Frequency: Semi-Annually.

Affected Public: Individuals or household; Not-for-profit institutions.

Reporting and Recordkeeping Hour Burden:

Responses: 10,200.
Burden Hours: 23,280.

Abstract: The Evaluation of Educational Technology Interventions is a Congressionally mandated study addressing questions of whether the use of educational technology in classrooms improves student learning, and whether conditions and practices in classrooms are related to whether technology is effective. The study will randomly assign classrooms to use educational technology products to ensure that technology effects are measured using a scientifically rigorous design.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov*, by selecting the ''Browse Pending Collections'' link and by clicking on link number 2551. When you access the information collection, click on ''Download Attachments ''to view. Written requests for information should be addressed to Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202–4700. Requests may also be electronically mailed to the Internet address *OCIO_RIMG@ed.gov* or faxed to 202–245–6623. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Kathy Axt at her e-mail address *Kathy.Axt@ed.gov*. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 04–10927 Filed 5–13–04; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before July 13, 2004.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: May 10, 2004.

Angela C. Arrington,

Leader, Regulatory Information Management Group, Office of the Chief Information Officer.

Office of Postsecondary Education

Type of Review: Extension.

Title: Final Performance Report for the Jacob K. Javits Fellowship Program.

Frequency: Annually.

Affected Public: Not-for-profit institutions; Businesses or other for-profit.

Reporting and Recordkeeping Hour Burden:

Responses: 115.
Burden Hours: 690.

Abstract: This information collection provides the U.S. Department of Education with information needed to determine if grantees have made substantial progress toward meeting the program's objectives and allow program staff to monitor and evaluate the program. The Congress has mandated (through the Government's Performance and Results Act of 1993) that the U.S. Department of Educaton provide documentation about the progress being made by the program.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov*, by selecting the ''Browse Pending Collections'' link and by clicking on link number 2549. When you access the information collection, click on ''Download Attachments ''to view. Written requests for information should be addressed to Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202–4700. Requests may also be electronically mailed to the Internet address *OCIO_RIMG@ed.gov* or faxed to 202–245–6623. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Joe Schubart at his e-mail address *Joe.Schubart@ed.gov*. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 04–10928 Filed 5–13–04; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7661–5]

Agency Information Collection Activities OMB Responses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This document announces the Office of Management and Budget's (OMB) responses to Agency clearance requests, in compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). 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. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

FOR FURTHER INFORMATION CONTACT: Susan Auby (202) 566–1672, or e-mail at *auby.susan@epa.gov* and please refer to the appropriate EPA Information Collection Request (ICR) Number.

SUPPLEMENTARY INFORMATION:

OMB Responses To Agency Clearance Requests

OMB Approvals

EPA ICR No. 1926.03; NSPS for Commercial and Industrial Solid Waste Incineration Units; in 40 CFR part 60, subpart CCCC, was approved 03/15/2004; OMB Number 2060–0450; expires 03/31/2007.

EPA ICR No. 1797.03; NSPS for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction of Modification Commenced after June 11, 1973, and Prior to May 19, 1978; in 40 CFR part 60, subpart K, was approved 3/15/2004; OMB Number 2060–0442; expires 03/31/2007.

EPA ICR No. 2147.01; Pesticide Registration Fee Waiver Processing; Emergency Processing Request; was approved 03/16/2004; OMB Number 2070–0167; expires 09/30/2004.

EPA ICR No. 0010.10; Information Requirements for Importation of Nonconforming Vehicles; in 40 CFR part 83, subparts P and R; was approved 03/26/2004; OMB Number 2060–0095; expires 03/31/2007.

EPA ICR No. 0282.13; Emission Defect Information Reports and Voluntary Emission Recall Reports; in 40 CFR part 85, subpart T, 40 CFR part 89, subpart I, 40 CFR part 90, subpart I, 40 CFR part 91, subpart J, 40 CFR part 92, subpart E; was approved 03/26/2004; OMB Number 2060–0048; expires 03/31/2007.

EPA ICR No. 1774.03; Mobile Air Conditioner Retrofitting Program; was approved 03/18/2004; OMB Number 2060–0350; expires 03/31/2007.

EPA ICR No. 2080.02; Motor Vehicle and Engine Compliance Program Fees (Final Rule); in 40 CFR 86.980, 40 CFR 83.2406—85.2408; was approved 03/18/2004; OMB Number 2060–0545; expires 03/31/2007.

EPA ICR No. 1845.03; Production Line Testing, In-use Testing, and Selective Enforcement Auditing Reporting and Recordkeeping Requirements for Manufacturers of Nonroad Spark Ignition Engines at or below 19 Kilowatts; in 40 CFR part 90; was approved 03/26/2004; OMB Number 2060–0427; expires 03/31/2007.

EPA ICR No. 0309.11; Registration of Fuels and Fuel Additives: Requirements for Manufacturers; in 40 CFR part 79, subparts A, B, C, D and F; was approved 03/26/2004; OMB Number 2060–0150; expires 03/31/2007.

EPA ICR No. 0783.46; Motor Vehicle Emission Standards and Emission Credits Provisions (Information Requirement for Highway Motorcycles) (Final Rule Revision); in 40 CFR part 1051, and 40 CFR part 94; was approved 03/26/2004; OMB Number 2060–0104; expires 07/31/2005.

EPA ICR No. 1072.07; NSPS for Lead-Acid Battery Manufacturing; in 40 CFR part 60, subpart KK; was approved 03/15/2004; OMB Number 2060–0081; expires 03/31/2007.

EPA ICR No. 2115.01; NESHAP for Miscellaneous Coating Manufacturing; in 40 CFR part 63, subpart HHHHH, was approved 04/05/2004; OMB Number 2060–0535; expires 04/30/2007.

EPA ICR No. 1963.02; NESHAP for Organic Liquids Distribution (Non-Gasoline) Facilities, in 40 CFR part 63, subpart EEEE, was approved 04/07/2004; OMB Number 2060–0539; expires 04/30/2007.

EPA ICR No. 1056.08; NSPS for Nitric Acid Plants; in 40 CFR part 60, subpart G, was approved 04/21/2004; OMB Number 2060–0019; expires 04/30/2007.

EPA ICR No. 1652.05; NESHAP for Halogenated Solvent Cleaning; in 40 CFR part 63, subpart T, was approved 04/19/2004; OMB Number 2060–0273; expires 04/30/2007.

EPA ICR No. 1927.03; Emission Guidelines for Commercial and Industrial Solid Waste Incineration Units; in 40 CFR part 60, subpart DDDD; was approved 04/21/2004; OMB Number 2060–0451; expires 04/30/2007.

EPA ICR No. 1907.03; Recordkeeping and Reporting Requirements Regarding the Sulfur Content of Motor Vehicle Gasoline Under the Tier 2 Rule; in 40 CFR part 80, subpart H; was approved 04/02/2004; OMB Number 2060–0437; expires 04/30/2007.

Short Term Extensions

EPA ICR No. 1953.02; Best Management Practices Alternatives, Effluent Limitations Guidelines and Standards, Oil and Gas Extraction Point Source Category; in 40 CFR part 435; OMB Number 2040–0230; on 04/26/2004 OMB extended the expiration date to 07/31/2004.

EPA ICR No. 1049.09; Notification of Episodic Releases of Oil and Hazardous Substances; OMB Number 2050–0046; OMB extended the expiration date to 07/31/2004.

Comment Filed

EPA ICR No. 1718.05; Recordkeeping and Reporting Requirements for the Fuel Quality Regulations for Nonroad, Locomotive, and Marine Diesel Fuel (Proposed Rule); in 40 CFR part 80; on 03/12/2004 OMB filed a comment.

EPA ICR No. 2130.01; Transportation Conformity Determination for Funded and Approved Plans, Program and Projects under the New 8-hour Ozone and PM2.5 NAAQPS (Proposed Rule); on 04/04/2004 OMB filed a comment.

Improperly Submitted

EPA ICR No. 1887.03; Personal Exposure of High-Risk Subpopulations to Particles (Additional of Detroit Exposure and Aerosol Research Study DEARS); was improperly submitted to OMB on 04/22/2004.

Dated: May 3, 2004.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 04–10983 Filed 5–13–04; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OECA–2004–0026, ER–FRL–6651–3]

Agency Information Collection Activities: Proposed Collection; Comment Request; Environmental Impact Assessment of Nongovernmental Activities in Antarctica (Renewal), EPA ICR Number 1808.04, OMB Control Number 2020–0007

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit a continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB). This is a request to renew an existing approved collection. This ICR is scheduled to expire on October 31, 2004. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before July 13, 2004.

ADDRESSES: Submit your comments, referencing docket ID number OECA–2004–0026, to EPA online using EDOCKET (our preferred method), by e-mail to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Enforcement and Compliance Docket and Information Center, Mail Code: 2201T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Katherine Biggs, Office of Federal Activities, Mail Code 2252A, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 564–7144; fax number: (202) 564–0072;

e-mail address: *biggs.katherine@epa.gov*.

SUPPLEMENTARY INFORMATION: EPA has established a public docket for this ICR under Docket ID number OECA–2004–0026, which is available for public viewing at the Enforcement and Compliance Docket and Information Center in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1744, and the telephone number for the Enforcement and Compliance Docket and Information Center is (202) 564–1927. An electronic version of the public docket is available through EPA Dockets (EDOCKET) at *http://www.epa.gov/edocket*. Use EDOCKET to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,'' then key in the docket ID number identified above.

Any comments related to this ICR should be submitted to EPA within 60 days of this notice. EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EDOCKET as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose public disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EDOCKET. The entire printed comment, including the copyrighted material, will be available in the public docket. Although identified as an item in the official docket, information claimed as CBI, or whose disclosure is otherwise restricted by statute, is not included in the official public docket, and will not be available for public viewing in EDOCKET. For further information about the electronic docket, see EPA's **Federal Register** notice describing the electronic docket at 67 FR 38102 (May 31, 2002), or go to *http://www.epa.gov/edocket*.

Affected entities: Entities potentially affected by this action are all nongovernmental operators with activities in Antarctica, including tour operators, for which the United States is required to give advance notice under paragraph 5 of Article VII of the Antarctic Treaty of 1959; this includes all nongovernmental expeditions to and within Antarctica organized in or proceeding from the territory of the United States.

Title: Environmental Impact Assessment of Nongovernmental Activities in Antarctica (Renewal), EPA ICR Number 1808.04, OMB Control Number 2020–0007.

Abstract: The Environmental Protection Agency's (EPA's) regulations at 40 CFR Part 8, Environmental Impact Assessment of Nongovernmental Activities in Antarctica (Final Rule), were promulgated pursuant to the Antarctic Science, Tourism, and Conservation Act of 1996 (Act), 16 U.S.C. 2401 *et seq.*, as amended, 16 U.S.C. 2403a, which implements the Protocol on Environmental Protection (Protocol) to the Antarctic Treaty of 1959 (Treaty). The Final Rule provides for assessment of the environmental impacts of nongovernmental activities in Antarctica, including tourism, for which the United States is required to give advance notice under Paragraph 5 of Article VII of the Treaty, and for coordination of the review of information regarding environmental impact assessments received from other Parties under the Protocol. The requirements of the Final Rule apply to operators of nongovernmental expeditions organized in or proceeding from the territory of the United States to Antarctica and include commercial and non-commercial expeditions. Expeditions may include ship-based tours; yacht, skiing or mountaineering expeditions; privately funded research expeditions; and other nongovernmental activities. The Final Rule does not apply to individual U.S. citizens or groups of citizens planning to travel to Antarctica on an expedition for which they are not acting as an operator. (Operators, for example, typically acquire use of vessels or aircraft, hire expedition staff, plan itineraries, and undertake other organizational responsibilities.) The Final Rule provides nongovernmental operators with the specific requirements they need to meet in order to comply with the requirements of Article 8 and Annex I to the Protocol. The provisions of the Final Rule are intended to ensure that potential environmental effects of nongovernmental activities undertaken in Antarctica are appropriately identified and considered by the operator during the planning process and that to the extent practicable, appropriate environmental safeguards which would mitigate or prevent adverse impacts on the Antarctic environment are identified by the operator.

Environmental Documentation. Persons subject to the Final Rule must prepare environmental documentation to support the operator's determination regarding the level of environmental impact of the proposed expedition. Environmental documentation includes a Preliminary Environmental Review Memorandum (PERM), an Initial Environmental Evaluation (IEE), or a Comprehensive Environmental Evaluation (CEE). The environmental document is submitted to the Office of Federal Activities (OFA). If the operator determines that an expedition may have: (1) Less than a minor or transitory impact, a PERM needs to be submitted no later than 180 days before the proposed departure to Antarctica; (2) no more than minor or transitory impacts, an IEE needs to be submitted no later than 90 days before the proposed departure; or (3) more than minor or transitory impacts, a CEE needs to be submitted. Operators who anticipate such activities are encouraged to consult with EPA as soon as possible regarding the date for submittal of the CEE. (Article 3(4), of Annex I of the Protocol requires that draft CEEs be distributed to all Parties and the Committee for Environmental Protection 120 days in advance of the next Antarctic Treaty Consultative Meeting (ATCM) at which the CEE may be addressed.)

The Protocol and the Final Rule also require an operator to employ procedures to assess and provide a regular and verifiable record of the actual impacts of an activity which proceeds on the basis of an IEE or CEE. The record developed through these measures needs to be designed to: (a) Enable assessments to be made of the extent to which environmental impacts of nongovernmental expeditions are consistent with the Protocol; and (b) provide information useful for minimizing and mitigating those impacts and, where appropriate, on the need for suspension, cancellation, or modification of the activity. Moreover, an operator needs to monitor key environmental indicators for an activity proceeding on the basis of a CEE. An operator may also need to carry out monitoring in order to assess and verify the impact of an activity for which an IEE would be prepared. For activities that require an IEE, an operator should be able to use procedures currently being voluntarily utilized by operators to provide the required information. Should an activity require a CEE, the operator should consult with EPA to: (a) Identify the monitoring regime appropriate to that activity, and (b)

determine whether and how the operator might utilize relevant monitoring data collected by the U.S. Antarctic Program. OFA would consult with the National Science Foundation and other interested Federal agencies regarding the monitoring regime.

In cases of emergency relating to the safety of human life or of ships, aircraft, equipment and facilities of high value, or the protection of the environment which would require an activity to be undertaken without completion of the documentation procedures set out in the Final Rule, the operator would need to notify the Department of State within 15 days of any activities which would have otherwise required preparation of a CEE, and provide a full explanation of the activities carried out within 45 days of those activities. (During the time the Interim Final and Final Rules have been in effect, there were no emergencies requiring notification by U.S. operators. An Interim Final Rule was in effect from April 30, 1997, until replaced on December 6, 2001, by the Final Rule.)

Environmental documents (*e.g.*, PERM, IEE, CEE) are submitted to OFA. Environmental documents are reviewed by OFA, in consultation with the National Science Foundation and other interested Federal agencies, and also made available to other Parties and the public as required under the Protocol or otherwise requested. OFA notifies the public of document availability via the World Wide Web at: *http://www.epa.gov/compliance/nepa/international/antarctica/index.html*. The types of nongovernmental activities currently being carried out (*e.g.*, ship-based tours, land-based tours, flights, and privately funded research expeditions) are typically unlikely to have impacts that are more than minor or transitory, thus an IEE is the typical level of environmental documentation submitted. For the 1997–1998 through 2003–2004 austral summer seasons during the time the Interim Final Rule and Final Rule have been in effect, all respondents submitted IEEs with the exception of one PERM. Paperwork reduction provisions in the Final Rule that are used by the operators include: (a) Incorporation of material into the environmental document by referring to it in the IEE; (b) inclusion of all proposed expeditions by one operator within one IEE; (c) use of one IEE to address expeditions being carried out by more than one operator; and (d) use of multi-year environmental documentation to address proposed expeditions for a period of up to five consecutive austral summer seasons.

Coordination of Review of Information Received from Other Parties to the Treaty. The Final Rule also provides for the coordination of review of information received from other Parties and the public availability of that information including: (1) A description of national procedures for considering the environmental impacts of proposed activities; (2) an annual list of any IEEs and any decisions taken in consequence thereof; (3) significant information obtained and any action taken in consequence thereof with regard to monitoring from IEEs and CEEs; and (4) information in a final CEE. This provision fulfills the United States' obligation to meet the requirements of Article 6 of Annex I to the Protocol. The Department of State is responsible for coordination of these reviews of drafts with interested Federal agencies, and for public availability of documents and information. This portion of the Final Rule does not impose paperwork requirements on any nongovernmental person subject to U.S. regulation.

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. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9.

The EPA would like to solicit comments to:

(i) 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;

(ii) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

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

Burden Statement: The Supporting Statement for this ICR renewal, available at the public docket for this ICR under Docket ID number OECA–2004–0026, describes the models used for calculating the estimated respondent burden and cost for the various levels of environmental impact assessment documentation that may be submitted by the respondents under the Final Rule, including assessment and verification procedures and operation and maintenance (O&M). The Supporting Statement also describes the model used for the estimated respondent burden and cost for emergency reporting.

Based on the environmental documentation submitted by operators for the past seven austral summer seasons and EPA's expectation of the types of nongovernmental activities likely to continue to be undertaken by U.S.-based operators, EPA anticipates that during the three-year period this information collection will be in effect, 17 operators with multi-year IEEs will submit supplemental information as annual updates. EPA further anticipates that two operators may submit revised IEEs, and three additional IEEs may be submitted for one-time only expeditions during each of the three years. EPA does not anticipate receiving any PERMs, CEEs, or emergency reporting. EPA expects the paperwork reduction measures in the Final Rule will continue to be used by the operators, and that the annual assessment and verification procedures associated with IEEs will continue. The burden and cost estimates include assessment and verification procedures and O&M. Based on these assumptions, the estimated 3-year total and annual average respondent burden is estimated as 1,275 hours, or 25 hours per operator per year. The estimated average time annually per respondent ranges from 25 to 185 hours depending on the level of environmental documentation and the paperwork reduction provisions employed by the respondent. The estimated 3-year total and annual average respondent cost is estimated as $96,107, or $1,884 per operator per year. The estimated average cost per respondent to prepare and submit environmental documentation for the first year ranges from $1,820 to $13,531, and the estimated average cost per respondent to prepare and submit environmental documentation for the subsequent two years this ICR would be in effect would range from $1,917 to $14,396, depending on the level of environmental documentation and the paperwork reduction provisions employed by the respondent.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any

previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Dated: May 11, 2004.

Anne Norton Miller,

Director, Office of Federal Activities.

[FR Doc. 04–10991 Filed 5–13–04; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6651–3]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564–7167.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in the **Federal Register** dated April 2, 2004 (69 FR 17403).

Draft EISs

ERP No. D–FHW–F40422–IN Rating EC2, US 231 Highway Improvements Project, I–64 to IN–56 in Haysville, Funding, NPDES Permit and U.S. Army COE Section 10 and 404 Permits Issuance, Dubois County, IN.

Summary: EPA has environmental concerns with the proposed project regarding impacts to wetlands and upland forest ecosystems and the lack of complete conceptual mitigation plans for these impacts. EPA also recommends clarification on the purpose and need of the project.

ERP No. D–NOA–L64049–AK Rating LO, Bering Sea and Aleutian Islands King and Tanner Crab Fisheries and Fishery Management Plan, Implementation, United States Exclusive Economic Zone (EEZ) off Alaska.

Summary: EPA has no objection to the action as proposed.

ERP No. D–NOA–L91022–00 Rating EC2, Programmatic EIS—Pacific Coast Groundfish Bycatch Management, Establishment of Policies and Program Direction to Minimize Baycatch in the West Coast Groundfish Fisheries, Magnuson-Stevens Act, WA, OR and CA.

Summary: EPA expressed environmental concerns relating to bycatch issues.

Final EISs

ERP No. F–AFS–K65265–CA McNally/Sherman Pass Restoration Project, Fire Killed Trees Removal, Road Construction and Associated Restoration of the Burned Area, Sequoia National Forest, Cannell Meadow Ranger District, Tulare County, CA.

Summary: No formal comment letter was sent to the preparing agency.

ERP No. F–FHW–G50010–00 I–69 Mississippi River Crossing, Construction, from a western terminus at U.S. 65 near McGehee, AR to an eastern terminus at MS–1 near Benoit, MS, US Coast Guard Bridge Permit, U.S. Army Corps of Engineers Section 10 and 404 Permits and NPDES Permit Issuance, Desha County, AR and Bolivar County, MS.

Summary: No formal comment letter was sent to the preparing agency.

ERP No. F–NOA–C91004–00 Generic Essential Fish Habitat Amendment to Spiny Lobster, Queen Conch, Reef Fish and Coral Fishery Management Plans, Implementation, U.S. Caribbean Extending to U.S. Exclusive Economic Zone (EEZ), Virgin Islands and Puerto Rico.

Summary: No formal comment letter was sent to the preparing agency.

ERP No. F–NOA–D91000–00 Framework Adjustment 4 to the Atlantic Mackeral, Squid and Bullfish Fishery Management Plan, Implementation, Extension of Moratorium to the Illex Fishery, Fishery Management Council.

Summary: EPA has no objection to the action as proposed.

ERP No. F–NPS–F61021–WI Apostle Islands National Lakeshore Wilderness Study, Wilderness Designation or Nondesignation, Ashland and Bayfield Counties, WI.

Summary: EPA has no objection to the proposed action.

ERP No. FS–COE–E30038–FL Phipps Ocean Park Beach Restoration Project to Provide Shore Protection for the Shoreline surrounding Phipps Ocean Park within the Town of Palm Beach, Regulatory Authorization and U.S. Army COE Section 10 and 404 Section Permits Issuance, Palm Beach County, FL.

Summary: EPA has no objection to the proposed action.

Dated: May 11, 2004.

Ken Mittelholtz,

Environmental Protection Specialist, Office of Federal Activities.

[FR Doc. 04–10992 Filed 5–13–04; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6651–2]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 or *http://www.epa.gov/compliance/nepa.*

Weekly receipt of Environmental Impact Statements

Filed May 3, 2004, through May 7, 2004

Pursuant to 40 CFR 1506.9.

EIS No. 040216, FINAL EIS, FAA, LA, ADOPTION—2nd Armored Cavalary Regiment Transformation and Installation Mission Support, Joint Readiness Training Center (JRT) Stryker Bridge Combat Team, Long-Term Military Training Use of Kisatchie National Forest Lands, Fort Polk, LA, Contact: Tim Tandy (817) 222–5635. Federal Aviation Administration's has adopted the United States Army's #040116 filed 03–10–2004.

FAA was a Cooperating Agency for the above final EIS. Recirculation of the document is not necessary under § 1506.3 (c) of the Council on Environmental Quality Regulations.

EIS No. 040217, DRAFT EIS, AFS, CA, Southern California National Forests Land Management Plans, Revision of the Angeles, Cleveland, Los Padres, and San Bernardino National Forests Land Management Plans, Implementation, San Bernardino, Riverside and San Diego Counties, CA, Comment Period Ends: August 11, 2004, Contact: Gloria Silva (858) 524–0136.

This document is available on the Internet at: *http://www.fs.fed.us/r5/scfpr.*

EIS No. 040218, DRAFT EIS, FTA, CA, Capitol Expressway Corridor Project, Improve Public Transit Services, Santa Clara Valley Transportation Authority, City of San Jose, Santa Clara County, CA, Comment Period Ends: June 28, 2004, Contact: Jerome Wiggins (415) 744–3133.

This document is available on the Internet at: *http://www.dtev-vta.org.*

EIS No. 040219, FINAL EIS, AFS, WI, Programmatic EIS—Cheguamegon-Nicolet National Forests Revised Land and Resource Management Plan, Implementation, Ashland, Bayfield, Florence, Forest, Langlade, Oconto, Oneida, Price, Sawyer, Taylor and Vilas Counties, CA, Wait Period Ends: June 4, 2004, Contact: Sally Hess-Samuelson (715) 362–1384.

This document is available on the Internet at: *http://www.fs.fed.us/r9/cnnf.*

EIS No. 040220, FINAL EIS, NPS, CA, Yosemite Fire Management Plan, Alternative for Carrying out the Fire Management Program, Implementation, Yosemite National Park, Sierra Nevada, Mariposa, Tuolumne, Madera and Mono Counties, CA, Wait Period Ends: June 14, 2004, Contact: Jerry Mitchell (303) 969–2219.

EIS No. 040221, DRAFT EIS, COE, MS, IA, MO, IL, MN, WI, Programmatic EIS—Upper Mississippi River and Illinois Waterway System Navigation Feasibility Study (UMR–IWW), Addressing Navigation Improvement Planning and Ecological Restoration Needs, MS, IL, IA, MN, MO, WI, Comment Period Ends: July 30, 2004, Contact: Denny Lundberg (309) 794–5632.

This document is available on the Internet at: *http://www2.mvr.usace.army.mil/um-iwwsns/.*

EIS No. 040222, DRAFT EIS, DOE, CA, Imperial-Mexicali 230-kV Transmission Lines, Construct a Double-Circuit 230-kV Transmission Line, Presidential Permit and Right-of-Way Grants, Imperial Valley Substation to Calexico at the U.S.-Mexico Border, Imperial County, CA and U.S.-Mexico Border, Comment Period Ends: June 30, 2004, Contact: Ellen Russell (202) 586–7624.

This document is available on the Internet at: *http://www.eh.doe.gov/nepa/whatnew.htm.*

EIS No. 040223, DRAFT EIS, FHW, TN, MS, Interstate 69 Section of Independent Utility #9, Construction from the Interstate 55/MS State Route 304 Interchange in Hernando, MS to the Intersection of U.S. 51 and State Route 385 in Millington, TN, Desoto and Marshall Counties, MS, Shelby and Fayette Counties, MS, Comment Period Ends: June 28, 2004, Contact: Scott McGuire (615) 781–5770.

EIS No. 040224, DRAFT EIS, COE, FL, Southern Golden Estates Ecosystem Restoration Project, Comprehensive Everglades Restoration Plan, Implementation, Collier County, FL, Comment Period Ends: June 28, 2004, Contact: John Kremer (904) 232–3551.

This document is available on the Internet at: *http://www.evergladesplan.org.*

EIS No. 040225, DRAFT EIS, FTA, NY, Fulton Street Transit Center, Construction and Operation, To Improve Access to and from Lower Manhattan to Serve 12 NYCT Subway Lines, Metropolitan Transportation Authority (MIA), MTA New York City Transit (NYCT), New York, NY, Comment Period Ends: June 28, 2004, Contact: Bernard Cohen (212) 668–1770.

This document is available on the Internet at: *http://www.MTA.info.*

Amended Notices

EIS No. 040045, DRAFT EIS, FHW, TX, Grand Parkway (State Highway TX–99) Segment F–2 from TX–249 to Interstate Highway (IH) 45 Construction of a New Location Facility, Right-of-Way Permit and US Army COE Section 404 Permit, City of Houston, Harris County, TX, Comment Period Ends: July 12, 2004, Contact: John R. Mack (512) 536–5960.

Revision of **Federal Register** Notice Published on 2/6/2004: CEQ Comment Period Ending 5/7/2004 has been Extended to 7/12/2004.

EIS No. 040155, FINAL EIS, EPA, CT, NY, Central and Western Long Island Sound Dredged Material Disposal Sites, Designation, CT and NY, Wait Period Ends: May 17, 2004, Contact: Jean Brochi (617) 918–1070.

Revision of **Federal Register** Notice Published on 4/9/2004: CEQ Comment Period Ending on 05/10/2004 has been Extended to 5/17/2004.

EIS No. 040191, DRAFT SUPPLEMENT, SFW, CA, Trinity River Mainstem Fishery Restoration Program, Updated Information, To Restore and Maintain the Natural Production of Anadromus Fish, Downstream of Lewiston Dam, Hoopa Valley Tribe, Weaverville, Trinity County, CA, Comment Period Ends: June 29, 2004, Contact: Russel Smith (530) 276–2045.

Revision of **Federal Register** Notice Published 04/30/2004; Correction to Lead Agency—The Department of the Interior's Fish and Wildlife Service and Bureau of Reclamation are Joint Lead Agencies for the above project.

EIS No. 040056, DRAFT EIS, FRA, CA, California High-Speed Train System, Proposes a High-Speed Train (HST) System for Intercity Travel, Extend from Sacramento and the San Francisco Bay Area in the north, through Central Valley, to Los Angeles and San Diego in the south, Orange County, CA, Comment Period Ends: August 31, 2004, Contact: David Valenstein (202) 493–6368.

Revision of **Federal Register** Notice Published On 2/13/2004: CEQ Comment Period Ending 05/14/2004 has been Extended to 8/31/2004.

EIS No. 040200, DRAFT EIS, EPA, RI, MA, Rhode Island Region Long-Term Dredged Material Disposal Site Evaluation Project, Designation of One or More Long-Term Ocean Disposal Sites, RI and MA, Comment Period Ends: June 21, 2004, Contact: Olga Guza (617) 918–1542.

Revision of **Federal Register** Notice Published on 4/30/2004: CEQ Comment Period Ending 6/14/2004 has been Extended to 6/21/2004.

Dated: May 11, 2004.

Ken Mittelholtz,

Environmental Protection Specialist, Office of Federal Activities.

[FR Doc. 04–10993 Filed 5–13–04; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7661–9]

Notice of Meeting of the EPA's Children's Health Protection Advisory Committee (CHPAC)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the next meeting of the Children's Health Protection Advisory Committee (CHPAC) will be held May 25–27, 2004 at the Hotel Washington, Washington, DC. The CHPAC was created to advise the Environmental Protection Agency on science, regulations, and other issues relating to children's environmental health.

DATES: The Science and Regulatory Work Groups will meet Tuesday May 25; Plenary sessions will take place Wednesday May 26 and Thursday May 27, 2004.

ADDRESSES: Hotel Washington, 515 15th Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Contact Joanne Rodman, Office of Children's Health Protection, USEPA, MC 1107A, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, (202) 564–2188, *rodman.joanne@epa.gov*.

SUPPLEMENTARY INFORMATION: The meetings of the CHPAC are open to the public. The Science and Regulatory Work Groups will meet Tuesday May 25 9 a.m. to 5 p.m. The plenary CHPAC will meet on Wednesday, May 26th 9 a.m. to 5 p.m., with a public comment period at 4:45 p.m., and on Thursday, May 27th from 9 am to 12:30 p.m.

The plenary session will open with introductions and a review of the agenda and objectives for the meeting.

Agenda items include highlights of the Office of Children's Health Protection (OCHP) activities and a presentation on the National Children's Study. Other potential agenda items include a presentation on lead in drinking water and EPA activities concerning children's health in schools.

Dated: May 5, 2004.

Joanne K. Rodman,

Designated Federal Official.

Children's Health Protection Advisory Committee

Hotel Washington, 515 15th Street, NW., Washington, DC 20004–1099
May 25–27, 2004

Tuesday, May 25, 2004

Work Group Meetings

Wednesday, May 26, 2004

Plenary Session

9:00—Welcome, Introductions, Review Meeting Agenda
9:15—Highlights of Recent OCHP Activities
9:45—Presentation: National Children's Study
10:45—Break
11:00—Science Workgroup Report
12:00—Lunch (on your own)
1:30—Science Workgroup Report [continued]
2:30—Regulatory Work Group Report
3:15—Break
3:45—Presentation: Lead in Drinking Water
4:45—Public Comment
5:00—Adjourn

Thursday, May 27, 2004

9:00—Discussion of Day One
9:15—Presentation: Schools
10:30—Break
10:45—Discuss and Agree on Recommendation Letters and Other Action Items
12:15—Wrap Up/Next Steps
12:30—Adjourn Plenary

[FR Doc. 04–10984 Filed 5–13–04; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2003–0411; FRL–7357–9]

Pesticide Tolerance Reassessment and Reregistration; Public Participation Process

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's public participation process for its pesticide tolerance reassessment and reregistration programs. EPA and the U.S. Department of Agriculture (USDA) jointly developed the public participation process to increase transparency and stakeholder involvement in the development of pesticide risk assessments and risk management decisions. Since August 1998, EPA and USDA have been actively employing a pilot public participation process for the tolerance reassessment and reregistration of organophosphate pesticides, which was developed in consultation with the Tolerance Reassessment Advisory Committee (TRAC). EPA and USDA recognized that consideration needed to be given as to whether the pilot public participation process or some modification of it should be adopted as the public participation process that would be used for tolerance reassessment and reregistration of all pesticides. A public participation process was proposed in the **Federal Register** on March 15, 2000, for public comment.

FOR FURTHER INFORMATION CONTACT: Carol P. Stangel, Special Review and Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–8007; fax number: (703) 308–8005; e-mail address:*stangel.carol@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general, and may be of particular interest to stakeholders including environmental, human health, public health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the use of pesticides on food. Other Federal, state, and Tribal government agencies also may be interested. Since other entities also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of this Document and Other Related Information?

1. *Docket.* EPA has established an official public docket for this action under docket identification (ID) number OPP–2003–0411. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305–5805.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/*.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at *http://www.epa.gov/edocket/* to view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select ''search,'' then key in the appropriate docket ID number.

II. What Action is EPA Taking?

A. Background

EPA is making available to the public the full and modified versions of the public participation process that will be used for pesticide tolerance reassessment and reregistration. This public participation process was developed in partnership with USDA. EPA has considered the comments received from the public on the proposed public participation process that was published in the **Federal Register** on March 15, 2000 (65 FR 14199) (FRL–6496–2). EPA's response to public comments is available in the docket under docket ID number OPP–2003–0411.

This public participation process is based on EPA and USDA's experiences with the pilot public participation process used for the organophosphate pesticides, comments received from the Tolerance Reassessment Advisory Committee and the public during the public comment period, and our experience with the interim process

used in developing decisions for a number of non-organophosphate pesticides during the past few years. EPA remains strongly committed to public participation, and as a result of the experience gained from the pilot, has learned how to effectively tailor our public participation process to meet the needs of our stakeholders in the most efficient and timely manner possible. The public participation process encompasses full and modified versions that enable EPA to tailor the level of review to the level of risk, use, complexity, and public concern associated with each pesticide. Highlights of the public participation process include increased communication with stakeholders prior to initiating the process, meetings and conference calls with stakeholders and our regulatory partners throughout the process, public meetings as appropriate on the risk assessments and risk reduction proposals, and scheduled public comment periods on risk assessments and risk reduction proposals. In addition, the public participation process emphasizes increased communication among those Federal government agencies concerned with pesticides and pest management - EPA and primarily USDA, the Food and Drug Administration (FDA), the Centers for Disease Control and Prevention (CDC) of the Department of Health and Human Services, which has the lead in working with EPA to address public health pesticide issues, and the Department of the Interior, Department of Commerce, and Department of Defense, as appropriate.

EPA is applying the full public participation process or one of the modified versions described below to all pesticides beginning tolerance reassessment and reregistration eligibility decision making. The decision to extend an updated version of the organophosphate pilot process to all pesticides still to be reviewed for reregistration and tolerance reassessment was supported by public comment. Implementation of the public participation process is proceeding according to schedules established annually and published in the Agency's **Federal Register** notices on Pesticide Reregistration Performance Measures and Goals, posted on EPA's Web site at *http://www.epa.gov/pesticides/reregistration/status.htm*. Schedules for upcoming reregistration eligibility and tolerance reassessment decisions also are posted on the Agency's Web site at *http://www.epa.gov/pesticides/reregistration/candidates.htm*.

EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of all people, regardless of race, color, national origin, or income, in the development, implementation, and enforcement of environmental laws, regulations, and policies. In working to achieve this goal, the Agency recognizes the need to identify and address, as appropriate, disproportionately high pesticide exposure and potential adverse human health and environmental effects on minority or low-income populations. This public participation process provides an opportunity to obtain additional information that will enable the Agency to consider environmental justice in its pesticide reregistration and tolerance reassessment decision-making.

EPA will continue to issue risk management decisions for certain uses of pesticides at any time before or during the public participation process if such action is warranted by high risk concerns identified in the risk assessments. While EPA may exercise this authority at any time during this process, the Agency will work to ensure that USDA and as appropriate other Federal agencies, EPA's state and Tribal regulatory partners, and stakeholders, including proponents of public health pesticide uses, will be involved in the process.

1. *Modifications to the public participation process*. EPA is applying the principles of public participation to all pesticides undergoing tolerance reassessment and reregistration. In conducting these programs, the Agency reserves the right to tailor its public participation process to be commensurate with the level of risk, extent of use, overall complexity of the issues, and amount of public concern associated with each individual pesticide.

EPA's experience during the past several years has been that the full, 6–phase public participation process is not necessary for many pesticides under review. In most cases, the Agency can use a 4–phase process, or shorter, to obtain public input as needed while making timely decisions and meeting our statutory deadlines and program goals. Today, many initial pesticide risk assessments are highly refined, or pesticide risk screening studies are available in the public literature to adequately characterize risks. The Agency often can reach conclusions about risk and the need for risk mitigation early in the process. In such cases, EPA accelerates the process to avoid unnecessary delays in completing decisions. Tailoring the public participation process in this manner is good public policy -- it enables EPA and others to target resources most effectively, and avoids process for its own sake, while still providing transparency and opportunities for consultation and public participation. Such a flexible, tailored process is essential to meeting the Agency's tolerance reassessment and reregistration deadlines and goals.

During the past several years, alterations to the public participation process have typically included a tailoring of the stakeholder communication opportunities. For example, the public participation process has often been modified for pesticides with a small number of users by substituting a stakeholder meeting(s) for a technical briefing upon release of the risk assessments for public comment in Phase 3. (Stakeholder meetings are opportunities for stakeholder groups to meet with EPA, USDA, and other appropriate Federal government agencies to discuss specific uses of the pesticide that are of significant concern to them, whereas technical briefings provide a general overview of the pesticide's risk assessments.) In another example, pesticides with highly refined risk assessments, limited use, low risk concerns, few complex issues, and/or low public interest may need only one public comment period, at most, as long as appropriate consultation opportunities are utilized.

EPA will inform the public of any modifications to the public participation process that will be used for a specific pesticide.

a. *4–Phase process*. A modified, 4–phase public participation process often is appropriate for pesticides with highly refined risk assessments and other factors. A pesticide with highly refined risk assessments that requires some risk mitigation - and that has limited use, a small number of users, few complex issues, few interested stakeholders, and/or other factors - may need only one public comment period, as long as ample opportunity for public consultation is afforded. The 4–phase process provides a framework for public input and consultation among government agencies and stakeholders during EPA's review of such pesticides.

b. *Low risk process*. EPA has found that we can expeditiously reach decisions for certain pesticides, that pose few or no risk concerns and require little or no risk mitigation. These pesticides often show low levels of (non-target) toxicity and/or pass through screening models and show very low levels of risk. Agency toxicology reviews for these pesticides may be supplemented with studies available in the public literature. These pesticides may have low use, and they do not raise

complex issues or public concerns. Once EPA assesses uses and risks for such pesticides and finds that little or no risk mitigation is needed, the Agency may go straight to a decision and prepare a document summarizing its findings. This decision document and the risk assessments and other related documents will be issued simultaneously for public review and comment.

c. *Pesticides needing only tolerance reassessment decisions*. EPA anticipates that a modified version of the public participation process, that is, a 4–phase or low risk single phase process as described above, generally will be appropriate for pesticides that require tolerance reassessment but do not also require reregistration eligibility decisions at this time.

Many pesticides are subject to both tolerance reassessment and reregistration; however, some pesticides require only tolerance reassessment decisions at present. Tolerances were established for these pesticides before the Food Quality Protection Act (FQPA) was enacted on August 3, 1996; now the Agency must apply the new, stricter standards brought about by that law to the existing tolerances. While their tolerances must be reassessed to ensure compliance with current standards, these pesticides do not need to undergo reregistration because:

a. EPA completed Reregistration Eligibility Decisions for the pesticides earlier, before FQPA was enacted.

b. The pesticides were initially registered after November 1, 1984, and are not subject to reregistration.

c. The pesticides are not registered for use in the United States but tolerances are established that allow crops treated with them to be imported from other countries.

Tolerance reassessment decisions, involving only the assessment and management of a pesticide's aggregate risks through food, drinking water, residential, and any other non-occupational exposures, generally are narrower in scope and have fewer issues than decisions including both tolerance reassessment and reregistration eligibility. In cases where EPA's assessment indicates that low or no aggregate risks are posed and little or no risk mitigation is needed, a modified process provides transparency and opportunities for consultation and public input, while enabling EPA to complete a tolerance reassessment decision expeditiously. A modified process also facilitates the Agency's continuing completion of tolerance reassessment within statutory deadlines.

2. *Pesticide registration - process for tolerance reassessment through registration and revocation*. Through the Agency's routine pesticide registration process, EPA also may complete tolerance reassessment decisions and provide opportunities for public participation through notice and comment rulemaking. No additional public participation is needed or envisioned for these decisions.

a. *Registration*. EPA completes certain tolerance reassessment decisions during the pesticide registration process, in evaluating proposed new food uses for registered pesticides. To determine whether a proposed new food use meets the current safety standard, EPA first must reassess all the existing tolerances established for the pesticide. These tolerance reassessment decisions are made through the notice and comment rulemaking process used to establish the new food use tolerance.

b. *Revocation*. EPA completes other tolerance reassessment decisions by revoking tolerances for pesticide uses that have been voluntarily canceled by their registrants. In handling these tolerance revocation requests, the Agency also uses a notice and comment rulemaking process to inform and involve the public.

B. The Public Participation Process

The number of days indicated for each phase of the process represents EPA's goal for each phase; however, the circumstances of a particular evaluation may require the Agency to adjust the length of these phases.

EPA will inform the public well in advance about pesticides that are scheduled for the public participation process. Registrants will be asked to identify any ongoing studies and analyses that are relevant to the risk assessments, and EPA will establish for each pesticide the due dates for the submission of data, information, and analyses. In this way, the public will be able to prepare for the initiation of the public participation process for pesticides that they may be interested in. Registrants and the public may prepare data and information for consideration by the Agency.

1. *The full public participation process.* The full public participation process is described below.

a. *Pre-phase 1—Stakeholder and government Agency engagement, and develop updated pesticide use and usage information.* A significant focus of the process is to engage stakeholders as early as possible to ensure the accuracy of key information on pesticide use and use practices that affect risk assessment. The information on current labeled uses, actual pesticide use and usage, and other information on pesticide use practices serves as important building blocks for the dietary, residential, worker, and ecological exposure and risk assessments. Pre-Phase 1 ideally begins approximately 1 year prior to the formal initiation of the public participation process (i.e., release of the risk assessments to the registrants for error correction). Initially, EPA shares information describing EPA's understanding of currently labeled pesticide uses and summary usage information with USDA and other appropriate Federal, state, and Tribal government agencies and with key stakeholders, including as appropriate the public health use community, and posts this information on the Internet for public viewing. EPA also reviews any already completed Agency assessments for the pesticide (for example, from pesticide program registration-related records and files) and identifies crops and other use sites for which updated use and usage information could be particularly valuable in developing the risk assessments for public review and comment. To help address potential environmental justice issues, EPA seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical, unusually high exposure to the pesticide, compared to the general population.

To initiate Pre-Phase 1 for a pesticide, EPA, USDA, and other Federal government agencies may work cooperatively to organize a meeting or meetings with interested stakeholders who possess unique and specific information on a pesticide's use and usage, and encourage them to share their information with the agencies. One of the objectives of these meetings is to allow for the early refinement of key use-related inputs to the dietary, residential, worker, and ecological risk assessments. Ideally, this early input and sharing of key use-related information will result in more accurate and representative risk assessment documents earlier in the process. Within 60 days after the use/usage meeting(s), and following its verification and analysis, EPA provides an updated summary of its understanding of current use, usage, and use practices for crops and other use sites to be included in the pesticide's risk assessments. Stakeholders' submissions are compiled and made publically available (preferably on the Internet) to encourage further discussion. This updating may

continue throughout the process as additional use/usage information becomes available to the Agency.

b. *Phase 1—Risk assessment registrant error-only review (30 Days).* EPA initiates the public participation process by transmitting its human health and ecological risk assessments to technical registrant(s) of the pesticide for a 30–day error correction review. The registrants are asked to identify and correct any computational or other errors that EPA has made in developing its assessment of the pesticide's risks. Registrants are asked again about due dates for the submission of data and information to EPA, and for an indication of how any additional studies or analyses may change the risk assessments. EPA will not delay its work in assessing the potential risks associated with the use of the pesticide when a study submission date is beyond the time frame for the public participation process.

EPA, working with TRAC, determined that it was appropriate to provide registrants with this opportunity to review the initial risk assessments, prior to their public release, so that the registrants could provide comments on any errors in the documents, such as in data transcription or calculations, that might result in erroneous risk estimates. Comments on the analysis and interpretation of the data are not expected in this phase of the process, and any such comments received will be considered during Phase 3, along with comments received from other stakeholders.

Soon after the risk assessments are sent to registrants, EPA transmits the risk assessments to USDA and other appropriate Federal government agencies to initiate their review and comment. If the pesticide has public health uses, then the risk assessments would be sent to CDC and other relevant agencies as appropriate at this time.

c. *Phase 2—Agency considers registrant error comments (Up to 30 Days).* In Phase 2, EPA summarizes and considers the errors that have been identified by the registrant(s) and makes changes in the risk assessments to correct any errors, as appropriate. EPA also considers risk assessment comments received from the initial review by USDA and other Federal government agencies, and transmits an overview that summarizes the pesticide's risk assessments to USDA and other appropriate Federal agencies. By the end of this phase, the risk assessments are prepared for public release. Discussions with other Federal government agencies on comments and issues will continue throughout the public participation process, as needed.

d. *Phase 3—Public Participation period: public comment on risk assessments and risk characterization (60 to 90 Days).* Phase 3 provides the public and pesticide registrants with an opportunity to comment on the pesticide's risk assessments. The phase begins when EPA publishes in the **Federal Register** a Notice of Availability of the risk assessments and related documents (e.g., overview, summary, registrant's error comments, and EPA's response to comments, etc.) for a 60– to 90–day public review and comment period. The length of the public comment period will be set according to the complexity of the risk issues associated with the pesticide in order to give stakeholders adequate time for review and comment. The summary documents will clearly characterize the risks associated with each use of the pesticide, and identify areas that the risk assessment indicates may be of concern (e.g., dietary risks). To help address potential environmental justice issues, EPA requests information on any groups or segments of the population who may have atypical, unusually high exposure to the pesticide, compared to the general population. All of the documents will be made available in the public docket and in the EDOCKET on EPA's Internet website.

In addition, an effort will be initiated among Federal government agencies to engage stakeholders in a dialogue on the risk assessments and risk characterization; this effort will continue through Phase 5 of the public participation process. EPA will keep its state and Tribal partners informed and will bring them into the dialogue as appropriate. During Phase 3, EPA (and USDA) also may begin to solicit input from stakeholders on the role and importance of the pesticide in pest management for particular crops and/or uses. For pesticides with public health uses, EPA will begin to solicit input on the role and importance of these uses from interested stakeholders and CDC. In some situations, EPA could begin to consult with CDC earlier.

e. *Phase 4—EPA Revises risk assessments and develops preliminary risk reduction options (up to 90 days).* EPA considers comments and information received from stakeholders during Phase 3. The Agency then develops the revised risk assessments and preliminary risk reduction options.

If as a result of comments received during Phase 3 EPA finds that issues can be resolved without a second comment period, the Agency may proceed directly to Phase 6 and develop a risk management decision, which the Agency will issue for public review and comment.

When potential risk reduction measures include changes that significantly affect a pesticide's use, EPA may prepare and release an initial characterization of the benefits of the pesticide for particular uses, early in Phase 4. When agricultural uses (including turf, ornamental, and forestry uses) are affected, EPA will consult with USDA, and stakeholders as needed, regarding the potential benefits and risk reduction proposals. EPA will consult with CDC on the benefits of public health uses, with other agencies as appropriate, and with other parties who commented during Phase 3.

A Federal interagency senior management briefing may be held to discuss the revised risk assessments and preliminary risk reduction options. EPA also will keep its state and Tribal regulatory partners informed, and may hold a regulatory partners conference call with interested states and Tribes to discuss the risk assessments and initial risk reduction options.

USDA, when appropriate, will organize conference calls with stakeholders to review and discuss the revised risk assessments and preliminary risk reduction options. Minutes from all meetings and conference calls that EPA participates in will be included in the public docket. EPA and USDA will work to summarize and address the comments and ideas received during the stakeholder conference calls. In addition, an effort will be made among Federal government agencies to continue to engage stakeholders in a dialogue on the risk assessments and risk characterization, and to discuss pesticide benefits and transition. This effort may continue through Phase 6 of the public participation process.

Where EPA deems appropriate, a comprehensive, general technical briefing and/or smaller, more specifically focused stakeholder meeting(s) (as appropriate for pesticides with limited use and usage, a small number of stakeholders, or other factors) may be held at the end of Phase 4 to share with the public the revised risk assessments and begin discussing the range of possible risk reduction options.

f. *Phase 5—Public participation period: public comment on risk reduction (60 days).* EPA publishes a **Federal Register** Notice of Availability announcing the release to the public of the revised risk assessments and the Agency's response to public comments. This **Federal Register** notice will also announce the release of EPA's

preliminary risk reduction options, EPA's initial assessment of the impacts of risk reduction options, and/or EPA's preliminary assessment of benefits in cases where the Agency has identified risks of concern, and a discussion of any potential transition issues identified by USDA, CDC, and other agencies as appropriate. The **Federal Register** notice will open a 60–day (or longer, if needed) comment period during which the public is encouraged to comment on the preliminary risk reduction options, the initial impacts and/or preliminary benefits assessment(s) described above, and any transition issues. The public also is encouraged to suggest risk management proposals.

The effort among Federal government agencies during Phase 5 to engage stakeholders in a dialogue on risk reduction and management, including EPA's regulatory partners as appropriate, may continue through Phase 6. For pesticides that pose risks of concern from a public health use, EPA will work closely with CDC and interested stakeholders to identify and propose mitigation measures to reduce those risks while maintaining the benefits of the pesticide's public health use to the greatest extent possible.

g. *Phase 6—Develop final risk management (up to 60 Days).* In Phase 6, EPA summarizes, reviews, and considers the comments, data, and risk management ideas and proposals received during the Phase 5 public comment period, and during stakeholder dialogue and the meetings that have occurred during Phases 3 - 5. EPA continues to elicit input from USDA and other Federal government agencies, as well as EPA's regulatory partners and stakeholders. EPA develops the risk management documents, and a revised impacts assessment and/or benefits assessment, if needed. EPA releases to the public the risk management decisions for the pesticide, including the revised impacts and/or benefits assessment. USDA may prepare a transition strategy, if needed. The transition strategy is likely to include time frames in which EPA expects to make decisions regarding registration of new pesticides/uses.

2. *The modified public participation process*—a. The 4–Phase Process—Pre-Phase 1 - Stakeholder and government agency engagement, and develop updated pesticide use and usage information. Same as the full public participation process.

Phase 1 - Risk assessment registrant error-only review (30 Days). Same as the full public participation process.

Phase 2 - EPA considers registrant error comments on risk assessments, and develops preliminary risk reduction options (30 to 60 Days). Phase 2 is the same as in the full public participation process. However, in addition to preparing the risk assessments for public release, EPA also develops preliminary risk reduction options, making a significant effort to consult with stakeholders and other Federal and state government agencies. Meetings, conference calls, and other discussions with stakeholders and other agencies on issues and risk reduction options will continue through Phases 3 and 4, as needed.

Phase 3 - Public participation period: public comment on risk assessments and preliminary risk reduction options (60 to 90 Days). Phase 3 provides the public and pesticide registrants an opportunity to comment on EPA's pesticide risk assessments, risk characterization, and preliminary risk reduction options, and to suggest risk management ideas and proposals. This phase begins when EPA publishes a **Federal Register** Notice of Availability announcing the release of the risk assessments and preliminary risk reduction options for 60 to 90 days of public comment. EPA releases the risk assessments and related documents through the public docket and EDOCKET on the Agency's website. During the comment period, to help address potential environmental justice issues, EPA requests information on any groups or segments of the population who may have atypical, unusually high exposure to the pesticide, compared to the general population. EPA continues significant efforts to consult with other government agencies and stakeholders on the pesticide's uses and possible risk management options.

Phase 4 - EPA Develops Final Risk Assessments And Risk Management (Up to 90 Days). EPA reviews and considers the comments and risk management ideas and proposals received during Phase 3, continues the ongoing dialogue with other government agencies and stakeholders as needed, and develops a risk management decision, which the Agency issues for public review and comment. If EPA finds that additional issues warranting further discussion were raised during Phase 3, the Agency may decide to lengthen the process and include a second comment period, as needed.

b. *The low risk process.* If EPA's initial screening of a pesticide indicates that it has low use/usage, affects few if any stakeholders or members of the public, and/or poses low risk and requires little or no risk mitigation, the Agency may determine that neither the full 6–phase process nor the modified 4–phase process is needed. In such cases, the Agency would go straight to a regulatory determination and prepare a decision document for the pesticide, concluding the review process. This decision document, the risk assessments, and other related documents will be issued for public review and comment.

List of Subjects

Environmental protection, Pesticides and pests.

Dated:May 6, 2004.

James Jones,

Director, Office of Pesticide Programs.

[FR Doc. 04–10985 Filed 5–13–04; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7661–6]

Draft Physical Stream Assessment: A Review of Selected Protocols for Use in the Clean Water Act Section 404 Program

AGENCY: Environmental Protection Agency (EPA); National Oceanic and Atmospheric Administration (NOAA), Commerce; U.S. Army Corps of Engineers (USACE), Defense; U.S. Fish and Wildlife Service (USFWS), Interior; Natural Resources Conservation Service (NRCS), Agriculture; Department of Transportation.

ACTION: Notice of availability to review and comment.

SUMMARY: In accordance with the National Mitigation Action Plan signed in December of 2002 by the Environmental Protection Agency, Department of Commerce, Department of Defense, Department of the Interior, Department of Agriculture, and Department of Transportation, the Federal Interagency Mitigation Workgroup (FIMW) commissioned the preparation of a technical resource document to assist with stream mitigation entitled: Physical Stream Assessment: A Review of Selected Protocols for use in the Clean Water Act (CWA) Section 404 Program (Stream Mitigation Compendium). The Stream Mitigation Compendium is intended as a reference that can be consulted by regulatory agencies, resource managers, and restoration ecologists in order to select, adapt, or devise stream assessment methods appropriate for impact assessment and mitigation of fluvial resources in the CWA Section 404 Program.

DATES: In order to be considered, comments must be postmarked or e-mailed on or before June 28, 2004.

ADDRESSES: Comments may be submitted electronically, by mail, or by hand delivery/courier. E-mail comments to *mitigation@epa.gov.* Please put ''Stream Mitigation Compendium Comments'' in the Subject Line and *include your comments as an attachment to the email* in either Word or Wordperfect format. Mail or hand deliver/courier comments to: Palmer Hough, U.S. Environmental Protection Agency, Wetlands Division (4502T), 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Mitigation Action Plan Web site at *http://www.mitigationactionplan.gov* or contact either Palmer Hough, U.S. Environmental Protection Agency, Wetlands Division (4502T), 1200 Pennsylvania Avenue, NW., Washington, DC 20460, phone: (202) 566–1374, e-mail: *Hough.Palmer@epa.gov* or Alan Miller, U.S. Army Corps of Engineers, 441 G Street, NW., Washington, DC 20314–1000, phone: (202) 761–7763, e-mail: *Alan.J.Miller@hq02.usace.army.mil.*

SUPPLEMENTARY INFORMATION: Reports published in 2001 by the National Academy of Sciences (NAS) and the General Accounting Office (GAO) provided a critical evaluation of the effectiveness of wetlands compensatory mitigation for authorized losses of wetlands and other waters under Section 404 of the CWA. Section 404 regulates discharges of dredged and fill materials into waters of the United States and requires compensatory mitigation for unavoidable impacts. The independent analyses and other commentaries highlighted a number of shortfalls and identified a variety of technical, programmatic, and policy recommendations for the Federal agencies, States, and other involved parties.

An interagency team drafted the National Mitigation Action Plan endorsing the goal of no net loss of wetlands and outlining specific action items that address the concerns of the NAS, GAO, and other independent evaluations. The 17 actions, with various agency leads, address areas of concern, including collection and availability of data, clarifying performance standards, improving accountability, and integrating mitigation into the watershed approach. Development of the Stream Mitigation Compendium is one of these action items. The FIMW is seeking public review before finalizing this document.

Please note that comments, including names and street addresses of respondents, are available for public review in a docket. Copies of the draft Stream Mitigation Compendium are available at the Mitigation Action Plan Web site at *http://www.mitigationactionplan.gov* (Click on ''Status of Action Items'' and locate and click on ''Stream Mitigation Compendium'' in the summary table). A printed copy of this document can be obtained by contacting: Palmer Hough, U.S. Environmental Protection Agency, Wetlands Division (4502T), 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

Dated: May 10, 2004.

Benjamin H. Grumbles,

Acting Assistant Administrator for Water.

[FR Doc. 04–10982 Filed 5–13–04; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL ACCOUNTING STANDARDS ADVISORY BOARD

New Exposure Draft Inter-Entity Cost Implementation: Amending SFFAS 4, Managerial Cost Accounting Standards and Concept and Research Report on Capital and Operating Leases

AGENCY: Federal Accounting Standards Advisory Board.

ACTION: Notice.

Board Action: Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), as amended, and the FASAB Rules of Procedure, as amended in October, 1999, notice is hereby given that the Federal Accounting Standards Advisory Board (FASAB) has published a new exposure draft, *Inter-Entity Cost Implementation: Amending SFFAS 4, Managerial Cost Accounting Standards and Concepts* and a Research Report on Capital and Operating Leases.

A summary of the proposed statement follows:

On April 26, 2004, the Federal Accounting Standards Advisory Board (FASAB) released for public comment an exposure draft (ED), *Inter-Entity Cost Implementation: Amending SFFAS 4, Managerial Cost Accounting Standards and Concepts.* The proposed standard would require full implementation of the inter-entity cost provision in Statement of Federal Financial Accounting Standards (SFFAS) 4, *Managerial Cost Accounting Standards and Concepts.*

The exposure draft is available on the FASAB home page *http://www.fasab.gov/exposure draft.htm.* Copies can be obtained by contacting FASAB at (202) 512–7350, or *comesw@fasab.gov.*

Respondents are encouraged to comment on any part of the exposure draft. Written comments are requested by July 31, 2004, and should be sent to: Wendy M. Comes, Executive Director, Federal Accounting Standards Advisory Board, 441 G Street, NW., Suite 6814, Mal Stop 6K17V, Washington, DC 20548.

A summary of the research report follows:

The objective of the research report is to develop a summary paper that permits staff and the Board to familiarize themselves with lease accounting under FASAB, FASB, GASB and international public sector accounting standards, and to familiarize them with global issues related to lease accounting. The report will also be used to aid in determining if new uses of leases by Federal entities create different and/or more urgent needs for FASAB guidance. An electronic version of the research report is available on the World Wide Web at *http://www.fasab.gov/reports.html.*

FOR FURTHER INFORMATION CONTACT: Wendy Comes, Executive Director, 441 G Street, NW., Washington, DC 20548, or call (202) 512–7350.

Authority: Federal Advisory Committee Act, Pub. L. 92–463.

Dated: May 10, 2004.

Wendy M. Comes,

Executive Director.

[FR Doc. 04–10929 Filed 5–13–04; 8:45 am]

BILLING CODE 1610–01–M

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

May 7, 2004.

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 (PRA) of 1995, Public Law No. 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 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 Paperwork Reduction Act (PRA) comments should be submitted on or before July 13, 2004. 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 Paperwork Reduction Act (PRA) comments to Les Smith, Federal Communications Commission, Room 1–A804, 445 12th Street, SW., Washington, DC 20554 or via the Internet to *Leslie.Smith@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Les Smith at (202) 418–0217 or via the Internet at *Leslie.Smith@fcc.gov*.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0188.

Title: Call Sign Reservation and Authorization System, FCC Form 380.

Form Number: FCC 380.

Type of Review: Extension of currently approved collection.

Respondents: Businesses or other for-profit, Not-for-profit institutions; and State, local, or tribal government.

Number of Respondents: 1,600.

Estimated Hours per Response: 0.166–0.5 hours.

Frequency of Response: On occasion reporting requirements.

Total Annual Burden: 333 hours.

Total Annual Cost: $136,000.

Privacy Impact Assessment: No impact(s).

Needs and Uses: 47 CFR 73.3550 provides that all requests for new or modified call signs be made via the on-line call sign reservation and authorization. The FCC Form 380 is an on-line system for the electronic preparation and submission of requests for the reservation and authorization of new and modified call signs. Access to the call sign reservation and authorization system is made by broadcast licensees and permittees, or by persons acting on their behalf, via the Internet's World Wide Web. This on-line, electronic call sign system enables users to determine the availability and licensing status of call signs; to request an initial, or change an existing, call sign; and to determine and submit more easily the appropriate fee, if any. 47 CFR Section 74.783 also permits any low power television (LPTV) station to request a four-letter call sign after receiving its construction permit. All initial LPTV construction permits will continue to be issued with a five-character alpha-numeric LPTV call sign. LPTV licensees/ permittees are also required to use the on-line call sign reservation and authorization system. The call sign reservation and authorization system is used by permittees, licensees or persons acting on their behalf to determine the availability of a call sign and to request an initial call sign or change an existing call sign.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 04–11009 Filed 5–13–04; 8:45 am]

BILLING CODE 6712–10–P

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collections Approved By Office of Management and Budget

April 10, 2004.

SUMMARY: The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collections pursuant to the Paperwork Reduction Act of 1995, Pub. L. 104–13. 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 control number.

FOR FURTHER INFORMATION CONTACT: Paul J. Laurenzano, Federal Communications Commission, 445 12th Street, SW., Washington DC 20554, (202) 418–1359 or via the Internet at *plaurenz@fcc.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0895.

OMB Approval Date: 3/26/2004.

Expiration Date: 3/31/2007.

Title: Numbering Resource Optimization, CC Docket No. 99–200.

Form No.: FCC Form 502.

Estimated Annual Burden: 5,400 responses; 181,890 total annual burden hours; 33–34 hours average per respondent.

Needs and Uses: Carriers that receive numbering resources from the North American Numbering Plan (NANP) Administrator or that receive numbering resources from the Pooling Administrator in thousand-blocks must report forecast and utilization data semi-annually. These carriers are also required to maintain detailed internal records of their number usage. Carriers must file applications for initial and growth numbering resources. The information will be used by the FCC, state regulatory commissions, and the NANP Adminstrator to monitor numbering resource utilization and to project the date of area code and NANP exhaust.

OMB Control No.: 3060–0511.

OMB Approval Date: 4/16/2004.

Expiration Date: 4/30/2007.

Title: ARMIS Access Report.

Form No.: FCC 43–04.

Estimated Annual Burden: 84 responses; 12,852 total annual burden hours; 153 hours per respondent.

Needs and Uses: The Access Report is needed to administer the Commission's accounting, jurisdictional separations and access charge rule; to analyze revenue requirements and rates of return, and to collect financial data from Tier 1 incumbent local exchange carriers.

OMB Control No.: 3060–0410.

OMB Approval Date: 4/16/2004.

Expiration Date: 4/30/2007.

Title: Forecast of Investment Usage Report and Actual Usage of Investment Report.

Form No.: FCC 495A and FCC 499B.

Estimated Annual Burden: 192 responses; 7,680 total annual burden hours; 40 hours per respondent.

Needs and Uses: The Forecast of Investment Usage and Actural Usage of Investment Reports are needed to detect and correct forcast errors that could lead to significant misallocation of network plant between regulated and nonregulated activities. FCC's purpose is to protect the regulated ratepayer from subsidizing the nonregulated activities of rate regulated telephone companies. Only large ILECs file these reports.

OMB Control No.: 3060–1046.

OMB Approval Date: 5/05/2004.

Expiration Date: 5/31/2007.

Title: Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunication Act of 1996, CC Docket No. 96–128, Report and Order.

Form No.: N/A.

Estimated Annual Burden: 4,854 responses; 485,400 total annual burden hours; 100 hours per respondent.

Needs and Uses: The Commission issued a Report and Order (CC Docket 96–128/ FCC 03–235). In this proceeding, final rules were adopted

that altered the previous payphone compensation rules. The new rules place the liability to compensate payphone service providers (PSPs) for payphone-originated calls on the facilities-based long distance carriers from whose switches such calls are completed. The new rules were not put in effect immediately to allow industry time to prepare for implementation of the new rules. Accordingly, the Order initially adopted interim rules until the new rules become effective. The interim rules received OMB approval as of 11/14/2003 and are currently in effect. The Commission has now received OMB approval of the final rules. The interim rules will be vacated and the new rules will go into effect on July 1, 2004.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 04–11010 Filed 5–13–04; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission

May 7, 2004.

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, Pub. L. 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 Paperwork Reduction Act (PRA) comments should be submitted on or before June 14, 2004. 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 regarding this Paperwork Reduction Act submission to Judith B. Herman, Federal Communications Commission, Room 1–C804, 445 12th Street, SW., DC 20554 or via the Internet to *Judith-B.Herman@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judith B. Herman at 202–418–0214 or via the Internet at *Judith-B.Herman@fcc.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0799.

Title: FCC Ownership Disclosure Information for the Wireless Telecommunications Services.

Form No: FCC Form 602.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit, not-for-profit institutions, and state, local and tribal government.

Number of Respondents: 3,000.

Estimated Time Per Response: 1.5 hours.

Frequency of Response: On occasion reporting requirement and third party disclosure requirement.

Total Annual Burden: 3,000 hours.

Total Annual Cost: $450,000.

Privacy Act Impact Assessment: Not applicable.

Needs and Uses: The purpose of this information collection is to obtain the identity of the applicant and to elicit information required by Section 1.2112 of the Commission's rules regarding: (1) persons or entities holding a 10% or greater direct or indirect ownership interest in the applicant; (2) all affiliates of the applicant pursuant to Section 1.2110; (3) all general partners in any general partnership in the applicant's chain of ownership; and (4) all the members of any limited liability corporation in the applicant's chain of ownership. The use of the FCC Form 602 has replaced FCC Form 430 for wireless services. The Commission has revised the FCC Form 602 to request additional information concerning if it's a proposed filing or a current filing along with clarification to the instructions.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 04–11011 Filed 5–13–04; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[WC Docket No. 04–36; DA 04–1246]

FCC Announces Panelists for May 7, 2004 "Solutions Summit" on Disability Access Issues Associated With Internet-Protocol Based Communications Services

AGENCY: Federal Communications Commission.

ACTION: Announcement of meeting.

SUMMARY: This document invites interested persons to a Solutions Summit on Friday, May 7, 2004. The Solutions Summit is the second in a series where government, industry leaders and stakeholders can discuss creative ways to address policy issues that arise as communications services move to Internet-Protocol based platforms. This meeting will focus on the ways persons with disabilities access services increasingly based upon IP technologies.

DATES: The Solutions Summit will be held on Friday, May 7, 2004 from 9 a.m. to 1:15 p.m. in the Commission Meeting Room, Room TW–C305.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: For more information about the Solutions Summit, please contact Kelly Jones at (202) 418–7078 (voice), (202) 418–1169 (TTY), or *Kelly.Jones@fcc.gov* (E-mail).

SUPPLEMENTARY INFORMATION: This second meeting will focus on accessibility of persons with disabilities, and on the particular challenges and opportunities created for persons with disabilities. The preliminary agenda for this second Solutions Summit is as follows:

Preliminary Agenda

9 a.m.–9:30 a.m.
  Opening Remarks
  Remarks by Commissioner Adelstein
  Remarks by Commissioner Copps

9:30 a.m.–10:30 a.m.
  Panel I: Opportunities IP-Enabled Services Present
  Moderator: K. Dane Snowden, FCC
  - Cary Barbin, Gallaudet University, TAP
  - Gunnar Hellstrom, Omnitor
  - Harold Salters, T-Mobile USA
  - Tom Wlodkowski, America Online
  - Paul E. Jones, Cisco Systems

10:35 a.m.–10:45 a.m.
  Break

10:45 a.m.–11:45 a.m.
  Panel II: Challenges IP-Enabled Services Present for Persons with

Disabilities
Moderator: Robert Pepper, FCC
- Brenda Battat, SHHH
- Barry Andrews, 8X8
- Claude Stout, TDI
- Jim Tobias, Inclusive Technologies
- Nate Wilcox, Vermont E–9–1–1

11:55 a.m.–12:05 p.m.
Break
12:05 p.m.–1:05 p.m.
Panel III: Regulatory Impact on IP-Enabled Services and Accessibility for Persons with Disabilities
Moderator: Jeffrey Carlisle, FCC
- Ed Bosson, Texas PUC
- Paul Michaelis, Avaya
- Paul Schroeder, American Foundation for the Blind
- Gregg Vanderheiden, Trace R&D Center

1:05 p.m.–1:15 p.m.
Closing Remarks by Chairman Powell

Participants will include members of the disability community, industry representatives, and FCC staff.

Facilities

The FCC is located at 445 12th Street SW., Washington, DC 20554. Directions and a map of the streets near the FCC are available at *http://www.fcc.gov/portalsmap.html*. The Commission Meeting Room is equipped with a Wi-Fi Internet network, an assistive listening device system, and is accessible to persons with disabilities.

Security

Please note that the FCC is a federal building with security. All attendees will be required to pass through security and present a government-issued form of identification. The FCC's Commission Meeting Room will be opened early to facilitate access to the building; attendees are encouraged to allocate additional time to enter the building.

Webcast & Video

The Solutions Summit will be webcast live and also archived for later viewing. Access to and additional information concerning the webcast is available at *http://www.fcc.gov/realaudio/*. Open captioning will be provided for the webcast.

Reasonable Accommodations

Open captioning and sign language interpreters will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need including as much detail as you can. Also include a way we can contact you if we need more information. Make your request as early as possible. Last minute requests will be accepted, but may not be possible to fill. Send an e-mail to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau: For reasonable accommodations: (202) 418–0530 (voice), (202) 418–0432 (TTY). For accessible format materials (Braille, large print, electronic files, and audio format): (202) 418–0531 (voice), 202–418–7365 (TTY).

More Information

For additional information on Internet-Protocol enabled services, please visit the Web site at: *http://www.fcc.gov/voip*. For questions about WC Docket No. 04–36, contact Robert Pepper, Chief of Policy Development, at (202) 418–2030 (voice), or*Robert.Pepper@fcc.gov* (E-mail), or Jeff Carlisle, Senior Deputy Chief, Wireline Competition Bureau, at (202) 418–1500 (voice) or *Jeffrey.Carlisle@fcc.gov* (E-mail).

Federal Communications Commission.

P. June Taylor,

Chief of Staff, Consumer & Governmental Affairs Bureau.

[FR Doc. 04–11008 Filed 5–13–04; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

FDIC Advisory Committee on Banking Policy; Notice of Meeting

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of open meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given of a meeting of the FDIC Advisory Committee on Banking Policy (''Advisory Committee''), which will be held in Washington, DC. The Advisory Committee will provide advice and recommendations on a broad range of issues relating to the FDIC's mission and activities.

Time And Place: Wednesday, June 2, 2004, from 9 a.m. to 3 p.m. The meeting will be held in the FDIC Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, DC.

Agenda: The agenda items will include discussion of one or more of the following topics: Federal preemption of state laws, payday lending, Basel II capital requirements, the boundaries between banking and commerce, the ten-percent deposit cap and industry consolidation, the two-tiered approach to bank regulation, FDIC's Center for Financial Research, and recent proposed revisions to the Community Reinvestment Act regulations. Agenda items are subject to change. Any changes to the agenda will be announced at the beginning of the meeting.

Type of Meeting: The meeting will be open to the public, limited only by the space available on a first-come, first-served basis. For security reasons, members of the public will be subject to security screening procedures and must present a valid photo identification to enter the building. The FDIC will provide attendees with auxiliary aids (*e.g.*, sign language interpretation) required for this meeting. Those attendees needing such assistance should call (202) 416–2089 (Voice); (202) 416–2007 (TTY), at least two days before the meeting to make necessary arrangements. Written statements may be filed with the committee before or after the meeting.

FOR FURTHER INFORMATION CONTACT: Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Committee Management Officer of the FDIC, at (202) 898–3742.

Dated: May 11, 2004.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Committee Management Officer.

[FR Doc. E4–1160 Filed 5–13–04; 8:45 am]

BILLING CODE 6714–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Secretary's Advisory Committee on Blood Safety and Availability

AGENCY: Office of the Secretary, Office of Public Health and Science.

ACTION: Solicitation of nomination for four vacancies on the Secretary's Advisory Committee on Blood Safety and Availability.

Authority: 42 U.S.C. 217a, Section 222 of the Public Health Service (PHS) Act, as amended. The Committee is governed by the provisions of Pub. L. 92–463, as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory committees.

SUMMARY: The Advisory Committee on Blood Safety and Availability (ASBSA) provides advice to the Secretary and to the Assistant Secretary for Health on a range of issues that include: (1) Definition of public health parameters around safety and availability of the blood supply, (2) broad public health, ethical, and legal issues related to blood safety, and (3) the implications for blood

safety and availability of various economic factors affecting product cost and supply. The current charter for the ACBSA expires October 9, 2004.

DATES: Nominations for membership on the Committee must be received no later than 5 p.m. e.s.t. on June 4, 2004, at the address below.

All Nominations Should Be Mailed or Delivered To: Dr. Jerry Holmberg, Executive Director, Advisory Committee on Blood Safety and Availability, 1101 Wootten Parkway, Suite 250, Rockville, MD 20852. Nominations will not be accepted by e-mail or facsimile.

FOR FURTHER INFORMATION CONTACT: CAPT Lawrence McMurtry, Deputy Secretary, Advisory Committee on Blood Safety and Availability, Department of Health and Human Services, Office of Public Health and Science, 1101 Wootten Parkway, Suite 250, Rockville, MD 20852. Telephone (301) 443–2823.

A copy of the Committee charter and list of the current membership can be obtained by contacting CAPT McMurtry or by accessing the ACBSA Web site at *http://www.dhhs.gov/bloodsafety.*

SUPPLEMENTARY INFORMATION:

Nominations

The ACBSA is requesting nominations to fill four positions that are scheduled to become vacant on October 1, 2004. Nominations of potential candidates for considerations are being sought from advocacy groups, provider blood organizations, academic researchers, ethicists, private physicians, scientists, consumer advocates, legal organizations, and from among communities of persons who are frequent recipients of blood or blood products including therapeutic protein products and their recombinant analogs. To qualify for consideration of appointment to the Committee, an individual must demonstrate experience and expertise in any of the several disciplines and field pertinent to blood and plasma therapeutics and/or clinical research.

Individuals selected for appointment to the Committee will serve as voting members. Individuals selected for appointment to the Committee will be invited to serve a term of up to three years. Compensation for Committee members includes a stipend and reimbursement for per diem and travel expenses incurred for attendance at Committee meetings, as well as to conduct other business matters in the interest of the ACBSA.

Nominations should be typewritten. The following information should be included in the package of material submitted for each individual being nominated for consideration: (1) A letter of nomination that clearly states the name and organizational affiliation of the nominee, the basis for the nomination (*i.e.*, specific attributes which qualify the nominee for appointment to the Committee), and a statement that the nominee is willing to serve as a member of the Committee; (2) the nominator's name, address, and daytime telephone number, and the home and/or work address, telephone number, and email address of the individual being nominated; and (3) a current copy of the nominee's curriculum vitae. Federal employees should not be nominated for consideration of appointment to this Committee.

The Department of Health and Human Services (DHHS) makes every effort to ensure that the membership of its Federal advisory committees is fairly balanced in terms of points of view represented and the committee's function. Every effort is made to ensure that a broad representation of geographic areas, females, ethnic and minority groups, and the disabled are given consideration for membership on DHHS Federal advisory committees. Appointment to this Committee shall be made without discrimination on the basis of age, race, ethnicity, gender, sexual orientation, disability, and cultural, religious, or socioeconomic status. Nominations must state that the nominee is willing to serve as a member of ACBSA and appears to have no conflict of interest that would preclude membership. If selected for appointment to the Committee, candidates will be asked to provide detailed information concerning such matters as financial holdings, consultancies, and research grants or contracts. Disclosure of this information is necessary in order to determine if the selected candidates are involved in activity that may conflict with the matters discussed by ACBSA.

Dated: April 22, 2004.

Lawrence C. McMurtry,

Deputy Executive Secretary, Advisory Committee on Blood Safety and Availability, Office of the Secretary, Office of Public Health and Science, Department of Health and Human Services.

[FR Doc. 04–10969 Filed 5–13–04; 8:45 am]

BILLING CODE 4150–28–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Committee on Vital and Health Statistics: Meeting

Pursuant to the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) announces the following advisory committee meeting.

Name: National Committee on Vital and Health Statistics (NCVHS), Subcommittee on Standards and Security (SSS).

Time and Date: May 25th: 9 a.m. –5 p.m.; May 26th: 8:30 a.m.–5 p.m.; May 27th: 8:30 a.m.–3 p.m.

Place: Hubert H. Humphrey Building, 200 Independence Avenue SW., Room 505A, Washington, DC 20201.

Status: Open.

Purpose: The main focus of the hearings will be on e-prescribing: standards, practices, and incentives and barriers to adoption. The first day will include findings from a recent RAND study on e-prescribing, an overview of patient safety issues, perspectives from the two major e-prescribing networks, and presentations from several major implementation initiatives.

The second day will include discussions on e-prescribing from the perspective of software vendors and knowledge base vendors. Time will be devoted later in the afternoon to follow up on issues related to the DSMO request on transaction standards for billing of supplies by retail pharmacies, which had been discussed at the March 31, 2004, hearing of the Subcommittee.

The morning of the third day will focus on the perspectives of health care providers on e-prescribing. The afternoon will be devoted to Subcommittee discussion and planning for future agendas.

For Further Information Contact: Substantive program information as well as summaries of meetings and a roster of Committee members may be obtained from Maria Friedman, Health Insurance Specialist, Security and Standards Group, Centers for Medicare and Medicaid Services, MS: C5–24–04, 7500 Security Boulevard, Baltimore, MD 21244–1850, telephone: 410–786–6333 or Marjorie S. Greenberg, Executive Secretary, NCVHS, National Center for Health Statistics, Centers for Disease Control and Prevention, Room 1100, Presidential Building, 3311 Toledo Road, Hyattsville, Maryland 20782, telephone: (301) 458–4245. Information also is available on the NCVHS home page of the HHS Web site: *http://www.ncvhs.hhs.gov/* where an agenda for the meeting will be posted when available.

Should you require reasonable accommodation, please contact the CDC Office of Equal Employment Opportunity on (301) 458–4EEO (4336) as soon as possible.

Dated: April 30, 2004.

James Scalon,

Acting Deputy Assistant Secretary for Science and Data Policy, Office of the Assistant Secretary for Planning and Evaluation.

[FR Doc. 04–10930 Filed 5–13–04; 8:45 am]

BILLING CODE 4151–05–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Enhancing State Capacity to Address Child and Adolescent Health through Violence Prevention

Announcement Type: New.
Funding Opportunity Number: 04145.
Catalog of Federal Domestic Assistance Number: 93.136.
Key Dates:
Letter of Intent Deadline: June 1, 2004.
Application Deadline: June 14, 2004.

I. Funding Opportunity Description

Authority: This program is authorized under section 317(k) (2)(D) of the Public Health Service Act, (42 U.S.C. 247b(k)(2)(D)) as amended.

Purpose: The Centers for Disease Control and Prevention (CDC) announces the availability of a fiscal year (FY) 2004 cooperative agreement. The purpose of this program is to develop capacity and leadership in preventing the perpetration of violence toward or among children and adolescents so it is raised as a public health priority. Cooperative agreements will be awarded through a phased-in process. The Planning Phase will provide assistance for the development of strategic plans that address shared risk reduction and protective factors that foster change in societal norms or environmental conditions that contribute to violence. The Implementation Phase, depending on availability of funds, will allow recipients to implement one or more priority strategy identified in the strategic plan.

For the purpose of this RFA, the types of violence prevention to be addressed include: self-directed (youth suicide) and interpersonal (child maltreatment, teen dating, sexual violence, school violence, community violence and bullying). Research suggests that these forms of violence share risk and protective factors. The ecological model presented in the World Report on Violence and Health (Krug *et al.*, 2002) identifies levels of influence (individual, relationship, community and societal) for strategies to address risk and protective factors. The planning and implementation phases of this project should address the intersection of shared risk and protective factors for these forms of violence. Efforts to prevent perpetration of violence toward or among children and adolescents should include activities that address the individual, relationship, community, and societal factors of potential perpetrators, bystanders, and victims.

For the remainder of this RFA, whenever the term state health agency appears, it also refers to federally recognized Indian tribal governments and U.S. territories.

The specific purposes of this funding are to:

1. Provide an opportunity for health agencies to take a leadership role in addressing violence prevention so that it is raised as a public health priority.

2. Foster effective collaborations that respond to emerging policy and program issues related to preventing the perpetration of violence toward or among children and adolescents.

3. Identify and prioritize data-driven solutions that lead to the prevention of violence perpetrated toward or among children and adolescents.

a. Identify key data elements that provide compelling evidence on the impact of self-directed and interpersonal violence on individuals, families, communities, and society.

b. Identify data that characterize and measure risk and protective factors across the ecological model's spheres of influence (*i.e.* individual, relationship, community and societal factors).

c. Identify gaps in data, and work with partners to determine how best to address these data needs.

4. Identify specific opportunities and challenges to promote perpetration prevention strategies; propose and implement culturally relevant perpetration prevention initiatives that address shared risk and protective factors for the prevention of violence perpetrated toward or among children and adolescents; and address specific underserved populations, including racial/ethnic, gay/lesbian/transgender, rural, urban, disabled, and other identified underserved populations such as homeless and school dropouts.

This program addresses the ''Healthy People 2010'' focus area of Injury and Violence Prevention.

Measurable outcomes of the program will be in alignment with the following performance goal for the National Center for Injury Prevention and Control (NCIPC): Increase the capacity of health agencies to address the prevention of injuries and deaths caused by the perpetration of violence toward or among children and adolescents.

For the purposes of this program announcement the following definitions apply:

Prevention: population-based and/or environmental/system level strategies, policies and action that prevent violence from initially occurring. Prevention efforts work to modify and/or entirely eliminate the event, conditions, situations, or exposure to influences (risk factors) that result in the initiation of violence and associated injuries, disabilities, and deaths. Additionally, prevention efforts seek to identify and enhance protective factors that may prevent violence, not only in at-risk populations but also in the community at large. Prevention efforts for violence perpetrated toward and among children and adolescents include activities that are aimed at addressing the individual, relationship, community, and societal factors of potential perpetrators, bystanders, and victims.

Intervention: Services, policies and actions provided after violence perpetrated toward or among children and adolescents have occurred and may have the advantageous effect of preventing a re-occurrence of violence.

Activities

Planning Phase activities for this program are as follows:

1. Develop, expand, and/or maintain a Child and Adolescent Violence Prevention Work Group that will:

a. Represent a cross-section of agencies and organizations committed to using a public health approach; work group members should have expertise and experience working to prevent the perpetration of violence toward and among children and adolescents.

b. Assist in identifying child and adolescent violence prevention programs, policies, research and data sources.

c. Obtain additional support and seek resources to sustain implementation of recommendations detailed in the strategic plan.

d. Assist in developing strategies to disseminate, promote and encourage adoption of the strategic plan as a blueprint for state and local stakeholders.

2. Prepare a state report card on risk and protective factors associated with the prevention of violence perpetrated toward or among children and adolescents:

a. Conduct a statewide inventory of programs working to prevent the perpetration of violence toward or among children and adolescents (at minimum, the inventory should include the number of prevention programs, intended audience, content, and resources devoted to the programs).

b. Conduct an assessment of policies focused on preventing the perpetration of violence toward or among children and adolescents.

c. Conduct an assessment of state-level data sources that identify violent incidents perpetrated toward or among children and adolescents, including non-traditional data sources such as surveys, stakeholder interviews, and focus groups.

d. Conduct an assessment to determine the level of commitment, interest and readiness to fully engage in efforts to prevent the perpetration of violence toward or among children and adolescents.

3. Identify issues and strategies that will facilitate support for sustaining and enhancing perpetration prevention activities by addressing the following:

a. Ongoing collaboration and community involvement.

b. Ongoing commitment.

c. Ongoing communication.

d. Evaluation.

4. Produce and publish a strategic plan that delineates shared risk and protective factors, and identifies strategies that address ecological factors that influence and prevent violence. Specifically, the plan must provide strategies that address individual, relationship, community and societal factors. In addition, the strategic plan should include a logic model and time-phased implementation strategies.

5. Collaborate with CDC and other awardees on an ongoing basis through conference calls and traveling to required awardee meetings.

6. Submit required reports to CDC as scheduled.

In a cooperative agreement, CDC staff is substantially involved in the program activities, above and beyond routine grant monitoring.

CDC Activities for this program are as follows:

1. Provide updated information related to the purposes of this program announcement.

2. Provide technical assistance and consultation in the development, dissemination, and promotion of the strategic plan to prevent the perpetration of violence toward or among children and adolescents.

3. Coordinate information sharing among relevant CDC awardees and partners.

4. Provide consultation to assist in implementing data-driven planning strategies.

5. Compile and disseminate lessons learned to assist with future efforts to prevent the perpetration of violence.

II. Award Information

Type of Award: Cooperative Agreement.

CDC involvement in this program is listed in the Activities Section above.

Fiscal Year Funds: 2004

Approximate Total Funding: $600,000.

Approximate Number of Awards: 6–12 awards.

Approximate Average Award: $75,000.

Floor of Award Range: $50,000.

Ceiling of Award Range: $100,000.

Anticipated Award Date: August 15, 2004.

Budget Period Length: 12 months.

Project Period Length: Two years.

Throughout the project period, CDC's commitment to continuation of awards will be conditioned on the availability of funds, evidence of satisfactory progress by the recipient (as documented in required reports), and the determination that continued funding is in the best interest of the Federal Government.

III. Eligibility Information

III.1. Eligible Applicants

Eligible applicants will be state health departments, including the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Commonwealth of Northern Mariana Islands, American Samoa, Guam, Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau, and federally recognized Indian tribal governments.

Eligible applicants are strongly encouraged to collaborate with other state agencies, injury/violence prevention coalitions and other stakeholders to develop and submit one application per state. The program will fund only one application per state. Applications from federally recognized Indian tribal governments will be considered separately.

III.2. Cost Sharing or Matching

Matching funds are not required for this program.

III.3. Other Eligibility Requirements

If you request a funding amount greater than the ceiling of the award range, your application will be considered non-responsive, and will not be entered in the review process.

If your application is incomplete or non-responsive to the requirements listed below, it will not be entered into the review process. You will be notified that your application did not meet the submission requirements.

Note: Title 2 of the United States Code section 1611 states that an organization described in section 501(c)(4) of the Internal Revenue Code that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant, or loan.

IV. Application and Submission Information

IV.1. Address To Request Application Package

To apply for this funding opportunity use application form PHS 5161. Forms are available on the CDC Web site, at the following Internet address: *www.cdc.gov/od/pgo/forminfo.htm* If you do not have access to the Internet, or if you have difficulty accessing the forms on-line, you may contact the CDC Procurement and Grants Office Technical Information Management Section (PGO–TIM) staff at: 770–488–2700. Application forms can be mailed to you.

IV.2. Content and Form of Submission

Letter of Intent (LOI)

Your LOI must be written in the following format:

- Maximum number of pages: Two.
- Font size: 12-point unreduced.
- Paper size: 8.5 by 11 inches.
- Single spaced.
- Page margin size: One inch.
- Printed only on one side of page.
- Written in plain language, avoid jargon.

Your LOI must contain the following information:

- Number and title of this Program Announcement (PA 04145).
- Partners within the state health agency that will collaborate to develop this application.

Application: You must include a project narrative with your application forms. Your narrative must be submitted in the following format:

- Maximum number of pages: 25. If your narrative exceeds the page limit, only the first 25 pages of the application, which are within the page limit, will be reviewed.
- Font size: 12 point unreduced.
- Double spaced.
- Paper size: 8.5 by 11 inches.
- Page margin size: One inch.
- Printed only on one side of page.
- Held together only by rubber bands or metal clips; not bound in any other way. (*e.g.* do not use staples).

The narrative should address activities to be conducted over the two-year project period, and must include the following items in the order listed:

- Abstract (one-page summary of the application, does not count towards page limit).
- Work Plan, Goals, and Objectives.
- Relevant Experience.
- Capacity and Staffing.
- Collaboration.
- Dissemination Plan.
- Evaluation.

- Measures of Effectiveness.
- Proposed Budget and Justification (does not count towards page limit).

Additional information may be included in the application appendices. The appendices will not be counted toward the narrative page limit. This additional information includes:

- Curriculum Vitaes.
- Job Descriptions.
- Resumes.
- Organizational Charts.
- Letters of Support, etc.

You are required to have a Dun and Bradstreet Data Universal Numbering System (DUNS) number to apply for a grant or cooperative agreement from the Federal government. The DUNS number is a nine-digit identification number, which uniquely identifies business entities. Obtaining a DUNS number is easy and there is no charge. To obtain a DUNS number, access *www.dunandbradstreet.com* or call 1–866–705–5711.

For more information, see the CDC Web site at: *http://www.cdc.gov/od/pgo/funding/pubcommt.htm.* If your application form does not have a DUNS number field, please write your DUNS number at the top of the first page of your application, and/or include your DUNS number in your application cover letter.

Additional requirements that may require you to submit additional documentation with your application are listed in section ''VI.2. Administrative and National Policy Requirements.''

IV.3. Submission Dates and Times

LOI Deadline Date: June 1, 2004.

CDC requests that you send a LOI if you intend to apply for this program. Although the LOI is not required, not binding, and does not enter into the review of your subsequent application, the LOI will be used to gauge the level of interest in this program, and to allow CDC to plan the application review.

Application Deadline Date: June 14, 2004.

Explanation of Deadlines: Applications must be received in the CDC Procurement and Grants Office by 4 p.m. Eastern Time on the deadline date. If you send your application by the United States Postal Service or commercial delivery service, you must ensure that the carrier will be able to guarantee delivery of the application by the closing date and time. If CDC receives your application after closing due to: (1) Carrier error, when the carrier accepted the package with a guarantee for delivery by the closing date and time, or (2) significant weather delays or natural disasters, you will be given the opportunity to submit documentation of the carriers guarantee. If the documentation verifies a carrier problem, CDC will consider the application as having been received by the deadline.

This program announcement is the definitive guide on application submission address and deadline. It supersedes information provided in the application instructions. If your application does not meet the deadline above, it will not be eligible for review, and will be discarded. You will be notified that you did not meet the submission requirements.

CDC will not notify you upon receipt of your application. If you have a question about the receipt of your application, first contact your courier. If you still have a question, contact the PGO–TIM staff at: 770–488–2700. Before calling, please wait two to three days after the application deadline. This will allow time for applications to be processed and logged.

IV.4. Intergovernmental Review of Applications

Executive Order 12372 does not apply to this program.

IV.5. Funding Restrictions

Restrictions, which must be taken into account while writing your budget, are as follows: cooperative agreement funds for this project cannot be used for construction, renovation, the lease of passenger vehicles, the development of major software applications, or supplanting current applicant expenditures.

If you are requesting indirect costs in your budget, you must include a copy of your indirect cost rate agreement. If your indirect cost rate is a provisional rate, the agreement must be less than 12 months of age.

Guidance for completing your budget can be found on the CDC Web site, at the following Internet address: *http://www.cdc.gov/od/pgo/funding/budgetguide.htm.*

IV.6. Other Submission Requirements

LOI Submission Address: Submit your LOI by express mail, delivery service, fax, or E-mail to: Neil Rainford, Project Officer, 2939 Flowers Road South, Atlanta, GA 30341, Telephone: 770–488–1122, Fax: 770–488–1360, E-mail: *Nrainford@cdc.gov.*

Application Submission Address: Submit the original and two hard copies of your application by mail or express delivery service to: Technical Information Management–PA 04145, CDC Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341.

Applications may not be submitted electronically at this time.

V. Application Review Information

V.1. Criteria

You are required to provide measures of effectiveness that will demonstrate the accomplishment of the various identified objectives of the cooperative agreement. Measures of effectiveness must relate to the performance goals stated in the ''Purpose'' section of this announcement. Measures must be objective and quantitative, and must measure the intended outcome. These measures of effectiveness must be submitted with the application and will be an element of evaluation.

Your application will be evaluated against the following criteria:

1. Work Plan, Goals and Objectives (25 Points)

a. Does the applicant include a detailed work plan, including a time-line?

b. Does the work plan include goals and objectives that are specific, measurable, attainable, realistic, and time-phased?

c. Does the applicant provide details about how the inventory of prevention programs will be achieved? Does the applicant include how the assessment of relevant state policies and data sources will be compiled? Does the applicant describe how the inventory and assessment will be integrated into the state report card?

d. Does the applicant provide a description of how the state strategic plan will be produced and published?

2. Relevant Experience (20 Points)

a. Does the applicant demonstrate experience coordinating, collaborating and providing leadership on a state level with regard to preventing violence perpetrated toward or among children and adolescents?

b. Does the applicant demonstrate experience in collecting and analyzing violence related data?

c. Does the applicant demonstrate experience developing violence prevention strategic plans?

d. Does the applicant demonstrate experience in establishing and managing state advisory boards or working groups focused on a violence prevention topic?

e. Does the applicant demonstrate experience in compiling, synthesizing and disseminating statewide strategic plans and evaluation findings through a variety of mediums to key stakeholders,

including policy makers, public health officials and/or community-based organizations?

f. Does the applicant demonstrate experience identifying and prioritizing data-driven solutions that lead to the prevention of violence?

g. Does the applicant demonstrate a commitment to inclusiveness and diversity?

3. Capacity and Staffing (15 Points)

a. Does the applicant demonstrate an existing capacity and infrastructure to carry out the required activities in the cooperative agreement?

b. Does the applicant describe the responsibilities of individual staff members, levels of effort and allocation of time?

c. Does the applicant clearly describe project staff and their relevant skills/expertise for their assigned position?

d. Does the applicant include an organizational chart?

4. Collaboration (15 Points)

a. Does the applicant demonstrate a willingness to collaborate with other CDC awardees and partners?

b. Does the applicant demonstrate a successful history of collaborating effectively with organizations at the local, state and national levels?

c. Does the applicant include letters of support and/or memoranda of agreement from national and state child and adolescent violence prevention organizations, research and/or academic experts/institutions, and other relevant agencies and organizations, including public health agencies and organizations that work to prevent the perpetration of violence toward or among children and adolescents?

d. Does the applicant demonstrate that this project will be a collaborative effort that includes other state level entities (*e.g.*, State Department of Education, other divisions of the state health agency, not-for-profit organizations, and academic institutions)?

e. Does the applicant provide a clear description of the composition, role and degree of involvement of the work group? Does the applicant indicate plans to identify work group members that represent a broad range of disciplines, as well as organizations that target diverse populations?

5. Dissemination Plan (15 Points)

a. Does the applicant provide a plan to disseminate the strategic plan?

b. Does the applicant provide details about strategies to obtain support for the strategic plan from key stakeholders and public officials?

c. Does the applicant describe how the state strategic plan will be utilized?

6. Evaluation (10 Points)

Does the applicant provide a detailed description of the methods to be used to evaluate the Planning Phase?

7. Measures of Effectiveness (Not Scored)

Does the applicant provide objective/quantifiable measures regarding the intended outcomes that will demonstrate the accomplishment of the various identified objectives of the cooperative agreement?

8. Proposed Budget and Justification (Not Scored)

Does the applicant provide a detailed budget with complete line-item justification of all proposed costs consistent with the stated activities in the program announcement? Details must include a breakdown in the categories of personnel (with time allocations for each), staff travel, communications and postage, equipment, supplies, and any other costs? Does the budget projection include a narrative justification for all requested costs? Any sources of additional funding beyond the amount stipulated in this cooperative agreement should be indicated, including donated time or services. For each expense category, the budget should indicate CDC share, the applicant share and any other support. These funds should not be used to supplant existing efforts.

V.2. Review and Selection Process

Applications will be reviewed for completeness by the Procurement and Grants Office (PGO) staff, and for responsiveness by NCIPC. Incomplete applications and applications that are non-responsive to the eligibility criteria will not advance through the review process. Applicants will be notified that their application did not meet submission requirements.

An objective review panel will evaluate your application according to the criteria listed in the ''V.1. Criteria'' section above.

V.3. Anticipated Announcement Award Date

September 30, 2004.

VI. Award Administration Information

VI.1. Award Notices

Successful applicants will receive a Notice of Grant Award (NGA) from the CDC Procurement and Grants Office. The NGA shall be the only binding, authorizing document between the recipient and CDC. The NGA will be signed by an authorized Grants Management Officer, and mailed to the recipient fiscal officer identified in the application.

Unsuccessful applicants will receive notification of the results of the application review by mail.

VI.2. Administrative and National Policy Requirements

45 CFR Part 74 and Part 92

For more information on the Code of Federal Regulations, see the National Archives and Records Administration at the following Internet address: *http://www.access.gpo.gov/nara/cfr/cfr-table-search.html*.

The following additional requirements apply to this project:

- AR–10 Smoke-Free Workplace Requirements.
- AR–11 Healthy People 2010.
- AR–12 Lobbying Restrictions.
- AR–13 Prohibition on Use of CDC Funds for Certain Gun Control Activities.
- AR–15 Proof of Non-Profit Status.

Additional information on these requirements can be found on the CDC web site at the following Internet address: *http://www.cdc.gov/od/pgo/funding/ARs.htm*.

Projects that involve the collection of information from ten or more individuals and funded by cooperative agreement will be subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

VI.3. Reporting Requirements

You must provide CDC with an original, plus two hard copies of the following reports:

1. Interim progress report, no less than 90 days before the end of the budget period. The progress report will serve as your non-competing continuation application, and must contain the following elements:

a. Current Budget Period Activities Objectives.

b. Current Budget Period Financial Progress.

c. New Budget Period Program Proposed Activity Objectives.

d. Detailed Line-Item Budget and Justification.

e. Additional Requested Information.

f. Measures of Effectiveness.

2. Financial status report, no more than 90 days after the end of the budget period.

3. Final financial and performance reports, no more than 90 days after the end of the project period.

These reports must be mailed to the Grants Management or Contract

Specialist listed in the ''Agency Contacts'' section of this announcement.

VII. Agency Contacts

For general questions about this announcement, contact: Technical Information Management Section, CDC Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341, Telephone: 770–488–2700.

For program technical assistance, contact: Neil Rainford, Project Officer, 4770 Buford Hwy., NE., MS–K60, Atlanta, GA 30341–3724, Telephone: 770–488–1122, E-mail: *NRainford@cdc.gov*.

For financial, grants management, or budget assistance, contact: Nancy Pillar, Grants Management Specialist, CDC Procurement and Grants Office, 2920 Brandywine Road, Suite 3000, Atlanta, GA 30341, Telephone: 770–488–2721, E-mail: *NPillar@cdc.gov*.

Dated: May 10, 2004.

William P. Nichols,

Acting Director, Procurement and Grants Office, Centers for Disease Control and Prevention.

[FR Doc. 04–10946 Filed 5–13–04; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Postdoctoral Fellowship Training Program (PFTP) in Infectious Diseases

Announcement Type: Competing Continuation.

Funding Opportunity Number: 04108.

Catalog of Federal Domestic Assistance Number: 93.283.

Key Dates: Letter of Intent Deadline: June 1, 2004.

Application Deadline: June 14, 2004.

I. Funding Opportunity Description

Authority: This program is authorized under Sections 301 and 317(k)(2) of the Public Health Service Act, [42 U.S.C. 241 and 247b(k)(2)], as amended.

Purpose: The purpose of this cooperative agreement is to support recipients in conducting a two- to three-year Postdoctoral Fellowship Training Program in Infectious Diseases (PFTP) which provides a combination of clinical training and basic laboratory or epidemiology training in infectious diseases. The goal is to improve the ability of the U.S. public health system to respond to the problem of infectious diseases by increasing the number of academic infectious disease physicians with demonstrated skills in the public health aspects of infectious diseases and to provide them with the essential, pertinent clinical and research skills.

PFTPs should be implemented as new distinct fellowship positions/tracks in grantee's existing infectious disease postdoctoral training program for physicians. PFTPs should be aimed at physicians with training in infectious diseases who wish to pursue a career in academic infectious diseases of public health importance. The objective is to offer a combination of clinical and research training which will lead to eligibility for certification in infectious diseases by the American Board of Internal Medicine or the American Board of Pediatrics.

Specific areas of clinical concentration may include: Clinical rotations in infectious diseases, infectious diseases in transplant recipients, clinical microbiology, outpatient infectious diseases, pediatric infectious diseases, or infectious disease pharmacology. The recipient must be able to provide support for physicians of unusual ability and promise or proven achievement by giving them an opportunity to conduct clinical, laboratory, and epidemiologic research on significant public health problems caused by infectious diseases. Specific areas for research training may include: Viral and rickettsial infections, nosocomial infections, antimicrobial resistance, vector-borne infectious diseases, respiratory and food-borne bacterial diseases, parasitic diseases, sexually transmitted diseases, and acquired immunodeficiency syndrome. This program addresses the ''Healthy People 2010'' focus area(s) of Immunization and Infectious Disease.

Measurable outcomes of the program will be in alignment with the following performance goal for the National Center for Infectious Diseases (NCID): Protect Americans from infectious disease.

Activities: Awardee activities for this program are as follows:

- As a distinct and separate track of recipient's existing infectious disease postdoctoral fellowship program, conduct a two-to three-year PFTP that combines clinical and basic laboratory or epidemiologic research training in prevention and control of infectious diseases of public health importance.
- Design and conduct the PFTP such that upon completion of the fellowship, fellows will become eligible for certification in infectious diseases by the American Board of Internal Medicine or the American Board of Pediatrics.
- Provide preceptors for training.
- Develop a fellowship candidate application, review, ranking, and selection process. Based on this process, select applicants to be awarded two-to three-year PFTP fellowships.
- Provide administrative support to fellows during their tenure in the PFTP including the payment of stipends, professional travel, etc. (*see* Availability of Funds for cost sharing requirements).
- Monitor and evaluate the progress of fellows and progress toward achieving program goals. To measure the overall success of the PFTP, establish a mechanism to follow-up and report on fellows (*e.g.*, where they work, in what field, etc.) periodically for up to five years after they complete the PFTP.

In a cooperative agreement, CDC staff is substantially involved in the program activities, above and beyond routine grant monitoring.

CDC Activities for this program are as follows:

- Some of the laboratory and epidemiologic training component of the PFTP may occur at CDC facilities under CDC staff preceptors. CDC may provide preceptors and/or facilities for training that occurs at CDC facilities. It is not a requirement that any of the training occur at CDC facilities or under the guidance of CDC staff.

II. Award Information

Type of Award: Cooperative Agreement.

Fiscal Year Funds: 2004.

Approximate Total Funding: $150,000.

Approximate Number of Awards: 2.

Approximate Average Award: $75,000 (This amount is for the first 12-month budget period, and includes both direct and indirect costs).

Floor of Award Range: None.

Ceiling of Award Range: $115,000.

Anticipated Award Date: July 1, 2004.

Budget Period Length: 12 months.

Project Period Length: Up to 5 years.

Throughout the project period, CDC's commitment to continuation of awards will be conditioned on the availability of funds, evidence of satisfactory progress by the recipient (as documented in required reports), and the determination that continued funding is in the best interest of the Federal Government.

III. Eligibility Information

III.1. Eligible Applicants

Applications may only be submitted by university-affiliated schools of medicine in the United States with infectious disease programs accredited by the Accreditation Council for Graduate Medical Education (ACGME).

Only one application per eligible school of medicine will be accepted.

III.2. Cost Sharing or Matching

Grantee cost-sharing is required under this program. CDC will provide up to 50 percent of the total cost for items directly related to the support of fellows such as stipends and professional travel. CDC funds will not be provided for supplies and equipment, any costs of research conducted by fellows as part of their training (except for stipends), or for direct salaries/fringe, travel, space, *etc.,* for recipient's faculty or administrative personnel. CDC funds are not intended to supplant recipient's existing infectious disease fellowships, rather they are intended to support new/additional fellowship opportunities that are consistent with the stated Purpose of this grant program.

III.3. Other

If you request a funding amount greater than the ceiling of the award range, your application will be considered non-responsive, and will not be entered into the review process. You will be notified that your application did not meet the submission requirements.

If your application is incomplete or non-responsive to the requirements listed in this section, it will not be entered into the review process. You will be notified that your application did not meet submission requirements.

Eligibility is limited to university-affiliated U.S. schools of medicine with infectious disease programs accredited by the Accreditation Council for Graduate Medical Education (ACGME) as these are the only institutions that will have existing infectious disease fellowships for physicians that this grant program seeks to enhance. ACGME-accredited medical schools are the only institutions that can prepare fellows for eligibility for certification in infectious diseases by the American Board of Internal Medicine or American Board of Pediatrics as required by this program.

Note: Title 2 of the United States Code section 1611 states that an organization described in section 501(c)(4) of the Internal Revenue Code that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant, or loan.

IV. Application and Submission Information

IV.1. Address To Request Application Package

To apply for this funding opportunity use application form PHS 5161. For hard-copy submission of application, application forms and instructions are available on the CDC web site, at the following Internet address: *www.cdc.gov/od/pgo/forminfo.htm*. To submit your application electronically, please utilize the forms and instructions posted for this announcement at *www.grants.gov*. If you do not have access to the Internet, or if you have difficulty accessing the forms on-line, you may contact the CDC Procurement and Grants Office Technical Information Management Section (PGO–TIM) staff at: 770–488–2700. Application forms can be mailed to you.

IV.2. Content and Form of Submission

Letter of Intent (LOI): Your LOI must be written in the following format:

- Maximum number of pages: 1
- Font size: 12-point unreduced
- Single spaced
- Paper size: 8.5 by 11 inches
- Page margin size: One inch
- Printed only on one side of page
- Written in plain language, avoid jargon

Your LOI must contain the following information:

- Name of applicant institution
- Point of contact name address, phone number, and E-mail address

Application: You must submit a project narrative with your application forms. The narrative must be submitted in the following format:

- Maximum number of pages: 10 If your narrative exceeds the page limit, only the first pages which are within the page limit will be reviewed.
- Font size: 12 point unreduced
- Single spaced
- Paper size: 8.5 by 11 inches
- Page margin size: One inch
- Printed only on one side of page
- Held together only by rubber bands or metal clips; not bound in any other way.

Your narrative should address activities to be conducted over the entire project period, and must include the following items in the order listed:

- Abstract

Provide a brief (less than two pages) summary of the proposed PFTP. Abstract does NOT count toward the narrative page limitation.

- Background and Need

Demonstrate an understanding of the background and need for the PFTP. Discuss how your proposed PFTP track differs from existing tracks/opportunities in your fellowship program and how your proposed PFTP track meets the Purpose of this cooperative agreement program.

- Capacity and Personnel
  - Describe applicant's goals, objectives, and efforts to promote the field of academic infectious diseases.
  - Demonstrate applicant's experience in academic infectious diseases education and training in general, including experience in maintaining programs that lead to eligibility for certification in infectious diseases by the American Board of Internal Medicine or the American Board of Pediatrics.
  - Describe applicant's existing postdoctoral fellowship training programs for physicians in infectious diseases. Describe applicant's resources, facilities, and professional personnel that will be involved in conducting the project.
- Operational Plan
  - Present a detailed and time-phased plan for establishing and conducting the PFTP.
  - Describe the proposed structure, timeline, and procedures for the PFTP. Clearly address all Activities listed in Section I, above.
  - Identify key staff and their assigned responsibilities for operating the PFTP.
  - Present a plan for monitoring and evaluating the progress of fellows during and after PFTP.
  - Describe how you will ensure that all fellows become eligible for certification in infectious diseases by the American Board of Internal Medicine by the end of fellowship tenure.
- Measures of Effectiveness (see Section V.1.—Evaluation Criteria, below, for more information regarding measures of effectiveness).
- Budget (does NOT count towards page limitation)

Provide a line-item budget and accompanying detailed, line-by-line justification that demonstrates the request is consistent with the purpose and objectives of this program. Clearly indicate by line-item both a) the full cost and b) the amount requested from CDC (see cost-sharing requirement in Section III.2., above.).

- Appendices: The following additional required information should be included in the application appendices. The appendices will not be counted toward the narrative page limit. This additional information includes:
  - Curriculum vitae for key professional personnel involved with the project.
  - Documentation of ACGME accreditation.
  - If proposing that fellows conduct any of their laboratory or epidemiologic training at CDC facilities and/or under the preceptorship of CDC staff, include in the appendix letters of support from the appropriate CDC scientist(s) that clearly indicates their commitment to participate as described in your

application. If any training is to occur at CDC facilities, letters of support also need to be co-signed by the CDC scientist's Division Principal Management Officer and the letter must clearly indicate the Division's willingness to provide space, supplies, use of equipment/facilities, etc., for fellows during their training at CDC.

You are required to have a Dun and Bradstreet Data Universal Numbering System (DUNS) number to apply for a grant or cooperative agreement from the Federal government. The DUNS number is a nine-digit identification number, which uniquely identifies business entities. Obtaining a DUNS number is easy and there is no charge. To obtain a DUNS number, access *www.dunandbradstreet.com* or call 1–866–705–5711. For more information, see the CDC web site at: *http://www.cdc.gov/od/pgo/funding/pubcommt.htm.* If your application form does not have a DUNS number field, please write your DUNS number at the top of the first page of your application, and/or include your DUNS number in your application cover letter.

Additional requirements that may require you to submit additional documentation with your application are listed in section ''VI.2. Administrative and National Policy Requirements.''

IV.3. Submission Dates and Times

LOI Deadline Date: June 1, 2004.

CDC requests that you send a LOI if you intend to apply for this program. Although the LOI is not required, not binding, and does not enter into the review of your subsequent application, the LOI will be used to gauge the level of interest in this program, and to allow CDC to plan the application review.

Application Deadline Date: June 14, 2004.

Explanation of Deadlines: Applications must be received in the CDC Procurement and Grants Office by 4 p.m. Eastern Time on the deadline date. If you send your application by the United States Postal Service or commercial delivery service, you must ensure that the carrier will be able to guarantee delivery of the application by the closing date and time. If CDC receives your application after closing due to: (1) Carrier error, when the carrier accepted the package with a guarantee for delivery by the closing date and time, or (2) significant weather delays or natural disasters, you will be given the opportunity to submit documentation of the carriers guarantee. If the documentation verifies a carrier problem, CDC will consider the application as having been received by the deadline.

This announcement is the definitive guide on application submission address and deadline. It supersedes information provided in the application instructions. If your application does not meet the deadline above, it will not be eligible for review, and will be discarded. You will be notified that your application did not meet the submission requirements.

CDC will not notify you upon receipt of your application. If you have a question about the receipt of your application, first contact your courier. If you still have a question, contact the PGO–TIM staff at: 770–488–2700. Before calling, please wait two to three days after the application deadline. This will allow time for applications to be processed and logged.

IV.4. Intergovernmental Review of Applications

Your application is subject to Intergovernmental Review of Federal Programs, as governed by Executive Order (EO) 12372. This order sets up a system for state and local governmental review of proposed federal assistance applications. You should contact your state single point of contact (SPOC) as early as possible to alert the SPOC to prospective applications, and to receive instructions on your state's process. Click on the following link to get the current SPOC list: *http://www.whitehouse.gov/omb/grants/spoc.html.*

IV.5. Funding Restrictions

Restrictions, which must be taken into account while writing your budget, are as follows:

- These awards will be training grants. For training grants, recipient's indirect charges are limited to 8 percent of direct costs.
- Also, see Section III.2., Cost Sharing for additional funding restrictions.

Guidance for completing your budget can be found on the CDC Web site, at the following Internet address: *http://www.cdc.gov/od/pgo/funding/budgetguide.htm.*

IV.6. Other Submission Requirements

LOI Submission Address: Submit your LOI by express mail, delivery service, fax, or E-mail to: Greg Jones, M.P.A., Public Health Analyst, Office of the Director, National Center for Infectious Diseases, Centers for Disease Control and Prevention, 1600 Clifton Road, NE., Mailstop C12, Atlanta, GA 30333, Fax: (404) 639–3106, E-mail: *GJJones@cdc.gov.*

Application Submission Address: Submit the original and two hard copies of your application by mail or express delivery service to: Technical Information Management—PA# 04108, CDC Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341 or You may submit your application electronically at: *www.grants.gov.*

V. Application Review Information

V.1. Criteria

You are required to provide measures of effectiveness that will demonstrate the accomplishment of the various identified objectives of the grant or cooperative agreement. Measures of effectiveness must relate to the performance goals stated in the ''Purpose'' section of this announcement. Measures must be objective and quantitative, and must measure the intended outcome. These measures of effectiveness must be submitted with the application and will be an element of evaluation. Your application will be evaluated against the following criteria:

1. Background and Need (15 points): Does the applicant demonstrate an understanding of the background and need for the PFTP? Do they clearly demonstrate that their proposed PFTP adds positions to and does not supplant existing positions in their fellowship program? Do they demonstrate how the proposed PFTP meets the Purpose of this program announcement?

2. Capacity:

a. Institutional (25 points): Does the applicant demonstrate that they have been and are devoted to promoting the field of academic infectious diseases, *e.g.*, by conducting regular national meetings and workshops devoted to current topics? Does the applicant document experience in education and training in academic infectious diseases, including documentation of relevant degree programs offered and evidence of experience in successfully preparing students for certification in infectious diseases by the American Board of Internal Medicine or the American Board of Pediatrics? Does the applicant demonstrate significant institutional experience in managing postdoctoral fellowship training programs for physicians in the area of infectious diseases? Do they document that they have a successful existing postdoctoral fellowship program in infectious diseases that will serve as the platform for the proposed PFTP fellowships?

b. Staff and administrative (25 points): Does the applicant describe adequate resources and facilities (clinical,

academic, and administrative) for conducting the PFTP? Do they document that their professional personnel involved in the PFTP are qualified and have past experience and achievements related to that proposed? If proposing that fellow's research be conducted at CDC facilities, does the applicant include Letters of Support as described in Application Content section IV.2., above (*i.e.*, that are signed by the appropriate CDC officials and that clearly indicate their commitment to participate as proposed in the application).

3. Operational Plan (30 points): Is the applicant's proposed operational plan clear and detailed and address all Activities listed in Section I? Do they include a detailed time schedule or Gant chart for the first year of the program? Does the applicant clearly indicate specific staff that will be responsible for implementation and operation of the PFTP? Does the applicant's plan meet the purpose and goals of this cooperative agreement program?

4. Measures of Effectiveness (5 points): Does the applicant provide measures of effectiveness as described in the paragraph above such that effective ''outcome'' evaluation can be accomplished?

5. Budget (Not scored): Is the proposed budget reasonable, clearly justified, and consistent with the intended use of grant funds?

V.2. Review and Selection Process

Applications will be reviewed for completeness by the Procurement and Grants Office (PGO) staff, and for responsiveness by the National Center for Infectious Diseases. Incomplete applications and applications that are non-responsive to the eligibility criteria will not advance through the review process. Applicants will be notified that their application did not meet submission requirements.

An objective review panel will evaluate complete and responsive applications according to the criteria listed in the ''V.1. Criteria'' section above.

In addition, the following factors may affect the funding decision:

Preference will be given to competing continuation applications over applications for programs not already receiving support under the PFTP program.

V.3. Anticipated Announcement and Award Dates

Anticipated Award Date: July 1, 2004.

VI. Award Administration Information

VI.1. Award Notices

Successful applicants will receive a Notice of Grant Award (NGA) from the CDC Procurement and Grants Office. The NGA shall be the only binding, authorizing document between the recipient and CDC. The NGA will be signed by an authorized Grants Management Officer, and mailed to the recipient fiscal officer identified in the application.

Unsuccessful applicants will receive notification of the results of the application review by mail.

VI.2. Administrative and National Policy Requirements

45 CFR Part 74 and Part 92

For more information on the Code of Federal Regulations, see the National Archives and Records Administration at the following Internet address: *http://www.access.gpo.gov/nara/cfr/cfr-table-search.html.*

The following additional requirements apply to this project:

- AR–7 Executive Order 12372
- AR–10 Smoke-Free Workplace Requirements
- AR–11 Healthy People 2010
- AR–12 Lobbying Restrictions
- AR–16 Security Clearance Requirement

Additional information on these requirements can be found on the CDC web site at the following Internet address: *http://www.cdc.gov/od/pgo/funding/ARs.htm.*

VI.3. Reporting Requirements

You must provide CDC with an original, plus two hard copies of the following reports:

1. Interim progress report, no less than 90 days before the end of the budget period. The progress report will serve as your non-competing continuation application, and must contain the following elements:

a. Current Budget Period Activities Objectives.

b. Current Budget Period Financial Progress.

c. New Budget Period Program Proposed Activity Objectives.

d. Budget.

e. Additional Requested Information.

f. Measures of Effectiveness.

2. Financial status report, no more than 90 days after the end of the budget period.

3. Final financial and performance reports, no more than 90 days after the end of the project period.

These reports must be mailed to the Grants Management or Contract Specialist listed in the ''Agency Contacts'' section of this announcement.

VII. Agency Contacts

For general questions about this announcement, contact: Technical Information Management Section, CDC Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341, Telephone: 770–488–2700.

For program technical assistance, contact: Greg Jones, M.P.A., Public Health Analyst, Office of the Director, National Center for Infectious Diseases, Centers for Disease Control and Prevention, 1600 Clifton Road, NE., Mailstop C12, Atlanta, GA 30333, Telephone: (404) 639–4180, Fax: (404) 639–3106, E-mail: *GJJones@cdc.gov.*

For financial, grants management, or budget assistance, contact: Jeff Napier, Contract Specialist, CDC Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341, Telephone: 770–488–2628, E-mail: *jxn1@cdc.gov.*

Dated: May 10, 2004.

William P. Nichols,

Acting Director, Procurement and Grants Office, Centers for Disease Control and Prevention.

[FR Doc. 04–10948 Filed 5–13–04; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Request for Applications to Determine the Pharmacokinetics of Clostridium Botulinum Neurotoxins A, B, C, E, and F

Announcement Type: New.

Funding Opportunity Number: 04099.

Catalog of Federal Domestic Assistance Number: 93.283.

Key Dates:

Letter of Intent Deadline: June 1, 2004.

Application Deadline: June 28, 2004.

Executive Summary: The Centers for Disease Control and Prevention (CDC) invites investigator-directed research grant applications that will lead to an understanding of the relationship between oral exposure to Clostridium botulinum neurotoxin, morbidity, and lethality. Research should include, but is not limited to, the establishment and implementation of methods and procedures in non-human primates for determination of the pharmacokinetics of both the di-chain and progenitor forms of C. botulinum neurotoxins A, B, C, E, and F. The information gathered by this study will help guide policy development and most importantly

enable informed treatment recommendations. Applications should define the proposed project goal, interim objectives (development milestone), potential ultimate product, and provide a timeline for milestone and goal attainment. This grant seeks researchers that can collaborate with relevant ongoing small animal studies or that have established small animal models and the ability to transfer these studies to non-human primates. Preference will be given to otherwise equivalent proposals that take measures to minimize suffering and preserve the life of animals utilized in this study to the extent possible. All applicants must comply with CDC guidelines on the care and use of laboratory animals.

I. Funding Opportunity Description

Authority: This program is authorized under the Public Health Service Act Sections 301(a) [42 U.S.C.241(a)], as amended.

Purpose: The purpose of this research grant is to support the development and utilization of a non-human primate model system to gather data on the adsorption, distribution, localization, metabolism and clearance of botulinum neurotoxins. The data obtained from this study will aid the development of methods and procedures to rapidly identify and more effectively treat a human population exposed to botulinum neurotoxin via natural or intentional mechanisms.

The botulinal neurotoxins pose a significant threat to the public as bioterrorist weapons because of their potency, ease of production and transport, and the potential burden that affected individuals would place on the public health care system. These neurotoxins, which are produced by the ubiquitous pathogen Clostridium botulinum and some strains of Clostridium baratii and Clostridium butyricum, are among the most toxic substances known to man. The botulinum neurotoxins (BoNTs) are produced in seven antigenically distinct forms that are identified as types A, B, C, D, E, F, and G. The toxins are naturally found complexed to neuroassociated proteins (progenitor toxin), but can be purified to a fully active di-chain neurotoxin molecule. The BoNTs block the release of the neurotransmitter, acetylcholine, which uncouples the neuromuscular junction and results in paralysis and death if left untreated. Estimates suggest that as little as 1 ng/kg and 3 ng/kg of neurotoxin type A is enough to kill 50 percent of a human population exposed by oral and inhalation routes, respectively.

In the United States, less than 150 cases of laboratory confirmed botulism are reported each year and there are no preventative therapies for the general public at this time as natural cases of botulism are relatively rare. Most cases of botulism traditionally result from exposure to the BoNTs through ingestion of preformed toxin in foods or through secondary means in which a toxin producing organism is introduced and becomes established in the body. Inhalational botulism is not a common form of exposure. Most of the information on botulinum intoxication and treatment in humans is derived from cases of naturally occurring foodborne botulism. Neurological signs of botulism in humans include: symmetric, descending flaccid paralysis with bulbar palsies, ptosis, diplopia, blurred vision, enlarged pupils, dysarthria, dysphonia, and dysphagia. The lag time between exposure and rapidity of symptom onset is difficult to establish in naturally occurring foodborne cases as it is dependent on the rate and amount of toxin ingested by each affected individual among other variables. At this time, clinical presentation consistent with botulism, which may occur 12–72 hours after toxin ingestion, is the only basis for implementation of antitoxin therapy, which will stop the progression of neuronal damage but not reverse it. Although clinical specimens such as aspirates, serum and stool can be analyzed for the presence of BoNT, the absence of toxin in such specimens does not rule out intoxication. Thus, although it is crucial that BoNT exposed individuals are identified and appropriately treated in a timely manner, insufficient data are available to establish a defined time line between exposure to botulinum toxin, adsorption by mucosal tissues, toxin stability in vivo, toxin serum levels over time, and clearance.

Currently, the treatment of botulism patients requires extensive supportive care and passive immunization with equine antitoxin. Data from outbreaks resulting from ingestion of naturally contaminated foods suggest that up to 95 percent of exposed individuals require hospitalization and up to 62 percent require long-term ventilation. This suggests that with our current capabilities, a large outbreak would place an enormous strain on the existing health care infrastructure, possibly limiting treatment capacity. Although modern antitoxin therapy treatments are highly effective in reducing mortality in humans, existing supplies need to be used in an effective and timely manner.

The determination of the pharmacokinetics of the BoNTs resulting from oral exposure will provide critical information that will aid early identification of exposed individuals and enable the development of informed guidelines that will maximize effective delivery of therapeutic antitoxin in a large scale outbreak.

This program addresses the ''Healthy People 2010'' focus area of Immunization and Infectious Disease.

Measurable outcomes of the program will be in alignment with the following performance goal for the National Center for Infectious Diseases (NCID): Protect Americans from infectious diseases.

Research Objectives: Develop and utilize a non-human primate model system to determine the pharmacokinetics of both di-chain and progenitor forms of C. botulinum neurotoxins A, B, C, E, and F resulting from low to high level toxin exposure. The product of this research should establish a timeline of events and a relationship among the following: C. botulinum toxin exposure level, neurotoxin type (A, B, C, E, and F), toxin form (di-chain and progenitor toxin), rate of toxin adsorption into serum, distribution and quantity of toxin in body fluids and products (serum, and stool), toxin stability/duration of action, time of botulism symptom onset (as related to time of exposure, and toxin serum levels), biotransformation of toxin in body fluids/products (*i.e.* presence of progenitor, di-chain, or another form of the toxin), rate of toxin clearance, variability in exposed population, and recovery.

Activities: Awardee activities for this program but are not limited to the following:

- Establish a relevant small animal model (examples include guinea pigs or mice) to conduct pharmacokinetic studies on botulinum toxins that can be transferred to non-human primate studies. Alternatively, it is acceptable to establish collaboration with researcher(s) conducting ongoing small animal studies and to propose how those studies would be transferred to non-human primates.
- Develop protocols and procedures for testing, maintenance, and recovery of non-human primates.
- Describe a timeframe for development of a proof-of-concept small animal model, establishment of a non-human primate model, attainment of necessary materials to perform the study, collection and analysis of clinical specimens, and completion of the study.

• Develop and implement protocols to address the research objectives in a non-human primate model system, including but not limited to methods for oral toxin exposure, collection and testing of appropriate tissues and or body fluids/products, evaluation of botulism symptom onset, and evaluation of intra-study variation among test subjects.

II. Award Information

Type of Award: Grant.
Award Mechanism: R01.
Fiscal Year Funds: 2004.
Approximate Total Funding: $2,000,000.00.
Approximate Number of Awards: 1–2.
Approximate Average Award: $900,000.00.
Floor of Award Range: None.
Ceiling of Award Range: None.
Anticipated Award Date: September 1, 2004.
Budget Period Length: 12 months.
Project Period Length: 3 years.

Throughout the project period, CDC's commitment to continuation of awards will be conditioned on the availability of funds, evidence of satisfactory progress by the recipient (as documented in required reports), and the determination that continued funding is in the best interest of the Federal Government.

III. Eligibility Information

III.1. Eligible Applicants

Applications may be submitted by public and private organizations and by governments and their agencies, such as:

• Public nonprofit organizations.
• Private organizations.
• Universities.
• Colleges.
• Research institutions.
• Hospitals.
• Community-based organizations.
• Faith-based organizations.
• Federally recognized Indian tribal governments.
• Indian tribal organizations.
• State and local governments or their Bona Fide Agents (this includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Commonwealth of the Northern Marianna Islands, American Samoa, Guam, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau).
• Political subdivisions of States (in consultation with States).

A Bona Fide Agent is an agency/organization identified by the state as eligible to submit an application under the state eligibility in lieu of a state application. If you are applying as a bona fide agent of a state or local government, you must provide a letter from the state or local government as documentation of your status. Place this documentation behind the first page of your application form.

III.2. Cost Sharing or Matching

Matching funds are not required for this program.

III.3. Other

If your application is incomplete or non-responsive to the requirements listed in this section, it will not be entered into the review process. You will be notified that your application did not meet submission requirements.

Individuals Eligible to Become Principal Investigators: Any individual with the skills, knowledge, and resources necessary to carry out the proposed research is invited to work with their institution to develop an application for support. Individuals from underrepresented racial and ethnic groups as well as individuals with disabilities are always encouraged to apply for CDC programs.

Note: Title 2 of the United States Code section 1611 states that an organization described in section 501(c)(4) of the Internal Revenue Code that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant, or loan.

IV. Application and Submission Information

IV.1. Address to Request Application Package

To apply for this funding opportunity, use application form PHS 398 (OMB number 0925–0001 rev. 5/2001). Forms and instructions are available in an interactive format on the CDC Web site, at the following Internet address: *http://www.cdc.gov/od/pgo/forminfo.htm.* Forms and instructions are also available in an interactive format on the National Institutes of Health (NIH) Web site at the following Internet address: *http://grants.nih.gov/grants/funding/phs398/phs398.html.*

If you do not have access to the Internet, or if you have difficulty accessing the forms on-line, you may contact the CDC Procurement and Grants Office Technical Information Management Section (PGO–TIM) staff at: 770–488–2700. Application forms can be mailed to you.

IV.2. Content and Form of Application Submission

Letter of Intent (LOI): Your LOI must be written in the following format:

• Maximum number of pages: 3.
• Font size: 12-point unreduced.
• Single spaced.
• Paper size: 8.5 by 11 inches.
• Page margin size: One inch.
• Printed only on one side of page.
• Written in plain language, avoid jargon.

Your LOI must contain the following information:

• Descriptive title of the proposed research.
• Name, address, E-mail address, and telephone number of the Principal Investigator.
• Names of other key personnel.
• Participating institutions.
• Number and title of this Program Announcement.

Application: Follow the PHS 398 application instructions for content and formatting of your application. For further assistance with the PHS 398 application form, contact PGO–TIM staff at 770–488–2700, or contact GrantsInfo, Telephone (301) 435–0714, E-mail: GrantsInfo@nih.gov.

Your research plan should address activities to be conducted over the entire project period.

You are required to have a Dun and Bradstreet Data Universal Numbering System (DUNS) number to apply for a grant or cooperative agreement from the Federal government. Your DUNS number must be entered on line 11 of the face page of the PHS 398 application form. The DUNS number is a nine-digit identification number, which uniquely identifies business entities. Obtaining a DUNS number is easy and there is no charge. To obtain a DUNS number, access *http://www.dunandbradstreet.com* or call 1–866–705–5711. For more information, *see* the CDC Web site at: *http://www.cdc.gov/od/pgo/funding/pubcommt.htm.*

This PA uses just-in-time concepts. It also uses the modular budgeting as well as non-modular budgeting formats. *See: http://grants.nih.gov/grants/funding/modular/modular.htm* for additional guidance on modular budgets. Specifically, if you are submitting an application with direct costs in each year of $250,000 or less, use the modular budget format. Otherwise, follow the instructions for non-modular budget research grant applications.

Additional requirements that may require you to submit additional documentation with your application are listed in section ''VI.2. Administrative and National Policy Requirements.''

IV.3. Submission Dates and Times

LOI Deadline Date: June 1, 2004. CDC requests that you send a LOI if you

intend to apply for this program. Although the LOI is not required, not binding, and does not enter into the review of your subsequent application, the LOI will be used to gauge the level of interest in this program, and to allow CDC to plan the application review.

Application Deadline Date: June 28, 2004.

Explanation of Deadlines: Applications must be received in the CDC Procurement and Grants Office by 4 p.m. eastern time on the deadline date. If you send your application by the United States Postal Service or commercial delivery service, you must ensure that the carrier will be able to guarantee delivery of the application by the closing date and time. If CDC receives your application after closing due to: (1) carrier error, when the carrier accepted the package with a guarantee for delivery by the closing date and time, or (2) significant weather delays or natural disasters, you will be given the opportunity to submit documentation of the carriers guarantee. If the documentation verifies a carrier problem, CDC will consider the application as having been received by the deadline.

This announcement is the definitive guide on application submission address and deadline. It supersedes information provided in the application instructions. If your application does not meet the deadline above, it will not be eligible for review, and will be discarded. You will be notified that your application did not meet the submission requirements.

CDC will not notify you upon receipt of your application. If you have a question about the receipt of your application, first contact your courier. If you still have a question, contact the PGO–TIM staff at: 770–488–2700. Before calling, please wait two to three days after the application deadline. This will allow time for applications to be processed and logged.

IV.4. Intergovernmental Review of Applications

Your application is subject to Intergovernmental Review of Federal Programs, as governed by Executive Order (EO) 12372. This order sets up a system for state and local governmental review of proposed federal assistance applications. You should contact your state single point of contact (SPOC) as early as possible to alert the SPOC to prospective applications, and to receive instructions on your state's process. Click on the following link to get the current SPOC list: *http://www.whitehouse.gov/omb/grants/spoc.html.*

IV.5. Funding restrictions

Restrictions, which must be taken into account while writing your budget, are as follows:

- None.

If you are requesting indirect costs in your budget, you must include a copy of your indirect cost rate agreement. If your indirect cost rate is a provisional rate, the agreement should be less than 12 months of age.

Awards will not allow reimbursement of pre-award costs.

IV.6. Other Submission Requirements

LOI Submission Address: Submit your LOI by express mail, delivery service, fax, or E-mail to: Barbara Stewart, Centers for Disease Control and Prevention, National Center for Infectious Diseases, 1600 Clifton Road, NE., Mail Stop C–19, Atlanta, GA 30333, Phone: 404–639–0044, Fax: 404–639–2469, E-mail Address: *bsg2@cdc.gov.*

Application Submission Address: Submit the original and five hard copies of your application by mail or express delivery service to: Technical Information Management-PA# 04099, CDC Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341.

Applications may not be submitted electronically at this time.

V. Application Review Information

V.1. Criteria

You are required to provide measures of effectiveness that will demonstrate the accomplishment of the various identified objectives of the grant. Measures of effectiveness must relate to the performance goals stated in the ''Purpose'' section of this announcement. Measures must be objective and quantitative, and must measure the intended outcome. These measures of effectiveness must be submitted with the application and will be an element of evaluation.

The goals of CDC-supported research are to advance the understanding of biological systems, improve the control and prevention of disease and injury, and enhance health. In the written comments, reviewers will be asked to evaluate the application in order to judge the likelihood that the proposed research will have a substantial impact on the pursuit of these goals.

The scientific review group will address and consider each of the following criteria in assigning the application's overall score, weighting them as appropriate for each application. The application does not need to be strong in all categories to be judged likely to have major scientific impact and thus deserve a high priority score. For example, an investigator may propose to carry out important work that by its nature is not innovative, but is essential to move a field forward.

The criteria are as follows:

Significance: Does this study address an important problem? If the aims of the application are achieved, how will scientific knowledge be advanced? What will be the effect of these studies on the concepts or methods that drive this field? Will this study make significant contributions to the existing knowledge base regarding effective antitoxin treatment of botulinum toxin exposed individuals?

Approach: Are the conceptual framework, design, methods, and analyses adequately developed, well-integrated, and appropriate to the aims of the project? Does the applicant acknowledge potential problem areas and consider alternative tactics? Has the applicant outlined a reasonable plan for attaining the objectives of this project within the indicated time frame? Are standardized operating procedures and documentation practices described?

Innovation: Does the project employ novel concepts, approaches or methods? Are the aims original and innovative? Does the project challenge existing paradigms or develop new methodologies or technologies?

Investigator: Is the investigator appropriately trained and well suited to carry out this work? Is the work proposed appropriate to the experience level of the principal investigator and other researchers (if any)?

Environment: Does the scientific environment in which the work will be done contribute to the probability of success? Do the proposed experiments take advantage of unique features of the scientific environment or employ useful collaborative arrangements? Is there evidence of institutional support? Is the entity or facility conducting the experiments approved to work with botulinum toxin by the Select Agent Program?

Additional Review Criteria: In addition to the above criteria, the following items will be considered in the determination of scientific merit and priority score:

Study Animal Model(s): Are the animal models described appropriate for attainment of study objectives? Has the applicant described a reasonable timeline and approach for development and implementation of a non-human primate model system? Has the applicant described an approach that will enable satisfactory attainment of the study objectives? Are adequate treatment/therapy methods described

for non-human primates used in this study?

Laboratory Analysis and Clinical Evaluation: Has the applicant described satisfactory methods for collection of clinical specimens? Is a method described for analysis of clinical specimens and is this method adequately sensitive to detect relevant levels of toxin? Does the applicant recognize potential problems regarding sensitive detection of toxin in clinical specimens and considered alternative strategies? Has the applicant provided background and experience for the entity conducting laboratory testing, if applicable? Has the applicant described a reasonable method for evaluation of botulism symptom presentation in small animals and non-human primates?

Study Timeline and Protocol: Has the applicant described a reasonable timeframe for completion of the proof-of-concept small animal study, initiation and completion of the non-human primate study, collection and analysis of clinical specimens, reporting, and successful completion of the program?

Protection of Human Subjects from Research Risks: Does the application adequately address the requirements of Title 45 CFR Part 46 for the protection of human subjects? This will not be scored; however, an application can be disapproved if the research risks are sufficiently serious and protection against risks is so inadequate as to make the entire application unacceptable.

Inclusion of Women and Minorities in Research: Does the application adequately address the CDC Policy requirements regarding the inclusion of women, ethnic, and racial groups in the proposed research? This includes: (1) The proposed plan for the inclusion of both sexes and racial and ethnic minority populations for appropriate representation; (2) The proposed justification when representation is limited or absent; (3) A statement as to whether the design of the study is adequate to measure differences when warranted; and (4) A statement as to whether the plans for recruitment and outreach for study participants include the process of establishing partnerships with community(ies) and recognition of mutual benefits.

Care and Use of Vertebrate Animals in Research: If vertebrate animals are to be used in the project, the five items described under Section f of the PHS 398 research grant application instructions will be assessed.

Budget: The reasonableness of the proposed budget and the requested period of support in relation to the proposed research.

V.2. Review and Selection Process

Applications will be reviewed for completeness by the Procurement and Grants Office (PGO) and for responsiveness by NCID. Incomplete applications and applications that are non-responsive to the eligibility criteria will not advance through the review process. Applicants will be notified that their application did not meet submission requirements.

Applications that are complete and responsive to the PA will be evaluated for scientific and technical merit by an appropriate peer review group or charter study section convened by NCID in accordance with the review criteria listed above. As part of the initial merit review, all applications may:

- Undergo a process in which only those applications deemed to have the highest scientific merit, generally the top half of the applications under review, will be discussed and assigned a priority score.
- Receive a written critique.
- Receive a second level review by CDC senior staff.

Award Criteria: Criteria that will be used to make award decisions include:

- Scientific merit (as determined by peer review).
- Ability of proposal to attain research objectives.
- Availability of funds.
- Programmatic priorities.

V.3. Anticipated Announcement and Award Dates

Anticipated Award Date: September 1, 2004.

VI. Award Administration Information

VI.1. Award Notices

Successful applicants will receive a Notice of Grant Award (NGA) from the CDC Procurement and Grants Office. The NGA shall be the only binding, authorizing document between the recipient and CDC. The NGA will be signed by an authorized Grants Management Officer, and mailed to the recipient fiscal officer identified in the application.

Unsuccessful applicants will receive notification of the results of the application review by mail.

VI.2. Administrative and National Policy Requirements

45 CFR Parts 74 and 92

For more information on the Code of Federal Regulations, see the National Archives and Records Administration at the following Internet address: *http://www.access.gpo.gov/nara/cfr/cfr-table-search.html.*

The following additional requirements apply to this project:

- AR–1 Human Subjects Requirements.
- AR–2 Requirements for Inclusion of Women and Racial and Ethnic Minorities in Research.
- AR–3 Animal Subjects Requirements.
- AR–7 Executive Order 12372.
- AR–10 Smoke-Free Workplace Requirements.
- AR–11 Healthy People 2010.
- AR–12 Lobbying Restrictions.
- AR–15 Proof of Non-Profit Status.
- AR–22 Research Integrity.
- AR–23 States and Faith-Based Organizations.
- AR–25 Release and Sharing of Data.

Additional information on these requirements can be found on the CDC Web site at the following Internet address: *http://www.cdc.gov/od/pgo/funding/ARs.htm.*

VI.3. Reporting

You must provide CDC with an original, plus two hard copies of the following reports:

1. Interim progress report, (use form PHS 2590, OMB Number 0925–0001, rev. 5/2001 as posted on the CDC Web site) no less than 90 days before the end of the budget period. The progress report will serve as your non-competing continuation application, and must contain the following elements:

a. Current Budget Period Activities Objectives.

b. Current Budget Period Financial Progress.

c. New Budget Period Program Proposed Activity Objectives.

d. Budget.

e. Additional Requested Information.

f. Measures of Effectiveness.

2. Financial status report and annual progress report, no more than 90 days after the end of the budget period.

3. Final financial and performance reports, no more than 90 days after the end of the project period.

These reports must be mailed to the Grants Management Specialist listed in the ''Agency Contacts'' section of this announcement.

VII. Agency Contacts

For general questions about this announcement, contact: Technical Information Management Section, CDC Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341, Telephone: 770–488–2700.

For scientific/research issues, contact: Dr. Mary Lerchen, Acting Director, Office of Extramural Research, CDC, National Center for Infectious Diseases,

1600 Clifton Road, NE., Mailstop: C–19, Atlanta, GA 30333, Telephone: 404–639–0043, E-mail: *mll0@cdc.gov*.

For questions about peer review, contact: Barbara Stewart, Public Health Analyst, CDC, National Center for Infectious Diseases, 1600 Clifton Road, NE., Mailstop: C–19, Atlanta, GA 30333, Telephone: 404–639–0044, E-mail: *bsg2@cdc.gov.*

For financial, grants management, or budget assistance, contact: Jeff Napier, Contract Specialist, CDC Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341, Telephone: 770–488–2628, E-mail: *JNapier@cdc.gov.*

VIII. Other Information

None.

Dated: May 10, 2004.

Bill Nichols,

Acting Director, Procurement and Grants Office, Centers for Disease Control and Prevention.

[FR Doc. 04–10947 Filed 5–13–04; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–R–214, CMS–179, CMS–367, 367–A, 367–C and CMS–417]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA)), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Independent Diagnostic Testing Facility and Supporting Regulations contained in 42 CFR 410.33; *Form No.:* CMS–R–214 (OMB# 0938–0721); *Use:* The information collection requirements associated with an Independent Diagnostic Testing Facilities involve documentation of proficiency of medical personnel and of resources; *Frequency:* Annually; *Affected Public:* Business or other for-profit, Federal Government and State, local and tribal government; *Number of Respondents:* 500; *Total Annual Responses:* 500; *Total Annual Hours:* 42.

2. *Type of Information Request:* Extension of a currently approved collection; *Title of Information Collection:* Transmittal and Notice of Approval of State Plan Material and Supporting Regulations in 42 CFR 430.10–430.20 and 440.167; *Form Number:* CMS–179 (OMB approval #: 0938–0193); *Use:* Form CMS–179 is used by State agencies to transmit State plan material to CMS for approval prior to amending their State plans; *Frequency:* On occasion; *Affected Public:* State, local or tribal gov't; *Number of Respondents:* 56; *Total Annual Responses:* 56; *Total Annual Hours Requested:* 560.

3. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Medicaid Drug Rebate Program—Manufacturers; *Form No.:* 0938–0578 (CMS–367, 367a, and 367c); *Use:* Section 1927 requires drug manufacturers to enter into and have in effect a rebate agreement with the Federal Government for States to receive funding for drugs dispensed to Medicaid recipients; *Frequency:* Quarterly; *Affected Public:* Business or other for-profit; *Number of Respondents:* 570; *Total Annual Responses:* 2,280; *Total Annual Hours:* 54,780.

4. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Hospice Request for Certification in the Medicare Program; *Form No.:* CMS–417 (OMB# 0938–0313); *Use:* The Hospice Request for Certification Form is used for hospice identification, screening, and to initiate the certification process. The information captured on this form is entered into a data base which assists CMS in determining whether providers have sufficient personnel to participate in the Medicare program; *Frequency:* Annually; *Affected Public:* Business or other for-profit, Not-for-profit institutions, Federal Government, and State, local or tribal government; *Number of Respondents:* 2,286; *Total Annual Responses:* 2,286; *Total Annual Hours:* 572.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS Web Site address at *http://cms.hhs.gov/regulations/pra/default.asp,* or E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@hcfa.gov,* or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Brenda Aguilar, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: May 6, 2004.

John P. Burke, III,

Paperwork Reduction Act Team Leader, CMS Reports Clearance Officer, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development and Issuances.

[FR Doc. 04–10988 Filed 5–13–04; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10110, CMS–102–105, CMS–R–216, CMS–10047 and CMS–18F5]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA)), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions;

(2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Manufacturer Submission of Average Sales Price (ASP) data for Medicare Part B Drugs and Biologicals and Supporting Regulations; *Form No.:* CMS–10110 (OMB# 0938–0921); *Use:* This information collection implements the provisions of the Medicare Prescription Drug, Improvement, and Modernization Act (MMA) of 2003 that require instructions to manufacturers on the submission of average sales price (ASP) data on Medicare Part B drugs to the Centers for Medicare and Medicaid Services (CMS). This form is the tool used by manufacturers to submit the required data.; *Frequency:* Quarterly; *Affected Public:* Business or other for-profit and Not-for-profit institutions; *Number of Respondents:* 120; *Total Annual Responses:* 480; *Total Annual Hours:* 15,360.

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* CLIA Budget Workload Reports and Supporting Regulations Contained in 42 CFR 493.1-.2001; *Form No.:* CMS–102–105 (OMB# 0938–0599); *Use:* Information collected will be used by CMS in determining the amount of Federal Reimbursement for compliance surveys. Use of the information includes program evaluation, audit, budget formulation and budget approval; *Frequency:* Quarterly and Annually; *Affected Public:* State, Local, or Tribal Government; *Number of Respondents:* 50; *Total Annual Responses:* 50; *Total Annual Hours:* 4,500.

3. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Procedures for Advisory Opinions Concerning Physician Referrals and Supporting Regulations in 42 CFR Sections 411.370 through 411.389; *Form No.:* CMS–R–216 (OMB# 0938–0714); *Use:* A request must include a complete description of the situation that is subject of the advisory opinion and must include copies of all relevant documents (or relevant portions), such as financial statements, contracts, leases, employment agreements and court documents. The submission must include the identities and addresses of all known actual and potential parties to the arrangement. A request for an advisory opinion is purely voluntary. The facts will relate to business plans and the requestor will already have collected and analyzed all or most of the information we will need to review the request; *Frequency:* On occasion; *Affected Public:* Not-for-profit institutions, Individuals or Households, and Business or other for-profit; *Number or Respondents:* 200; *Total Annual Responses:* 200; *Total Annual Hours:* 2,000.

4. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Physicians' Referrals to Health Care Entities With Which They Have Financial Relationships and Supporting Regulations in 42 CFR, Sections 411.352 through 411.361; *Form No.:* CMS–10047 (OMB# 0938–0846); *Use:* The final rule (HCFA–1809) incorporated into regulations the provisions in paragraphs (a), (b), (c), (d), and (h) of section 1877 of the Social Security Act. Under section 1877, if a physician or a member of a physician's immediate family has a financial relationship with a health care entity, the physician may not refer Medicare patients to that entity for the furnishing of 11 designated health services, unless an exception applies. In addition, section 1877 prohibits an entity from presenting or causing to be presented a Medicare claim or bill to any individual, third party payer, or other entity for designated health services furnished under a prohibited referral. Also, Medicare does not pay for a designated health service furnished under a prohibited referral.; *Frequency:* Annually and Other: whenever financial arrangements between entities that furnish designated health services and physicians change.; *Affected Public:* Business or other for-profit, Not-for-profit institutions, and Individuals or Households; *Number or Respondents:* 62,824; *Total Annual Responses:* 62,824; *Total Annual Hours:* 1,561,633.

5. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Application for Hospital Insurance and Supporting Regulations in 42 CFR 406.7; *Form No.:* CMS–18F5 (OMB# 0938–0251); *Use:* The CMS–18F5 is used to establish entitlement to Hospital Insurance and Supplementary Medical Insurance for beneficiaries entitled under Title XVIII of the Social Security Act. The HCFA–18F5-SP is included in this renewal. (The Agency name change on the Spanish language form has not been done because there is still stock on hand.); *Frequency:* On occasion; *Affected Public:* Individuals or Households, Business or other for-profit, Not-for-profit institutions, Farms, Federal Government, and State, Local or Tribal Gov.; *Number or Respondents:* 50,000; *Total Annual Responses:* 50,000; *Total Annual Hours:* 12,500.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS's Web Site address at *http://cms.hhs.gov/regulations/pra/default.asp*, or E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@hcfa.gov*, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the CMS Paperwork Clearance Officer designated at the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development and Issuances, Attention: Melissa Musotto, Room C5–14–03, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: May 6, 2004.

John P. Burke, III,

Paperwork Reduction Act Team Leader, Office of Strategic Operations and Strategic Affairs, Division of Regulations Development and Issuances.

[FR Doc. 04–10989 Filed 5–13–04; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Notice of Correction for the Office of Community Services Community Economic Development (CED) Training and Technical Assistance Program

AGENCY: Office of Community Services, ACF, HHS.

ACTION: Notice of correction.

Funding Opportunity Title: Community Services Block Grant Community Economic Development Discretionary Grant Program—Training and Technical Assistance.

Funding Opportunity Number: HHS–2004–ACF–OCS–EC–0016.

SUMMARY: This notice is to inform interested parties of corrections made to the Community Services Block Grant Community Economic Development Discretionary Grant Program—Training

and Technical Assistance program announcement. The announcement published on April 30, 2004. The following corrections should be noted:

(1) Under IV. 3 Submission Date and Times, after the ''Required Forms'' chart, please insert the following:

Additional Forms: Private-non-profit organizations are encouraged to submit with their applications the additional survey located under ''Grant Related Documents and Forms'' titled ''Survey for Private, Non-Profit Grant Applicants''.

What to submit	Required content	Required form or format	When to submit
Survey for Private, Non-profit Grant Applicants.	Per required form	May be found on *http://www.acf.hhs.gov/programs/ofs/form.htm.*	By application due date.

(2) Under Part VII. Agency Contacts, the telephone number (202) 401–3445 for Debra Brown should be deleted and replaced with (202) 401–3446.

(3) Under Part VII. Agency Contacts, the telephone number (202) 401–2344 for Barbara Zeigler-Johnson should be deleted and replaced with (202) 401–4646.

(4) Under Part VII. Agency Contacts, the e-mail address *bziegler-johns@acf.hhs.gov* for Barbara Zeigler Johnson should be deleted and replaced with *bziegler-johns1@acf.hhs.gov.*

The only changes to the Community Services Block Grant Community Economic Development Discretionary are explicitly stated in this Notice of Correction. All applications must still be sent on or before the deadline date specified in the original announcement. Applications must be mailed or delivered to: U.S. Department of Health and Human Services (HHS), Administration for Children and Families, Office of Community Services Operations Center, 1815 Fort Myer Drive, Suite 300, Arlington, Virginia 22209, Attention: Operations Center.

For further information please contact Deborah Brown, Office of Community Services Program Specialist, at (202) 401–3446 or e-mail at *dbrown@acf.hhs.gov.*

Dated: May 10, 2004.

Clarence Carter,

Director, Office of Community Services.

[FR Doc. 04–10964 Filed 5–13–04; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

ACF/OCS; Notice of Correction for the Office of Community Services Community Economic Development (CED) Administration and Management Expertise Program

AGENCY: Office of Community Services, ACF, HHS.

ACTION: Notice of correction.

Funding Opportunity Title: Community Services Block Grant Community Economic Development Discretionary Grant Program—Administration and Management Expertise Priority Area.

Funding Opportunity Number: HHS–2004–ACF–OCS–EC–0017.

SUMMARY: This notice is to inform interested parties of corrections made to the Community Services Block Grant Community Economic Development Discretionary Grant Program-Training and Technical Assistance program announcement. The announcement published on April 30, 2004. The following corrections should be noted:

(1) Under IV. 3 Submission Date and Times, after the ''Required Forms'' chart, please insert the following:

Additional Forms: Private-non-profit organizations are encouraged to submit with their applications the additional survey located under ''Grant Related Documents and Forms'' titled ''Survey for Private, Non-Profit Grant Applicants''.

What to submit	Required content	Required form or format	When to submit
Survey for Private, Non-Profit Grant Applications.	Per required form	May be found on *http://www.acf.hhs.gov/programs/ofs/form.htm.*	By application due date.

(2) Under Part VII. Agency Contacts, the telephone number (202) 401–2344 for Barbara Zeigler-Johnson should be deleted and replaced with (202) 401–4646.

(3) Under Part VII. Agency Contacts, the e-mail address *bziegler-johns@acf.hhs.gov* for Barbara Zeigler Johnson should be deleted and replaced with *bziegler-johns1@acf.hhs.gov.*

The only changes to the Community Services Block Grant Community Economic Development Discretionary are explicitly stated in this Notice of Correction. All applications must still be sent on or before the deadline date specified in the original announcement. Applications must be mailed or delivered to:

U.S. Department of Health and Human Services (HHS), Administration for Children and Families, Office of Community Services Operations Center, 1815 Fort Myer Drive, Suite 300, Arlington, Virginia 22209, Attention: Operations Center.

For further information please contact Deborah Brown, Office of Community Services Program Specialist, at (202) 401–3446 or e-mail at *dbrown@acf.hhs.gov.*

Dated: May 10, 2004.

Clarence Carter,

Director, Office of Community Services.

[FR Doc. 04–10965 Filed 5–13–04; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Funding Opportunity: CSBG T/TA Program—Program Innovations of National Significance

AGENCY: Administration for Children and Families, Office of Community Services, HHS.

Announcement Type: Competitive Grant—Initial.

Funding Opportunity Number: HHS–2004–ACF–OCS–ET–0024.

CFDA Number: 93.570.

Due Date for Applications: The due date for receipt of applications is June 28, 2004.

I. Funding Opportunity Description

The Office of Community Services (OCS) within the Administration for Children and Families (ACF) announces that competing applications will be accepted for a new grant pursuant to the Secretary's authority under section 674(b) of the Community Services Block Grant (CSBG) Act, as amended, by the Community Opportunities, Accountability, and Training and Educational Services (COATES) Human Services Reauthorization Act of 1998, (Pub. L. 105–285).

The proposed grant will fund one project to underwrite the development of innovative program collaboration strategies among CSBG eligible entities and other service providers, such as foundations, community development corporations, United Way agencies, and community and faith-based organizations in support of the national community action Goal 4 (''Partnerships Among Supporters and Providers of Service to Low-Income People are Achieved'').

Definitions of Terms

The following definitions apply:

At-Risk Agencies refers to CSBG eligible entities in crises. The problem(s) to be addressed must be of a complex or pervasive nature that cannot be adequately addressed through existing local or State resources.

Capacity-building refers to activities that assist Community Action Agencies (CAAs) and other eligible entities to improve or enhance their overall or specific capability to plan, deliver, manage and evaluate programs efficiently and effectively to produce intended results for low-income individuals. This may include upgrading internal financial management or computer systems, establishing new external linkages with other organizations, improving board functioning, adding or refining a program component or replicating techniques or programs piloted in another local community, or making other cost effective improvements.

Community in relationship to broad representation refers to any group of individuals who share common distinguishing characteristics including residency, for example, the ''low-income'' community, or the ''religious'' community or the ''professional'' community. The individual members of these ''communities'' may or may not reside in a specific neighborhood, county or school district but the local service provider may be implementing programs and strategies that will have a measurable affect on them. Community in this context is viewed within the framework of both community conditions and systems, *i.e.*, (1) Public policies, formal written and unstated norms adhered to by the general population; (2) service and support systems, economic opportunity in the labor market and capital stakeholders; (3) civic participation; and (4) an equity as it relates to the economic and social distribution of power.

Community Services Network (CSN) refers to the various organizations involved in planning and implementing programs funded through the Community Services Block Grant or providing training, technical assistance or support to them. The network includes local Community Action Agencies and other eligible entities; State CSBG offices and their national association; CAA State, regional and national associations; and related organizations which collaborate and participate with Community Action Agencies and other eligible entities in their efforts on behalf of low-income people.

Eligible applicants described in this announcement shall be eligible entities, organizations, (including faith based) or associations with demonstrated expertise in providing training to individuals and organizations on methods of effectively addressing the needs of low-income families and communities. See description of Eligible Entities below.

Eligible entity means any organization that was officially designated as a Community Action Agency (CAA) or a community action program under Section 673(1) of the Community Services Block Grant Act, as amended by the Human Services Amendments of 1994 (Pub. L. 103–252), and meets all the requirements under Sections 673(1)(A)(I), and 676A of the CSBG Act, as amended by the COATES Human Services authorization Act of 1998. All eligible entities are current recipients of Community Services Block Grant funds, including migrant and seasonal farm worker organizations that received CSBG funding in the previous fiscal year.

Local service providers are local public or private non-profit agencies that receive Community Services Block Grant funds from States to provide services to, or undertake activities on behalf of, low-income people.

Nationwide refers to the scope of the technical assistance, training, data collection, or other capacity-building projects to be undertaken with grant funds. Nationwide projects must provide for the implementation of technical assistance, training or data collection for all or a significant number of States, and the local service providers who administer CSBG funds.

Non-profit Organization refers to an organization, including faith-based, which has ''demonstrated experience in providing training to individuals and organizations on methods of effectively addressing the needs of low income families and communities.'' Acceptable documentation for eligible non-profit status is limited to: (1) A copy of a current, valid Internal Revenue service tax exemption certificate; (2) a copy of the applicant organization's listing in the Internal Revenue Service's most recent list of tax-exempt organizations described in Section 501(c)(3) of the IRS code; and/or (3) Articles of incorporation bearing the seal of the State in which the corporation or association is domiciled.

Outcome Measures are definable changes in the status or condition of individuals, families, organizations, or communities as a result of program services, activities, or collaborations.

Performance Measurement is a tool used to objectively assess how a program is accomplishing its mission through the delivery of products, services, and activities.

Program technology exchange refers to the process of sharing expert technical and programmatic information, models, strategies and approaches among the various partners in the Community Services Network. This may be done through written case studies, guides, seminars, technical assistance, and other mechanisms.

Regional Networks refers to CAA State Associations within a region.

Results-Oriented Management and Accountability (ROMA) System: ROMA is a system, which provides a framework for focusing on results for local agencies funded by the Community Services Block Grant Program. It involves setting goals and strategies and developing plans and techniques that focus on a result-oriented performance based model for management.

State means all of the 50 States and the District of Columbia. Except where specifically noted, for purposes of this program announcement, it also includes specified Territories.

State CSBG Lead Agency (SCLA) is the lead agency designated by the Governor of the State to develop the State CSBG application and to administer the CSBG Program.

Statewide refers to training and technical assistance activities and other

capacity building activities undertaken with grant funds that will have significant impact, *i.e.* activities should impact at least 50 percent of the eligible entities in a State.

Technical assistance is an activity, generally utilizing the services of an expert (often a peer), aimed at enhancing capacity, improving programs and systems, or solving specific problems. Such services may be provided proactively to improve systems or as an intervention to solve specific problems.

Territories refer to the Commonwealth of Puerto Rico and American Samoa for the purpose of this announcement.

Training is an educational activity or event which is designed to impart knowledge, understanding, or increase the development of skills. Such training activities may be in the form of assembled events such as workshops, seminars, conferences or programs of self-instructional activities.

Priority Area

Community Action Goal 4—''Partnerships among Supporters and Providers of Service to Low-Income People are Achieved''

Innovative Program Collaboration

Program Purpose, Scope and Focus

The Director of the Office of Community Services has set as an agency priority the creation of additional capacity among local eligible entities to form community-wide partnerships with other community-based public and private organizations, including foundations, United Way agencies, community development corporations, and other community-based groups, including those that are faith-based, in order to better achieve family and community outcomes in support of the six national community action goals.

Specifically, OCS will fund up to four grants, each for a maximum of $50,000 per year, for up to three years, to develop new or expanded collaborations designed to achieve and sustain measurable results among low income people and their communities:

- Economic self-sufficiency
- Community development, opportunities, and resources
- Civic commitment and involvement
- Family safety, stability, and growth

Successful applicants will describe in their grant applications:

1. The specific family or community goals to be addressed by the proposed collaboration (one or more of the above) and the anticipated measurable outcomes to be achieved (*i.e.*, numbers of low income families to achieve self-sufficiency, or the nature and number of community opportunities or resources to be preserved, created, or expanded).

2. The overall strategy for forming and maintaining the proposed collaboration in terms of: (a) Structure; (b) administration; (c) program, service or activity coordination; (d) communication; (e) financial responsibility; (f) information systems; and (g) evaluation.

3. For each participating agency: (a) the nature of contributions to be made to the collaboration (*i.e.*, direct services, administration, logistical or financial support, service referral, case management); and (b) resources devoted to the collaboration (*i.e.*, funding, staff, facilities).

4. Proposed logistical and information supports for the planned collaboration, including, but not limited to: (a) Mechanisms to coordinate common administrative and service functions across partnering agencies, such as participant intake, eligibility assessment, service referral and follow-up; (b) collection, storage, sharing, and utilization of participant and program information; (c) coordination of fiscal management and accounting; and (d) collaboration oversight and facilitation.

5. The overall budget for the proposed collaboration, the specific elements of the budget to be underwritten by this grant, and the anticipated financial support to be received from each of the collaboration partners.

6. A plan for measuring and reporting results of the partnership in terms of anticipated family and community outcomes;

7. A plan for developing and disseminating information about the collaboration and its results to the Community Services Network at the conclusion of the grant period.

II. Award Information

Funding Instrument Type: Grant.

Category of Funding Activity: ISS Income Security and Social Services.

Anticipated Total Priority Area Funding: $75,000 in FY2004.

Anticipated Number of Awards: One.

Ceiling on Amount of Individual Awards: $75,000 per budget period.

Floor on Amount of Individual Awards: None.

Average Projected Award Amount: $75,000 per budget period.

Project Periods for Award: This announcement is inviting applications for project periods up to three years. Awards, on a competitive basis, will be for a one-year budget period, although project may be for three years. Applications for continuation grants beyond the one-year budget period but within the three year project period will be entertained in subsequent years on a noncompetitive 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.

III. Eligibility Information

1. Eligible Applicants

Community Services Block Grant eligible entities, State Community Action Associations including faith-based organizations, nonprofit organizations having 501(c)(3) status, and nonprofits that do not have 501(c)(3) status.

Additional Information on Eligibility: As prescribed by the Community Services Block Grant Act (Public Law 105–285, Section 678(c)(2), eligible applicants are eligible entities (see definitions), organizations, or associations with demonstrated expertise in providing training to individuals and organizations on methods of effectively addressing the needs of low-income families and communities.

Any non-profit organization submitting an application must submit proof of its non-profit status in its application at the time of submission. The non-profit agency can accomplish this by providing:

(a) A reference to the applicant organization's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in the IRS Code.

(b) A copy of a currently valid IRS tax exemption certificate.

(c) A statement from a State taxing body, State attorney general, or other appropriate State official certifying that the applicant organization has a non-profit status and that none of the net earnings accrue to any private shareholders or individuals.

(d) A certified copy of the organization's certificate of incorporation or similar document that clearly establishes non-profit status.

(e) Or any of the items referenced above for a State or national parent organization and a statement signed by the parent organization that the applicant organization is a local non-profit affiliate.

Private, non-profit organizations are encouraged to submit with their applications the survey located under ''Grant Related Documents and Forms'' titled ''Survey for Private, Non-Profit Grant Applicants'' at *http://www.acf.hhs.gov/programs/ofs/*

forms.htm. Your participation or lack of participation with this survey will not affect your application score nor your chance of receiving an award.

2. Cost Sharing or Matching

None.

3. Other

On June 27, 2003, the Office of Management and Budget published in the **Federal Register** a new Federal policy applicable to all Federal grant applicants. The policy requires all Federal grant applicants to provide a Dun and Bradstreet Data Universal Numbering System (DUNS) number when applying for Federal grants or cooperative agreements on or after October 1, 2003. The DUNS number will be required whether an applicant is submitting a paper application or using the government-wide electronic portal (*http://www.Grants.gov*). A DUNS number will be required for every application for a new award or renewal/continuation of an award, including applications or plans under formula, entitlement and block grant programs, submitted on or after October 1, 2003.

Please ensure that your organization has a DUNS number. You may acquire a DUNS number at no cost by calling the dedicated toll-free DUNS number request line on 1–866–705–5711 or you may request a number on-line at *http://www.dnb.com.*

IV. Application and Submission Information

1. Address To Request Application Package

Office of Community Services Operations Center, ATTN: Dr. Margaret Washnitzer, 1815 Fort Meyer Drive, Suite 300, Arlington, Virginia 22209: Telephone: (800) 281–9519:

2. Content and Form of Application Submission

An original and two copies of the complete application are required. The original and the 2 copies must include all required forms, certifications, assurances, and appendices, be signed by an authorized representative of the applicant organization, have original signatures, and be submitted unbound. Applicants have the option of omitting from the application copies (not the original) specific salary rates or amounts for individuals specified in the application budget and Social Security Numbers. The copies may include summary salary information.

You may submit your application to us in either electronic or paper format. To submit an application electronically, please use the *http://www.Grants.gov* apply site. If you use Grants.gov, you will be able to download a copy of the application package, complete it off-line, and then upload and submit the application via the Grants.gov site. You may not e-mail an electronic copy of a grant application to us.

Please note the following if you plan to submit your application electronically via Grants.Gov:

- Electronic submission is voluntary.
- When you enter the Grants.Gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation. We strongly recommend that you do not wait until the application deadline date to begin the application process through Grants.Gov.
- To use Grants.gov, you, as the applicant, must have a DUNS Number and register in the Central Contractor Registry (CCR). You should allow a minimum of five days to complete the CCR registration.
- You will not receive additional point value because you submit a grant application in electronic format, nor will we penalize you if you submit an application in paper format.
- You may submit all documents electronically, including all information typically included on the SF 424 and all necessary assurances and certifications.
- Your application must comply with any page limitation requirements described in this program announcement.
- After you electronically submit your application, you will receive an automatic acknowledgement from Grants.gov that contains a Grants.gov tracking number. The Administration for Children and Families will retrieve your application from Grants.gov
- We may request that you provide original signatures on forms at a later date.
- You may access the electronic application for this program on *http://www.Grants.gov.* You must search for the downloadable application package by the CFDA number.''

Application Content

Each application must include the following components:

(a) Table of Contents.

(b) *Abstract of the Proposed Project*—Very brief, not to exceed 250 words, that would be suitable for use in an announcement that the application has been selected for a grant award and which identifies the type of project, the target population and the major elements of the work plan.

(c) *Completed Standard Form 424*—That has been signed by an Official of the organization applying for the grant who has authority to obligate the organization legally.

(d) *Standard Form 424A*—Budget Information-Non-Construction Programs.

(e) *Narrative Budget Justification*—For each object class category required under Section B, Standard Form 424A.

(f) *Project Narrative*—A narrative that addresses issues described in the ''Application Review Information'' and the ''Review and Selection Criteria'' sections of this announcement.

Application Format

Each application should include one signed original application and two additional copies of the same application.

Submit application materials on white 8½ x 11 inch paper only. Do not use colored, oversized or folded materials.

Please do not include organizational brochures or other promotional materials, slides, films, clips, etc.

The font size may be no smaller than 12 pitch and the margins must be at least one inch on all sides.

Number all application pages sequentially throughout the package, beginning with the abstract of the proposed project as page number one.

Please present application materials either in loose-leaf notebooks or in folders with pages two-hole punched at the top center and fastened separately with a slide paper fastener.

Page Limitation

The application package including sections for the Table of Contents, Project Abstract, Project and Budget Narratives must not exceed 30 pages. The page limitation does not include the following attachments and appendices: Standard Forms for Assurances, Certifications, Disclosures and appendices. The page limitation also does not apply to any supplemental documents as required in this announcement.

Required Standard Forms

Applicants requesting financial assistance for a non-construction project must sign and return Standard Form 424B, Assurances: Non-Construction Programs with their applications.

Applicants must provide a Certification Regarding Lobbying. Prior to receiving an award in excess of $100,000, applicants shall furnish an executed copy of the lobbying certification. Applicants must sign and return the certification with their application.

Applicants must make the appropriate certification of their compliance with all Federal statutes relating to

nondiscrimination. By signing and submitting the applications, applicants are providing the certification and need not mail back a certification form.

Applicants must make the appropriate certification of their compliance with the requirements of the Pro-Children Act of 1994 as outlined in Certification Regarding Environmental Tobacco Smoke. By signing and submitting the applications, applicants are providing the certification and need not mail back a certification form.

Additional Requirements

(a) The application must contain a signed Standard Form 424, Application for Federal Assistance, a Standard Form 424–A, Budget Information, and signed Standard From 424–B, Assurance—Non-Construction Programs, completed according to instructions provided in this Program Announcement. The Forms SF–424 and SF–424B must be signed by an official of the organization applying for the grant who has authority to obligate the organization legally. The applicant's legal name as required on the SF–424 (Item 5) must match that listed as corresponding to the Employer Identification Number (Item 6);

(b) The application must include a project narrative that meets the requirements set forth in this announcement;

(c) The application must contain documentation of the applicant's tax-exempt status as indicated in the ''Funding Opportunity Description'' section of this announcement;

Private, non-profit organizations are encouraged to submit with their applications the survey located under ''Grant Related Documents and Forms'' titled ''Survey for Private, Non-Profit Grant Applicants.'' The forms are located on the Web at *http://www.acf.hhs.gov/programs/ofs/forms.htm.*

Project Summary Abstract: Provide a one page (or less) summary of the project description with reference to the funding request.

Full Project Description Requirements: Describe the project clearly in 30 pages or less (not counting supplemental documentation, letters of support or agreements) using the following outline and guidelines. Applicants are required to submit a Full Project Description and must prepare the project description statement in accordance with the following instructions. The pages of the project description must be numbered and are limited to 30 typed pages starting on page 1 with the ''Objectives and Need for Assistance''. The description must be double-spaced, printed on only one side, with at least one inch margins. Pages over the 30 page limit will be removed from the competition and will not be reviewed.

It is in the applicant's best interest to ensure that the project description is easy to read, logically developed in accordance with the evaluation criteria and adheres to the page limitation. In addition, applicants should be mindful of the importance of preparing and submitting applications using language, terms, concepts and descriptions that are generally known by the Community Services Block Grant (CSBG) network.

The maximum number of pages for supplemental documentation is 10 pages. The supplemental documentation, subject to the 10-page limit, must be numbered and might include brief resumes, position descriptions, proof of non-profit status, news clippings, press releases, etc. Supplemental documentation over the 10-page limit will not be reviewed.

Applicants must include letters of support or agreement, if appropriate or applicable, in reference to the project description. Letters of support are not counted as part of the 30-page project description limit or the 10-page supplemental documentation limit. All applications must comply with the following requirements as noted:

3. Submission Dates and Times

The closing time and date for receipt of applications is 4:30 p.m. Eastern Standard Time (EST) on June 28, 2004. Mailed or hand carried applications received after 4:30 p.m. on the closing date will be classified as late.

Deadline: Mailed applications shall be considered as meeting an announced deadline if they are received on or before the deadline time and date at the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Community Services' Operations Center, 1815 North Fort Meyer Drive, Suite 300, Arlington, Virginia 22209 Attention: Barbara Ziegler Johnson. Applicants are responsible for mailing applications well in advance, when using all mail services, to ensure that the applications are received on or before the deadline time and date.

Applications hand carried by applicants, applicant couriers, other representatives of the applicant, or by overnight/express mail couriers shall be considered as meeting an announced deadline if they are received on or before the deadline date, between the hours of 8 a.m. and 4:30 p.m., Eastern Standard Time (EST), at the U.S. Department of Health and Human Services (HHS), Administration for Children and Families, Office of Community Services' Operations Center, 1815 North Fort Meyer Drive, Suite 300, Arlington, Virginia 22209, between Monday and Friday (excluding federal holidays). This address must appear on the envelope/package containing the application with the note: ''Attention: Barbara Ziegler Johnson''. Applicants are cautioned that express/overnight mail services do not always deliver as agreed.

Late applications: Applications which do not meet the criteria above are considered late applications. ACF shall notify each late applicant that its application will not be considered in the current competition.

Extension of deadlines: ACF may extend application deadlines when circumstances such as acts of God (floods, hurricanes, etc.) occur, or when there are widespread disruptions of mail service. Determinations to extend or waive deadline requirements rest with the Chief Grants Management Officer.

ACF will not send acknowledgements of receipt of application materials.

Required Forms:

What to submit	Required content	Required form or format	When to submit
Table of Contents	As described above	Consistent with guidance in ''Application Format'' section of this announcement.	By application due date.
Abstract of Proposed Project	Brief abstract that identifies the type of project, the target population and the major elements of the proposed project.	Consistent with guidance in ''Application Format'' section of this announcement.	By application due date.
Completed Standard Form 424	As described above and per required form.	May be found on *http://www.acf.hhs.gov/programs/ofs/forms.htm.*	By application due date.

What to submit	Required content	Required form or format	When to submit
Completed Standard Form 424A	As described above and per required form.	May be found on *http://www.acf.hhs.gov/programs/ofs/forms.htm*.	By application due date.
Narrative Budget Justification	As described above	Consistent with guidance in ''Application Format'' section of this announcement.	By application due date.
Project Narrative	A narrative that addresses issues described in the ''Application Review Information'' and the ''Review and Selection Criteria'' sections of this announcement.	Consistent with guidance in ''Application Format'' section of this announcement.	By application due date.
Certification regarding lobbying	As described above and per required form.	May be found on *http://www.acf.hhs.gov/programs/ofs/forms.htm*.	By application due date.
Certification regarding environmental tobacco smoke.	As described above and per required form.	May be found on *http://www.acf.hhs.gov/programs/ofs/forms.htm*.	By application due date.

Additional Forms: Private non-profit organizations are encouraged to submit with their applications the additional survey located under ''Grant Related Documents and Forms'' titled ''Survey for Private, Non-Profit Grant Applicants''.

What to submit	Required content	Required form or format	When to submit
Survey for Private Non-Profit Grant Applicants.	Per required form	May be found on: *http://www.acf.hhs.gov/programs/ofs/form.htm*.	By application due date.

4. Intergovernmental Review

State Single Point of Contact (SPOC)

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 Programs and Activities.'' Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs. As of October 1, 2003, the following jurisdictions have elected not to participate in the Executive Order process. Applicants from these jurisdictions or for projects administered by federally-recognized Indian Tribes need take no action in regard to E.O. 12372.

All States and Territories except Alabama, Alaska, Arizona, Colorado, Connecticut, Hawaii, Idaho, Indiana, Kansas, Louisiana, Massachusetts, Minnesota, Montana, Nebraska, New Jersey, New York, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Vermont, Virginia, Washington, Wyoming and Palau have elected to participate in the Executive Order process and have established Single Points of Contact (SPOCs). Applicants from these twenty-seven jurisdictions need take no action.

Although the jurisdictions listed above no longer participate in the process, entities which have met the eligibility requirements of the program are still eligible to apply for a grant even if a State, Territory, Commonwealth, etc. does not have a SPOC. All remaining jurisdictions participate in the Executive Order process and have established SPOCs. Applicants from participating jurisdictions should contact their SPOCs as soon as possible to alert them of the prospective applications and receive 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. The applicant must 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: Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, 370 L'Enfant Promenade, SW., Mail Stop 6C–462, Washington, DC 20447.

A list of the Single Points of Contact for each State and Territory is included with the application materials for this announcement.

5. Funding Restrictions

Sub-Contracting or Delegating Projects

OCS will not fund any project where the role of the applicant is primarily to serve as a conduit for funds to organizations other than the applicant. The applicant must have a substantive role in the implementation of the project for which funding is requested. This prohibition does not bar the making of sub-grants or sub-contracting for specific services or activities that are needed to conduct the project.

Number of Projects in Application

Each application may include only one proposed project.

6. Other Submission Requirements

Submission by Mail: An Applicant must provide an original application with all attachments, signed by an authorized representative and two complete copies. The application must be received at the address below by 4:30 p.m. Eastern Standard Time (EST) on or before June 28, 2004. Applications should be mailed to: U.S. Department of

Health and Human Services (HHS), Administration for Children and Families, Office of Community Services' Operations Center, 1815 North Fort Meyer Drive, Suite 300, Arlington, Virginia 22209, ATTN: Barbara Ziegler Johnson.

For Hand Delivery: Applicants must provide an original application with all attachments, signed by an authorized representative and two complete copies. The Application must be received at the address below by 4:30 PM Eastern Standard Time on or before the closing date. Applications that are hand delivered will be accepted between the hours of 8 a.m. to 4:30 p.m., Monday through Friday. Applications may be delivered to: Department of Health and Human Services (HHS), Administration for Children and Families, Office of Community Services' Operations Center, 1815 North Fort Meyer Drive, Suite 300, Arlington, Virginia 22209 Attention: Barbara Ziegler Johnson. It is strongly recommended that applicants obtain documentation that the application was hand delivered on or before the closing date. Applicants are cautioned that express/overnight mail services do not always deliver as agreed.

V. Application Review Information

1. Criteria

Paperwork Reduction Act of 1995 (Pub. L. 104–13)

Under the Paperwork Reduction Act of 1995, Pub. L. 104–13, the Department is required to submit to the Office of Management and Budget (OMB) for review and approval of any reporting and record keeping requirements in regulations including program announcements. This program announcement does not contain information collection requirements beyond those approved for ACF grant applications under the Program Narrative Statement by OMB Approval Number 0970–0139.

The project description is approved under OMB control # 0970–0139. 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.

Public reporting burden for this collection is estimated to average 25 hours per response, including the time for reviewing instructions, gathering and maintaining the data needed and reviewing the collection of information.

Instructions: ACF Uniform Project Description (UPD)

The following are instructions and guidelines on how to prepare the ''project summary/abstract'' and ''Full Project Description'' sections of the application. Under the evaluation criteria section, note that each criterion is preceded by the generic evaluation requirement under the ACF Uniform Project Description (UPD). The UPD was approved by the Office of Management and Budget (OMB), control Number 0970–0139. The generic UPD requirement is followed by the evaluation criterion specific to the Community Services Block Grant legislation.

Purpose

The project description provides a major means by which an application is evaluated and ranked to compete with other applications for available assistance. The project description should be concise and complete and should address the activity for which Federal funds are being requested. Supporting documents should be included where they can present information clearly and succinctly. In preparing your project description, all information requested through each specific evaluation criteria should be provided. Awarding offices use this and other information in making their funding recommendations. It is important, therefore, that this information be included in the application.

Introduction

Applicants required to submit a full project description shall prepare the project description statement in accordance with the following instructions and the specified evaluation criteria. The instructions give a broad overview of what your project description should include while the evaluation criteria expands and clarifies more program-specific information that is needed.

Project Summary/Abstract

Provide a summary of the project description (a page or less) with reference to the funding request.

Objectives and Need for Assistance

Clearly identify the physical, economic, social, financial, institutional, and/or other problem(s) requiring a solution. The need for assistance must be demonstrated and the principal and subordinate objectives of the project must be clearly stated; supporting documentation, such as letters of support and testimonials from concerned interests other than the applicant, may be included. Any relevant data based on planning studies should be included or referred to in the endnotes/footnotes. Incorporate demographic data and participant/beneficiary information, as needed. In developing the project description, the applicant may volunteer or be requested to provide information on the total range of projects currently being conducted and supported (or to be initiated), some of which may be outside the scope of the program announcement.

Results or Benefits Expected

Identify the results and benefits to be derived. For example, describe the population to be served by the program and the number of new jobs that will be targeted to the target population. Explain how the project will reach the targeted population, how it will benefit participants including how it will support individuals to become more economically self-sufficient.

Approach

Outline a plan of action which describes the scope and detail of how the proposed work will be accomplished. Account for all functions or activities identified in the application. Cite factors which might accelerate or decelerate the work and state your reason for taking the proposed approach rather than others. Describe any unusual features of the project such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvement.

Provide quantitative monthly or quarterly projections of the accomplishments to be achieved for each function or activity in such terms as the number of people to be served and the number of activities accomplished. Account for all functions or activities identified in the application. Cite factors that might accelerate or decelerate the work and state your reasons for taking the proposed approach rather than others. Describe any unusual features of the project such as design or technical innovations, reductions in cost or time or extraordinary social and community involvement.

Provide quantitative monthly or quarterly projections of the accomplishments to be achieved for each function or activity in , for example such terms as the ''number of people served.'' When accomplishments cannot be quantified by activity or function, list them in chronological order to show the schedule of accomplishments and their target dates.

If any data is to be collected, maintained, and/or disseminated, clearance may be required from the U.S.

Office of Management and Budget (OMB). This clearance pertains to any ''collection of information that is conducted or sponsored by ACF.''

List organizations, cooperating entities, consultants, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution.

Evaluation

Provide a narrative addressing how the results of the project and the conduct of the project will be evaluated. In addressing the evaluation of results, state how you will determine the extent to which the project has achieved its stated objectives and the extent to which the accomplishment of objectives can be attributed to the project. Discuss the criteria to be used to evaluate results, and explain the methodology that will be used to determine if the needs identified and discussed are being met and if the project results and benefits are being achieved. With respect to the conduct of the project, define the procedures to be employed to determine whether the project is being conducted in a manner consistent with the work plan presented and discuss the impact of the project's various activities on the project's effectiveness.

Organizational Profiles

Provide information on the applicant organization(s) and cooperating partners such as organizational charts, financial statements, audit reports or statements from CPAs/Licensed Public Accountants, Employer Identification Numbers, names of bond carriers, contact persons and telephone numbers, child care licenses and other documentation of professional accreditation, information on compliance with Federal/State/local government standards, documentation of experience in the program area, and other pertinent information. Any non-profit organization submitting an application must submit proof of its non-profit status in its application at the time of submission.

The non-profit agency can accomplish this by providing a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in Section 501(c)(3) of the IRS code, or by providing a copy of the currently valid IRS tax exemption certificate, or by providing a copy of the articles of incorporation bearing the seal of the State in which the corporation or association is domiciled.

Budget and Budget Justification

Provide line item detail and detailed calculations for each budget object class identified on the Budget Information form. Detailed calculations must include estimation methods, quantities, unit costs, and other similar quantitative detail sufficient for the calculation to be duplicated. The detailed budget must also include a breakout by the funding sources identified in Block 15 of the SF–424.

Provide a narrative budget justification that describes how the categorical costs are derived. Discuss the necessity, reasonableness, and allocability of the proposed costs.

2. Evaluation Criteria

Evaluation Criterion I: Approach (Maximum: 35 Points)

Factors:

(1) The work program is results-oriented, approximately related to the legislative mandate and specifically related to the priority area under which funds are being requested. Application addresses the following: specific outcomes to be achieved; performance targets that the project is committed to achieving, including a discussion of and how the project will verify the achievement of these targets; critical milestones which must be achieved if results are to be gained; organizational support, the level of support from the applicant organization; past performance in similar work; and specific resources contributed to the project that are critical to success.

(2) The application defines the comprehensive nature of the project and methods that will be used to ensure that the results can be used to address a statewide or nationwide project as defined by the description of the particular priority area.

Evaluation Criterion II: Organizational Profiles (Maximum: 25 Points)

Factors:

(1) The application demonstrates that it has experience and a successful record of accomplishment relevant to the specific activities it proposes to accomplish.

(2) If the application proposes to provide training and technical assistance, it details its abilities to provide those services on a nationwide basis. If applicable, information provided by the applicant also addresses related achievements and competence of each cooperating or sponsoring organization.

(3) The application fully describes, for example in a resume, the experience and skills of the proposed project director and primary staff showing specific qualifications and professional experiences relevant to the successful implementation of the proposed project.

(4) The application describes how it will involve partners in the Community Services Network in its activities. Where appropriate, applicant describes how it will interface with other related organizations.

(5) If subcontracts are proposed, the application documents the willingness and capacity of the subcontracting organization(s) to participate as described.

Evaluation Criterion III: Objectives and Need for Assistance (Maximum: 20 Points)

Factors:

(1) The application documents that the proposed project addresses vital needs related to the program purposes and provides statistics and other data and information in support of its contention.

(2) The application provides current supporting documentation or other testimonies regarding needs from State CSBG Directors, CAAs and local service providers and/or State and Regional organizations of CAAs and other local service providers.

Evaluation Criterion IV: Results or Benefits Expected (Maximum: 15 Points)

Factors:

(1) The application describes how the project will assure long-term program and management improvements for State CSBG offices, CAA State and/or regional associations, CAAs and/or other local providers of CSBG services and activities.

(2) The application indicates the types and amounts of public and/or private resources it will mobilize, how those resources will directly benefit the project, and how the project will ultimately benefit low-income individuals and families.

(3) If the application proposes a project with a training and technical assistance focus, the application indicates the number of organizations and/or staff that will benefit from those services.

(4) If the application proposes a project with data collection focus, the application describes the mechanism it will use to collect data, how it can assure collections from a significant number of States, and the number of States willing to submit data to the applicant.

(5) If the application proposes to develop a symposium series or other policy-related project(s), the application

identifies the number and types of beneficiaries.

(6) The application describes methods of securing participant feedback and evaluations of activities.

Criterion V: Budget and Budget Justification (Maximum: 5 Points)

Factors:

(1) The resources requested are reasonable and adequate to accomplish the project

(2) Total costs are reasonable and consistent with anticipated results.

2. Review and Selection Process

Initial OCS Screening

Each application submitted to OCS will be screened to determine whether it was received by the closing date and time.

Applications received by the closing date and time will be screened for completeness and conformity with the following requirements. Only complete applications that meet the requirements listed below will be reviewed and evaluated competitively. Other applications will be returned to the applicants with a notation that they were unacceptable and will not be reviewed.

All applications must comply with the following requirements except as noted:

OCS Evaluation of Applications

Applications that pass the initial OCS screening will be reviewed and rated by a panel based on the program elements and review criteria presented in relevant sections of this program announcement. The review criteria are designed to enable the review panel to assess the quality of a proposed project and determine the likelihood of its success. The criteria are closely related to each other and are considered as a whole in judging the overall quality of an application. The review panel awards points only to applications that are responsive to the program elements and relevant review criteria within the context of this program announcement.

The OCS Director and program staff use the reviewer scores when considering competing applications. Reviewer scores will weigh heavily in funding decisions, but will not be the only factors considered.

Applications generally will be considered in order of the average scores assigned by the review panel. Because other important factors are taken into consideration, highly ranked applications are not guaranteed funding. These other considerations include, for example: the timely and proper completion by the applicant of projects funded with OCS funds granted in the last five (5) years; comments of reviewers and government officials; staff evaluation and input; amount and duration of the grant requested and the proposed project's consistency and harmony with OCS goals and policy; geographic distribution of applications; previous program performance of applicants; compliance with grant terms under previous HHS grants, including the actual dedication to program of mobilized resources as set forth in project applications; audit reports; investigative reports; and applicant's progress in resolving any final audit disallowance on previous OCS or other Federal agency grants.

VI. Award Administration Information

1. Award Notices

Following approval of the application selected for funding, ACF will mail a written notice of project approval and authority to draw down project funds. The official award document is the Financial Assistance Award that specifies the amount of Federal funds approved for use in the project, the project and budget period for which support is provided and the terms and conditions of the award. The Financial Assistance Award is signed and issued via postal mail by an authorized Grants Officer.

ACF will notify unsuccessful applicants after the award is issued to the successful applicant.

2. Administrative and National Policy Requirements

Grantees are subject to the requirements in 45 CFR Part 74 (non-governmental) or 45 CFR Part 92 (governmental).

3. Reporting

All grantees are required to submit semi-annual program reports with a final report due 90 days after the project end date. Grantees are also required to submit semi-annual expenditure reports (SF–269) with a final report due 90 days after the project end date. A suggested format for the program report will be sent to all grantees after the awards are made.

Special Reporting Requirements: None.

VII. Agency Contacts

Program Office Contact: Dr. Margaret Washnitzer, Department of Health and Human Services (HHS), Administration for Children and Families, Office of Community Services Operations Center, 1815 Fort Meyer Drive, Suite 300, Arlington, Virginia 22209, E-Mail: *OCS@lcgnet.com,* Phone: 1–800–281–9519.

Grants Management Office Contact: Barbara Ziegler Johnson, Team Leader, Office of Grants Management, Division of Discretionary Grants, Department of Health and Human Services (HHS), Administration for Children and Families, Office of Community Services Operations Center, 1815 Fort Meyer Drive, Suite 300, Arlington, Virginia 22209, E-Mail: *OCS@lcgnet.com,* Phone: 1–800–281–9519.

VIII. Other Information

Additional information about this program and its purpose can be located on the following Web site: *http://www.acf.hhs.gov/programs/ocs.*

Dated: May 7, 2004.

Clarence H. Carter,

Director, Office of Community Services.

[FR Doc. 04–10968 Filed 5–13–04; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Funding Opportunity for Field Initiated Service Demonstration Projects in the Adoption Field

Federal Agency Contact Name: Administration for Children and Families (ACF) & Children's Bureau.

Funding Opportunity Title: Field Initiated Service Demonstration Projects in the Adoption Field.

Announcement Type: Initial.

Funding Opportunity Number: HHS–2004–ACF–ACYF–CO–0019.

CFDA Number: 93.652.

Due Date for Applications: The due date for receipt of applications is July 13, 2004.

I. Funding Opportunity Description

The purpose of this funding opportunity is to support continuous innovation and improvement in the quality of adoption services on topics identified by the field as cutting edge or to test new solutions to continuing problems. Projects must address one of the ACF key priorities: Healthy Marriage, Fatherhood, Rural Initiatives, Faith-based and Community Initiatives, Positive Youth Development and Prevention. Topics of interest to the Children's Bureau also include, but are not limited to, special recruitment, retention, and support for the adoption of children age nine and older, sibling groups and children with disabilities. Other topics of interest include

assessment of adoption services and services that expedite adoptions.

Background Information

The number of children in out-of-home care is approximately 534,000. Children entering substitute care have complex problems that require intensive services. Many of these children have special needs because they are born to mothers who did not receive prenatal care, are born with life-threatening conditions or disabilities, are born addicted to alcohol or other drugs, have been exposed to infection with the etiologic agent for the human immunodeficiency virus (HIV), or have been victims of child abuse and neglect. Each year thousands of children are in need of placement in a permanent home. Most of these children are difficult to place because they are older or may be part of a sibling group. Currently there are approximately 126,000 children waiting for adoption.

This funding opportunity is intended to support projects that contribute to the continued expansion of knowledge about the familial and systemic aspects of successful adoptions, as well as the benefits of support for healthy marriages, responsible fatherhood, and positive youth development to successful adoptions. It is believed that the inclusion of faith-based and community organizations is important to developing and sustaining programs that support safety, permanency and well-being for children and families within urban and rural communities. Applicants are encouraged to develop projects that are highly innovative and demonstrate approaches that shorten the time required to achieve permanency for sibling groups, children with disabilities, and adolescents; reduce the number of adoption disruptions; eliminate barriers to inter-jurisdictional adoption; and/or develop and support innovative models for adoption exchanges, networking among agencies and parent support groups across jurisdictional boundaries.

Projects must incorporate one or more of the ACF priorities:

- Prevention: Dedicating resources to prevent the need for intervention services.
- Rural Initiative: Strengthening rural families and communities.
- Positive Youth Development: Promoting ongoing relationships with adult role models; safe places with structured activities; healthy life styles; opportunities to acquire marketable skills; and opportunities for community service and civic participation.
- Faith-based/Community Initiatives: Removing barriers to the full participation of faith-based and other community services in the delivery of social services.
- Healthy Marriage: Helping couples who choose marriage for themselves to develop the skills and knowledge to form and sustain healthy marriages.
- Fatherhood: Helping men become responsible, committed, involved fathers.

For more information: *http://www.acf.hhs.gov/programs/region10/priorities/index.html.*

Service demonstration grants are awarded to the field to develop collaboration strategies and models designed to increase the number of adoptions, to provide innovative services and to test new service delivery models designed to strengthen families who have adopted children. Projects previously funded by the Children's Bureau have demonstrated that adoptions can be facilitated by designing and implementing plans for permanency early in the child's placement process.

II. Award Information

Funding Instrument Type: Grant.

Anticipated Total Program Funding: The anticipated total for all awards under this funding opportunity in FY2004 is $2 million.

Anticipated Number of Awards: It is anticipated that up to 5 projects will be funded.

Ceiling on Amount of Individual Awards: The grant amount will not exceed $400,000 in the first budget period. An application received that exceeds the upper value of the dollar range specified will be considered ''non-responsive'' and be returned to the applicant without further review.

Floor of Individual Award Amounts: None.

Average Anticipated Award Amount: $400,000 per budget period.

Project Periods for Awards: The projects will be awarded for a project period of 48 months. The initial grant award will be for a 12 month budget period. The award of continuation funding beyond each 12 month budget period will be subject to the availability of funds, satisfactory progress on the part of the grantee, and a determination that continued funding would be in the best interest of the government.

III. Eligibility Information

1. Eligible Applicants

State governments
County governments
State controlled institutions of higher education
Native American tribal governments (Federally recognized)
Nonprofits having a 501(c)(3) status with the IRS, other than institutions of higher education
Non-profits that do not have 501(c)(3) status with the IRS, other than institutions of higher education
Private institutions of higher education
For-profit organizations other than small businesses
Small businesses
Faith-based organizations are eligible to apply

Additional Information on Eligibility: All applicants must have child welfare and/or adoption experience. Organizations with expertise in child welfare and adoption, and organizations which currently serve children in the public child welfare system are eligible to apply. Applicants without direct access or responsibility for targeted children must apply in partnership with States, local government entities, or public or private licensed child welfare agencies.

Non-profit organizations, including community and faith-based organizations are eligible to apply. Non-profit organizations applying for funding are required to submit proof of their non-profit status. Proof of non-profit status is any one of the following:

(a) A reference to the applicant organization's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in the IRS code.

(b) A copy of a currently valid IRS tax exemption certificate.

(c) A statement from a State taxing body, State Attorney General, or other appropriate State official certifying that the applicant organization has a non-profit status and that none of the net earnings accrue to any private shareholders or individuals.

(d) A certified copy of the organization's certificate of incorporation or similar document that clearly establishes non-profit status.

(e) Any of the items in the subparagraphs immediately above for a State or national parent organization and a statement signed by the parent organization that the applicant organization is a local non-profit affiliate.

Private non-profit organizations are encouraged to submit with their applications the survey located under ''Grant Related Documents and Forms'' titled ''Survey for Private, Non-Profit Grant Applicants'' at *www.acf.hhs.gov/programs/ofs/forms.htm.*

Applicants are cautioned that the ceiling for individual awards is $400,000. Applications exceeding the $400,000 threshold will be considered

non-responsive and will not be eligible for funding under this announcement.

2. Cost Sharing or Matching

The grantee must provide at least 10 per cent of the total approved cost of the project. The total approved cost is the sum of the Federal share and the non-Federal share. Therefore, a project requesting $400,000 per budget period must include a match of at least $44,444 per budget period. Applicants should provide a letter of commitment verifying the actual amount of the non-Federal share of project costs.

The following example shows how to calculate the required 10% match amount for a $400,000 grant:

$400,000 (Federal share) divided by .90 (100%–10%) equals $444,444 (total project cost including match) minus $400,000 (Federal share) equals $44,444 (required 10% match).

The non-Federal share may be cash or in-kind contributions, although applicants are encouraged to meet their match requirements through cash contributions. If approved for funding, grantees will be held accountable for the commitment of non-Federal resources even if over the amount of the required match. Failure to provide the required amount will result in a disallowance of Federal funds.

Applications that fail to include the required amount of cost sharing will be considered non-responsive and will not be eligible for funding under this announcement.

3. Other

All applicants must have a Dun and Bradstreet Number. On June 27, 2003, the Office of Management and Budget published in the **Federal Register** a new Federal policy applicable to all Federal grant applicants. The policy requires all Federal grant applicants to provide a Dun and Bradstreet Data Universal Numbering System (DUNS) number when applying for Federal grants or cooperative agreements on or after October 1, 2003. The DUNS number will be required whether an applicant is submitting a paper application or using the government-wide electronic portal *(www.Grants.gov).* A DUNS number will be required for every application for a new award or renewal/continuation of an award, including applications or plans under formula, entitlement and block grant programs, submitted on or after October 1, 2003.

Please ensure that your organization has a DUNS number. You may acquire a DUNS number at no cost by calling the dedicated toll-free DUNS number request line on 1–866–705–5711 or you may request a number online at *http://www.dnb.com.*

IV. Application and Submission Information

1. Address to Request Application Package

ACYF Operations Center, c/o The Dixon Group, Inc., ATTN: Children's Bureau, 118 Q Street, NE., Washington, DC 20002–2132; Telephone: (866) 796–1591.

URL to Obtain Application: *www.Grants.gov.*

2. Content and Form of Application Submission

You may submit your application to us either in electronic or paper format. To submit an application electronically, please use the *www.Grants.gov* apply site. If you use Grants.gov you will be able to download a copy of the application package, complete it off-line, and then upload and submit the application via the Grants.gov site. You may not e-mail an electronic copy of a grant application to us.

Please note the following if you plan to submit your application electronically via Grants.gov:

- Electronic submission is voluntary.
- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation. We strongly recommend that you do not wait until the application deadline date to begin the application process through Grants.gov.
- To use Grants.gov, you, as the applicant, must have a DUNS Number and register in the Central Contractor Registry (CCR). You should allow a minimum of five days to complete the CCR registration.
- You will not receive additional point value because you submit a grant application in paper format.
- You may submit all documents electronically, including all information typically included on the SF424 and all necessary assurances and certifications.
- Your application must comply with any page limitation requirements described in this program announcement.
- After you electronically submit your application, you will receive an automatic acknowledgement from Grants.gov that contains a Grants.gov tracking number. The Administration for Children and Families will retrieve your application from Grants.gov.
- We may request that you provide original signatures on forms at a later date.
- You may access the electronic application for this program on *www.Grants.gov.*
- You must search for the downloadable application package by the CFDA number.

Private, non-profit organizations may voluntarily submit with their applications the survey located under ''Grant Related Documents and Forms'' titled ''Survey for Private, Non-Profit Grant Applicants'' at *www.acf.hhs.gov/programs/ofs/forms.htm.*

Please see *Section V.1. Criteria* for instructions on preparing the project summary/abstract and the full project description.

Each application must contain the following items in the order listed:

—Application for Federal Assistance (Standard Form 424). Follow the instructions below and those that accompany the form.

In Item 5 of Form 424, put DUNS number in ''Organizational DUNS:'' box.

In Item 5 of Form 424, include name, phone number, and, if available, email and fax numbers of the contact person.

In Item 8 of Form 424, check 'New.'

In Item 10 of Form 424, clearly identify the Catalog of Federal Domestic Assistance (CFDA) program title and number for the program for which funds are being requested as stated at the end of this funding opportunity announcement.

In Item 11 of Form 424, identify the single funding opportunity the application addresses.

In Item 12 of Form 424, identify the specific geographic area to be served.

In Item 14 of Form 424, identify Congressional districts of both the applicant and project.

—Budget Information Non-Construction Programs (Form 424A) and Budget Justification.

Follow the instructions provided. Note that Federal funds provided to States and services or other resources purchased with Federal funds may not be used to match project grants.

—Certifications/Assurances. Applicants requesting financial assistance for nonconstruction projects must file the Standard Form 424B, ''Assurances: Non-Construction Programs.'' Applicants must sign and return the Standard Form 424B with their applications.

Applicants must provide a ''Certification Regarding Lobbying'' Form when applying for an award in excess of $100,000. Applicants must sign and return the certification with their applications.

Applicants must disclose lobbying activities on the Standard Form LLL

when applying for an award in excess of $100,000. Applicants who have used non-Federal funds for lobbying activities in connection with receiving assistance under this announcement shall complete a disclosure form to report lobbying. Applicants must sign and return the disclosure form, if applicable, with their applications.

Applicants must make the appropriate certification regarding environmental tobacco smoke. By signing and submitting the application, the applicant is providing the certification and need not mail back the certification with the applications.

Adoption Opportunities program applicants are not required to submit their applications to State Single Points of Contact (SPOC).

By signing the ''Signature of Authorized Representative'' on the SF 424, the applicant is providing a certification and need not mail assurances for completing the following grant and cooperative agreement requirements:

1. The applicant will have the project fully functioning 90 days of the notification of the grant award.

2. The applicant will participate if the Children's Bureau chooses to do a national evaluation or a technical assistance contract that relates to this priority area.

3. All reports will be submitted in a timely manner, in recommended format (to be provided), and the final report will also be submitted on disk or electronically using a standard word-processing program.

4. Within 90 days of project end date, the applicant will submit a copy of the final report, the evaluation report, and any program products to the National Adoption Information Clearinghouse, 330 C Street, SW., Washington, DC 20447. This is in addition to the standard requirement that the final program and evaluation report must also be submitted to the Grants Management Specialist and the Federal Project Officer.

5. Allocate sufficient funds in the budget to:

a. Provide for the project director and evaluator to attend an annual 3-day grantees' meeting in Washington, DC.

b. Provide for the project director and evaluator to attend an early kickoff meeting for grantees funded under this priority area to be held within the first three months of the project (first year only) in Washington, DC.

c. Provide for 10–15 percent of the proposed budget to project evaluation.

The Office for Human Research Protections of the U.S. Department of Health and Human Services provides website information and policy guidance on the Federal regulations pertaining to protection of human subjects (45 CFR part 46), informed consent, informed consent checklists, confidentiality of personal identification information, data collection procedures, and internal review boards: *http://ohrp.osophs.dhhs.gov/polasur.htm.*

If applicable, applicants must include a completed Form 310, Protection of Human Subjects.

—Project Summary/Abstract (one page maximum). Clearly mark this page with the applicant name as shown on item 5 of the Form 424, identify the competitive grant funding opportunity and the title of the proposed project as shown in item 11 and the service area as shown in item 12 of the Form 424. The summary description should not exceed 300 words.

Care should be taken to produce an abstract/summary that accurately and concisely reflects the proposed project (see *Section V. Application Review Information*). It should describe the objectives of the project, the approach to be used and the results or benefits expected.

—Project Description for Evaluation. Applicants should organize their project description according to the Evaluation Criteria described in *Section V. Application Review Information* of this funding opportunity announcement providing information that addresses all the components.

—Proof of non-profit status (if applicable). *See Section III. Eligibility Information* for submission information.

—Indirect cost rate agreement. If claiming indirect costs, provide documentation that applicant currently has an indirect cost rate approved by the Department of Health and Human Services (HHS) or another cognizant Federal agency.

—Letters of agreement and memoranda of understanding. If applicable, include a letter of commitment or Memorandum of Understanding from each partner and/or sub-contractor describing their role, detailing specific tasks to be performed, and expressing commitment to participate if the proposed project is funded.

—Provide a letter of commitment verifying the actual amount of the non-Federal share of project costs.

—The application limit is 80 pages total including all forms and attachments. Submit one original and two copies.

To be considered for funding, each application must be submitted with the Standard Federal Forms (provided at the end of this announcement or through the electronic links provided) following the guidance provided. The application must be signed by an individual authorized to act for the applicant agency and to assume responsibility for the obligations imposed by the terms and conditions of the grant award.

To be considered for funding, each applicant must submit one signed original and two additional copies of the application, including all forms and attachments, to the application receipt point specified in *Section IV.3. Submission Dates and Times.* The original copy of the application must have original signatures, signed in *black* ink.

The application must be typed, double spaced, printed on only one side, with at least ½ inch margins on each side and 1 inch at the top and bottom, using standard 12 Point fonts (such as Times Roman or Courier). Pages must be numbered.

Pages over the page limit stated within this funding opportunity announcement will be removed from the application and will not be reviewed. All copies of an application must be submitted in a single package, and a separate package must be submitted for each funding opportunity. The package must be clearly labeled for the specific funding opportunity it is addressing.

Because each application will be duplicated, do not use or include separate covers, binders, clips, tabs, plastic inserts, maps, brochures, or any other items that cannot be processed easily on a photocopy machine with an automatic feed. Do not bind, clip, staple, or fasten in any way separate subsections of the application, including supporting documentation. Applicants are advised that the copies of the application submitted, not the original, will be reproduced by the Federal government for review. Each copy must be stapled securely in the upper left corner.

Applicants have the option of omitting from the application copies (not the original) specific salary rates or amounts for individuals specified in the application budget and Social Security Numbers if otherwise required for individuals. The copies may include summary salary information.

Tips for Preparing a Competitive Application: It is essential that applicants read the entire announcement package carefully before preparing an application and include all of the required application forms and attachments. The application must reflect a thorough understanding of the

purpose and objectives of the Children's Bureau priority-area initiatives. Reviewers expect applicants to understand the goals of the legislation and the Children's Bureau's interest in each topic. A ''responsive application'' is one that addresses all of the evaluation criteria in ways that demonstrate this understanding. Applications that are considered to be ''unresponsive'' generally receive very low scores and are rarely funded.

The Children's Bureau's Web site (*http://www.acf.dhhs.gov/programs/cb*) provides a wide range of information and links to other relevant Web sites. Before you begin preparing an application, we suggest that you learn more about the mission and programs of the Children's Bureau by exploring the Web site.

Organizing Your Application: The specific evaluation criteria in *Section V. Application Review Information* of this funding opportunity announcement will be used to review and evaluate each application. The applicant should address each of these specific evaluation criteria in the project description. It is strongly recommended that applicants organize their proposals in the same sequence and using the same headings as these criteria, so that reviewers can readily find information that directly addresses each of the specific review criteria.

Project Evaluation Plan: Project evaluations are very important. If you do not have the in-house capacity to conduct an objective, comprehensive evaluation of the project, then the Children's Bureau advises that you propose contracting with a third-party evaluator specializing in social science or evaluation, or a university or college, to conduct the evaluation. A skilled evaluator can assist you in designing a data collection strategy that is appropriate for the evaluation of your proposed project. Additional assistance may be found in a document titled ''Program Manager's Guide to Evaluation.'' A copy of this document can be accessed at *http://www.acf.hhs.gov/programs/core/pubs_reports/prog_mgr.html* or ordered by contacting the National Clearinghouse on Child Abuse and Neglect Information, 330 C Street, SW., Washington, DC 20447; phone (800) 394–3366; fax (703) 385–3206; e-mail *nccanch@calib.com.*

Logic Model: A logic model is a tool that presents the conceptual framework for a proposed project and explains the linkages among program elements. While there are many versions of the logic model, they generally summarize the logical connections among the needs that are the focus of the project, project goals and objectives, the target population, project inputs (resources), the proposed activities/processes/outputs directed toward the target population, the expected short- and long-term outcomes the initiative is designed to achieve, and the evaluation plan for measuring the extent to which proposed processes and outcomes actually occur. Information on the development of logic models is available on the Internet at *http://www.uwex.edu/ces/pdande/* or *http://www.extension.iastate.edu/cyfar/capbuilding/outcome/outcome_logicmdir.html.*

Use of Human Subjects: If your evaluation plan includes gathering data from or about clients, there are specific procedures which must be followed in order to protect their privacy and ensure the confidentiality of the information about them. Applicants planning to gather such data are asked to describe their plans regarding an Institutional Review Board (IRB) review. For more information about use of human subjects and IRB's you can visit these Web sites: *http://ohrp.osophs.dhhs.gov/irb/irb_chapter2.htm#d2* and *http://ohrp.osophs.dhhs.gov/humansubjects/guidance/ictips.htm.*

3. Submission Dates and Times

The closing time and date for receipt of applications is 4:30 p.m. eastern standard time (e.t.) on July 13, 2004. Mailed or handcarried applications received after 4:30 p.m. on the closing date will be classified as late.

Deadline: Mailed applications shall be considered as meeting an announced deadline if they are received on or before the deadline time and date at the following address: ACYF Operations Center, c/o The Dixon Group, Inc., ATTN: Children's Bureau, 118 Q Street, NE., Washington, DC 20002–2132.

Applicants are responsible for mailing applications well in advance, when using all mail services, to ensure that the applications are received on or before the deadline time and date.

Applications hand-carried by applicants, applicant couriers, or by other representatives of the applicant shall be considered as meeting an announced deadline if they are received on or before the deadline date, between the hours of 8 a.m. and 4:30 p.m., e.t., at ACYF Operations Center, c/o The Dixon Group, Inc., ATTN: Children's Bureau, 118 Q Street, NE., Washington, DC 20002–2132, between Monday and Friday (excluding Federal holidays). This address must appear on the envelope/package containing the application with the note ''ATTN: Children's Bureau.'' Applicants are cautioned that express/overnight mail services do not always deliver as agreed. ACF cannot accommodate transmission of applications by fax.

Late applications: Applications which do not meet the criteria above are considered late applications. ACF shall notify each late applicant that its application will not be considered in the current competition.

Extension of deadlines: ACF may extend application deadlines when circumstances such as acts of God (floods, hurricanes, *etc.*) occur, or when there are widespread disruptions of mail service. Determinations to extend or waive deadline requirements rest with the Chief Grants Management Officer.

Required Forms: Numbers for each required item correspond to the numbering of the description of these items in *Section IV.2. Content and Form of Application Submission.*

What to submit	Required content	Required form or format	When to submit
1. SF424	Per required form	May be found at *http://www.acf.hhs.gov/programs/ofs/grants/form.htm.*	See application due date.
2. SF424A	Per required form	May be found at *http://www.acf.hhs.gov/programs/ofs/grants/form.htm.*	See application due date.
3.a. SF424B	Per required form	May be found at *http://www.acf.hhs.gov/programs/ofs/grants/form.htm.*	See application due date.
3.b Certification regarding lobbying	Per required form	May be found at *http://www.acf.hhs.gov/programs/ofs/grants/form.htm.*	See application due date.
3.c. Disclosure of Lobbying Activities (SF–LLL).	Per required form	May be found at *http://www.acf.hhs.gov/programs/ofs/grants/form.htm.*	See application due date.
4. Project Summary/Abstract	Summary of application request	See instructions in this funding opportunity announcement.	See application due date.

What to submit	Required content	Required form or format	When to submit
5. Project Description	Responsiveness to evaluation criteria.	See instructions in this funding opportunity announcement.	See application due date.
6. Proof of non-profit status	See above	See above	See application due date.
7. Indirect cost rate agreement	See above	See above	See application due date.
8. Letters of agreement & MOUs	See above	See above	See application due date.
9. Non-Federal share letter	See above	See above	See application due date.
10. Total application	See above	Application limit 80 pages total including all forms and attachments. Submit one original and two copies.	See application due date.

Additional Forms

Private non-profit organizations may submit with their applications the voluntary survey located under ''Grant Related Documents and Forms'' titled ''Survey for Private, Non-Profit Grant Applicants'' at *www.acf.hhs.gov/programs/ofs/forms.htm.*

What to submit	Required content	Required form or format	When to submit
Survey for Private, Non-Profit Grant Applicants.	Per required form	May be found at *http://www.acf.hhs.gov/programs/ofs/grants/forms.htm*.	See application due date.

4. Intergovernmental Review

State Single Point of Contact (SPOC)

The Adoption Opportunities program is not covered under Executive Order 12372, ''Intergovernmental Review of Federal Programs,'' and 45 CFR Part 100, ''Intergovernmental Review of Department of Health and Human Services Programs and Activities.'' Therefore, applicants are not required to submit their applications to State Single Points of Contact (SPOC).

5. Funding Restrictions

Grant awards will not allow reimbursement of pre-award costs. Construction is not an allowable activity or expenditure under this solicitation.

The non-Federal share may be cash or in-kind contributions, although applicants are encouraged to meet their match requirements through cash contributions. If approved for funding, grantees will be held accountable for the commitment of non-Federal resources even if over the amount of the required match. Failure to provide the required amount will result in a disallowance of Federal funds.

6. Other Submission Requirements

Submission by Mail: Mailed applications shall be considered as meeting an announced deadline if they are received on or before the deadline time and date at the following address: ACYF Operations Center, c/o The Dixon Group, Inc., ATTN: Children's Bureau, 118 Q Street, NE., Washington, DC 20002–2132.

Applicants are responsible for mailing applications well in advance, when using all mail services, to ensure that the applications are received on or before the deadline time and date.

Hand Delivery: Applications hand-carried by applicants, applicant couriers, or by other representatives of the applicant shall be considered as meeting an announced deadline if they are received on or before the deadline date, between the hours of 8 a.m. and 4:30 p.m., e.t., at ACYF Operations Center, c/o The Dixon Group, Inc., ATTN: Children's Bureau, 118 Q Street, NE., Washington, DC 20002–2132, between Monday and Friday (excluding Federal holidays). This address must appear on the envelope/package containing the application with the note ''ATTN: Children's Bureau.'' Applicants are cautioned that express/overnight mail services do not always deliver as agreed. ACF cannot accommodate transmission of applications by fax.

Electronic Submission: Please see *Section IV. 2. Content and Form of Application Submission,* for guidelines and requirements when submitting applications electronically.

V. Application Review Information

1. Criteria

The Paperwork Reduction Act of 1995 (Pub. L. 104–13)

Public reporting burden for this collection of information is estimated to average 40 hours per response, including the time for reviewing instructions, gathering and maintaining the data needed and reviewing the collection information. The project description is approved under OMB control number 0970–0139 which expires 3/31/2004. 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.

General Instruction for Preparing Full Project Description

Introduction. Applicants required to submit a full project description shall prepare the project description statement in accordance with the following instructions and the specified evaluation criteria. The instructions give a broad overview of what your project description should include while the evaluation criteria expands and clarifies more program-specific information that is needed.

Project Summary/Abstract. Provide a summary of the project description (a page or less) with reference to the funding request.

Objectives and Need for Assistance. Clearly identify the physical, economic, social, financial, institutional, and/or other problem(s) requiring a solution. The need for assistance must be demonstrated and the principal and subordinate objectives of the project must be clearly stated; supporting documentation, such as letters of support and testimonials from concerned interests other than the applicant, may be included. Any relevant data based on planning studies should be included or referred to in the endnotes/footnotes. Incorporate demographic data and participant/beneficiary information, as needed. In developing the project description, the

applicant may volunteer or be requested to provide information on the total range of projects currently being conducted and supported (or to be initiated), some of which may be outside the scope of the program announcement.

Approach. Outline a plan of action which describes the scope and detail of how the proposed work will be accomplished. Account for all functions or activities identified in the application. Cite factors which might accelerate or decelerate the work and state your reason for taking the proposed approach rather than others. Describe any unusual features of the project such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvement.

Provide quantitative monthly or quarterly projections of the accomplishments to be achieved for each function or activity in such terms as the number of people to be served and the number of activities accomplished. When accomplishments cannot be quantified by activity or function, list them in chronological order to show the schedule of accomplishments and their target dates.

If any data is to be collected, maintained, and/or disseminated, clearance may be required from the U.S. Office of Management and Budget (OMB). This clearance pertains to any ''collection of information that is conducted or sponsored by ACF.''

List organizations, cooperating entities, consultants, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution.

Organizational Profiles. Provide information on the applicant organization(s) and cooperating partners such as organizational charts, financial statements, audit reports or statements from CPAs/Licensed Public Accountants, Employer Identification Numbers, names of bond carriers, contact persons and telephone numbers, child care licenses and other documentation of professional accreditation, information on compliance with Federal/State/local government standards, documentation of experience in the program area, and other pertinent information. Any non-profit organization submitting an application must submit proof of its non-profit status in its application at the time of submission.

The non-profit agency can accomplish this by providing a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in section 501(c)(3) of the IRS code, or by providing a copy of the currently valid IRS tax exemption certificate, or by providing a copy of the articles of incorporation bearing the seal of the State in which the corporation or association is domiciled.

Budget and Budget Justification. Provide line item detail and detailed calculations for each budget object class identified on the Budget Information form. Detailed calculations must include estimation methods, quantities, unit costs, and other similar quantitative detail sufficient for the calculation to be duplicated. The detailed budget must also include a breakout by the funding sources identified in Block 15 of the SF–424.

Provide a narrative budget justification that describes how the categorical costs are derived. Discuss the necessity, reasonableness, and allocability of the proposed costs.

Personnel.

Description: Costs of employee salaries and wages.

Justification: Identify the project director or principal investigator, if known. For each staff person, provide the title, time commitment to the project (in months), time commitment to the project (as a percentage or full-time equivalent), annual salary, grant salary, wage rates, etc. Do not include the costs of consultants or personnel costs of delegate agencies or of specific project(s) or businesses to be financed by the applicant.

Fringe Benefits.

Description: Costs of employee fringe benefits unless treated as part of an approved indirect cost rate.

Justification: Provide a breakdown of the amounts and percentages that comprise fringe benefit costs such as health insurance, FICA, retirement insurance, taxes, etc.

Travel.

Description: Costs of project-related travel by employees of the applicant organization (does not include costs of consultant travel).

Justification: For each trip, show the total number of traveler(s), travel destination, duration of trip, per diem, mileage allowances, if privately owned vehicles will be used, and other transportation costs and subsistence allowances. Travel costs for key staff to attend ACF-sponsored workshops should be detailed in the budget.

Equipment.

Description: ''Equipment'' means an article of nonexpendable, tangible personal property having a useful life of more than one year and an acquisition cost which equals or exceeds the lesser of (a) the capitalization level established by the organization for the financial statement purposes, or (b) $5,000. (**Note:** Acquisition cost means the net invoice unit price of an item of equipment, including the cost of any modifications, attachments, accessories, or auxiliary apparatus necessary to make it usable for the purpose for which it is acquired. Ancillary charges, such as taxes, duty, protective in-transit insurance, freight, and installation shall be included in or excluded from acquisition cost in accordance with the organization's regular written accounting practices.)

Justification: For each type of equipment requested, provide a description of the equipment, the cost per unit, the number of units, the total cost, and a plan for use on the project, as well as use or disposal of the equipment after the project ends. An applicant organization that uses its own definition for equipment should provide a copy of its policy or section of its policy which includes the equipment definition.

Supplies.

Description: Costs of all tangible personal property other than that included under the Equipment category.

Justification: Specify general categories of supplies and their costs. Show computations and provide other information which supports the amount requested.

Contractual.

Description: Costs of all contracts for services and goods except for those which belong under other categories such as equipment, supplies, construction, etc. Third-party evaluation contracts (if applicable) and contracts with secondary recipient organizations, including delegate agencies and specific project(s) or businesses to be financed by the applicant, should be included under this category.

Justification: All procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free competition. Recipients and subrecipients, other than States that are required to use part 92 procedures, must justify any anticipated procurement action that is expected to be awarded without competition and exceed the simplified acquisition threshold fixed at 41 U.S.C. 403(11). Recipients might be required to make available to ACF pre-award review and procurement documents, such as request for proposals or invitations for bids, independent cost estimates, etc.

Note: Whenever the applicant intends to delegate part of the project to another agency, the applicant must provide a detailed budget and budget narrative for each delegate agency, by agency title, along with the

required supporting information referred to in these instructions.

Other. Enter the total of all other costs. Such costs, where applicable and appropriate, may include but are not limited to insurance, food, medical and dental costs (noncontractual), professional services costs, space and equipment rentals, printing and publication, computer use, training costs, such as tuition and stipends, staff development costs, and administrative costs.

Justification: Provide computations, a narrative description and a justification for each cost under this category.

Indirect Charges.

Description: Total amount of indirect costs. This category should be used only when the applicant currently has an indirect cost rate approved by the Department of Health and Human Services (HHS) or another cognizant Federal agency.

Justification: An applicant that will charge indirect costs to the grant must enclose a copy of the current rate agreement. If the applicant organization is in the process of initially developing or renegotiating a rate, it should immediately upon notification that an award will be made, develop a tentative indirect cost rate proposal based on its most recently completed fiscal year in accordance with the principles set forth in the cognizant agency's guidelines for establishing indirect cost rates, and submit it to the cognizant agency. Applicants awaiting approval of their indirect cost proposals may also request indirect costs. It should be noted that when an indirect cost rate is requested, those costs included in the indirect cost pool should not also be charged as direct costs to the grant. Also, if the applicant is requesting a rate which is less than what is allowed under the program, the authorized representative of the applicant organization must submit a signed acknowledgement that the applicant is accepting a lower rate than allowed.

Specific Evaluation Criteria

The following criteria will be used to review and evaluate each application. The applicant should address each criterion in the project description. The point values (summing up to 100) indicate the maximum numerical weight each criterion will be accorded in the review process.

Criterion 1. Objectives and Need for Assistance

In reviewing the objectives and need for assistance, the following factors will be considered: (20 points)

(1) The extent to which the application demonstrates an understanding of the goals and objectives of the Adoption Opportunities legislation. This includes the extent to which the proposed project will contribute to achieving those goals and objectives, including goals stated in the purpose and background sections of this funding opportunity announcement.

(2) The extent to which the application present a clear vision of the service system for the target population, including a clear statement of the goals (end products of an effective project) and objectives (measurable steps for reaching these goals) of the proposed project. The extent to which these goals and objectives are based on a thorough understanding of the characteristics of the clients and the context of the proposed intervention.

(3) The extent to which the application demonstrates a clear understanding of the ACF priorities (Prevention, Rural Initiatives, Positive Youth Development, Faith and Community Initiatives, Healthy Marriage, and Fatherhood) which are addressed by the project. The extent to which the project will effectively incorporate and promote one or more of these priorities in program implementation.

(4) The extent to which the application demonstrates a thorough understanding of the characteristics of the target population, the service needs of this population and community, and the status of existing services for children, adolescents and their families/caregivers.

(5) The extent to which the application's review of the literature is comprehensive and reflects a clear understanding of the research on best practices and promising approaches as it relates to the proposed project. This includes the extent to which the review of literature provides evidence that the proposed project is innovative and, if successfully implemented and evaluated, likely to yield findings or results that will contribute to and promote evidence-based practices that will be useful to other agencies and organizations in developing effective services and programs to address the issues effectively.

Criterion 2. Approach

In reviewing the approach, the following factors will be considered: (50 points).

(1) The extent to which the application provides a reasonable timeline for implementing the proposed project, including major milestones and target dates. The extent to which the application describes the factors that could speed or hinder project implementation, and explains how these factors would be managed.

(2) The extent to which there is a detailed description of the services to be provided by the program. The extent to which this program will bridge gaps or substantially improve the current service delivery system and benefit the target population. The extent to which the proposed services are comprehensive in scope, will address a broad range of the target population's needs, and include services identified in *Section I. Funding Opportunity Description.*

(3) The extent to which the design of the proposed project is evidence-based, reflects up-to-date knowledge from the research and literature on known effective practices, and builds on current theory, research, evaluation data and best practices. The extent to which the project will contribute to increased knowledge or understanding of the problem, issues, or effective strategies and practices in the field. The extent to which the logic model for this project demonstrates strong links between proposed inputs and activities, and intended short-term and long-term outcomes. The extent to which the logic model clearly shows how the achievement of these outcomes would be measured.

(4) The extent to which the project will be culturally responsive to the target population.

(5) The extent to which the proposed services will involve the collaboration of appropriate partners for maximizing the effectiveness of service delivery. The extent to which there are letters of commitment or memoranda of understanding from organizations, agencies, and consultants that will be partners or collaborators in the proposed project. The extent to which these documents describe the role of the agency, organization, or consultant and detail specific tasks to be performed.

(6) The extent to which there is a sound plan for effectively evaluating the achievement of the project's objectives, customer satisfaction, processes, outcomes, impact, the effectiveness of project strategies and the efficiency of the implementation process. The extent to which there is a reasonable plan for securing an external evaluator, if not using internal resources for project evaluation.

(7) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce

quantitative and qualitative outcome data. The extent to which the proposed evaluation plan would be likely to yield findings or results about effective strategies, and contribute to and promote evaluation research and evidence-based practices that could be used to guide replication or testing in other settings.

(8) The extent to which useful data on individuals and families, types of services provided, services used, and types and nature of needs identified and met will be effectively collected. The extent to which there is a sound plan for an Institutional Review Board (IRB) review, if applicable.

(9) The extent to which the products that would be developed during the proposed project would provide information on strategies utilized and the outcomes achieved that would support evidence-based improvements of practices in the field. The extent to which the plan for developing and disseminating these products is reasonable and appropriate in scope and budget.

(10) The extent to which the intended audience (*e.g.*, researchers, policymakers, and practitioners) for product dissemination is appropriate to the goals of the proposed project. The extent to which the project's products would be useful to each of these audiences. The extent to which there is a sound plan for effectively disseminating information, through appropriate mechanisms and forums, that will successfully convey the information to, and support replication by, other interested agencies.

Criterion 3. Organizational Profiles

In reviewing the organizational profiles, the following factors will be considered: (20 points).

(1) The extent to which the applicant organization and any partnering organizations collectively have sufficient experience and expertise in developing and implementing innovative projects, programs, or service delivery systems in the adoption, kinship, foster care, or child welfare field.

(2) The extent to which the application evidences sufficient organizational resources to implement the proposed project effectively, including sufficient capacity for administration, program operations, data processing and analysis, reporting and dissemination of findings.

(3) The extent to which the proposed project director, key project staff, and consultants have the necessary technical skill, knowledge, and experience to carry out their responsibilities effectively, including administration, program operations, data collection and analysis, reporting and dissemination of findings. The extent to which current and proposed staff has the capacity to fill the described roles effectively. The extent to which the author of this proposal will be closely involved throughout the implementation of the proposed project.

(4) The extent to which the management plan details a realistic approach to achieving the objectives of the proposed project on time and within budget. The extent to which this plan includes clearly defined responsibilities timelines and benchmarks for accomplishing project tasks. The extent to which there would be a mutually beneficial relationship between the proposed project and other work planned, anticipated or underway with Federal assistance by the applicant.

Criterion 4. Budget and Budget Justification

In reviewing the budget and budget justification, the following factors will be considered: (10 points).

(1) The extent to which the application demonstrates that the project cost and budget information submitted on the standard 424 and 424A for the proposed program are reasonable and justified in terms of the proposed tasks and anticipated outcomes. The extent to which fiscal controls and accounting procedures are in place to ensure prudent use, proper and timely disbursement, and accurate accounting of funds received under this program announcement.

(2) The extent to which the application documents allocation of sufficient funds in the budget to:

a. Provide for the project director and evaluator to attend an annual 3-day grantees' meeting in Washington, DC.

b. Provide for the project director and evaluator to attend an early kickoff meeting for grantees funded under this priority area to be held within the first three months of the project (first year only) in Washington, DC.

c. Provide for 10–15 percent of the proposed budget to project evaluation.

2. Review and Selection Process

When the Operations Center receives your application it will be screened to confirm that your application was received by the deadline. Federal staff will verify that you are an eligible applicant and that the application contains all the essential elements. Applications received from ineligible organizations and applications received after the deadline will be withdrawn from further consideration.

A panel of at least three reviewers (primarily experts from outside the Federal government) will use the evaluation criteria described in this announcement to evaluate each application. The reviewers will determine the strengths and weaknesses of each application, provide comments about the strengths and weaknesses and give each application a numerical score.

All applications will be reviewed and evaluated using four major criteria: (1) Objectives and need for assistance, (2) approach, (3) organizational profiles, and (4) budget and budget justification. Each criterion has been assigned a point value. The point values (summing up to 100) indicate the maximum numerical weight each criterion may be given in the review and evaluation process.

Reviewers also are evaluating the project products and materials that you propose. They will be interested in your plans for sustaining your project without Federal funds if the evaluation findings are supportive. Reviewers will be looking to see that the total budget you propose and the way you have apportioned that budget are appropriate and reasonable for the project you have described. Remember that the reviewers only have the information that you give them—it needs to be clear, complete, and concise.

The results of the competitive review are a primary factor in making funding decisions. In addition, Federal staff conducts administrative reviews of the applications and, in light of the results of the competitive review, will recommend applications for funding to the ACYF Commissioner. ACYF reserves the option of discussing applications with other funding sources when this is in the best interest of the Federal government. ACYF may also solicit and consider comments from ACF Regional Office staff in making funding decisions. ACYF may take into consideration the involvement (financial and/or programmatic) of the private sector, national, or State or community foundations; a favorable balance between Federal and non-Federal funds for the proposed project; or the potential for high benefit from low Federal investment. ACYF may elect not to fund any applicants having known management, fiscal, reporting, programmatic, or other problems which make it unlikely that they would be able to provide effective services or effectively complete the proposed activity.

With the results of the peer review and the information from Federal staff, the Commissioner of ACYF makes the final funding decisions. The Commissioner may give special

consideration to applications proposing services of special interest to the Government and to achieve geographic distributions of grant awards. Applications of special interest may include, but are not limited to, applications focusing on unserved or inadequately served clients or service areas and programs addressing diverse ethnic populations.

Approved but unfunded applications: In cases where more applications are approved for funding than ACF can fund with the money available, the Grants Officer shall fund applications in their order of approval until funds run out. In this case, ACF has the option of carrying over the approved applications up to a year for funding consideration in a later competition of the same program. These applications need not be reviewed and scored again if the program's evaluation criteria have not changed. However, they must then be placed in rank order along with other applications in the later competition.

VI. Award Administration Information

1. Award Notices

Anticipated Announcement and Award Dates: Applications will be reviewed in the Summer 2004. Grant awards will have a start date no later than September 30, 2004.

Award Notices: Successful applicants will receive a Financial Assistance Award which will set forth the amount of funds granted, the terms and conditions of the grant, the effective date of the grant, the budget period for which initial support will be given, the non-Federal share to be provided, if applicable, and the total project period for which support is contemplated. The Financial Assistance Award will be signed by the Grants Officer and transmitted via postal mail.

The Commissioner will notify organizations in writing when their applications will not be funded. Every effort will be made to notify all unsuccessful applicants as soon as possible after final decisions are made.

2. Administrative and National Policy Requirements

45 CFR part 74 and 45 CFR part 92.

3. Reporting Requirements

Programmatic Reports and Financial Reports are required semi-annually with final reports due 90 days after the project end date. All required reports will be submitted in a timely manner, in recommended formats (to be provided), and the final report will also be submitted on disk or electronically using a standard word-processing program.

Within 90 days of project end date, the applicant will submit a copy of the final report, the evaluation report, and any program products to the National Adoption Information Clearinghouse, 330 C Street, SW., Washington, DC 20447. This is in addition to the standard requirement that the final program and evaluation report must also be submitted to the Grants Management Specialist and the Federal Project Officer.

Original reports and one copy should be mailed to: Administration for Children and Families, Office of Grants Management, Division of Discretionary Grants, 370 L'Enfant Promenade, SW., Washington, DC 20447.

VII. Agency Contacts

Program Office Contact

Geneva Ware-Rice, 330 C Street, SW., Washington, DC 20447, Telephone: 202–205–8354, E-mail: *gware-rice@acf.hhs.gov.*

Grants Management Office Contact

William Wilson, 330 C Street, SW., Washington, DC 20447, Telephone: 202–205–8913, E-mail: *wwilson@acf.hhs.gov.*

General Contact

The Dixon Group, ACYF Operations Center, 118 Q Street, NE., Washington, DC 20002–2132, Telephone: 866–796–1591.

VIII. Other Information

Additional information about this program and its purpose can be located on the following Web sites: *http://www.acf.hhs.gov/programs/cb/.*

Copies of the following Forms, Assurances, and Certifications are available online at *http://www.acf.hhs.gov/programs/ofs/grants/form.htm.*

Standard Form 424: Application for Federal Assistance

Standard Form 424A: Budget Information

Standard Form 424B: Assurances—Non-Construction Programs

Certification Regarding Lobbying

Form LLL: Disclosure of Lobbying

Certification Regarding Environmental Tobacco Smoke

Standard Form 310: Protection of Human Subjects

Dated: May 6, 2004.

Frank Fuentes,

Deputy Commissioner, Administration on Children, Youth and Families.

[FR Doc. 04–10966 Filed 5–13–04; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Funding Opportunity: CSBG T/TA Program—Maintain Operation of ROMA Website

AGENCY: Administration for Children and Families, Office of Community Services, HHS.

Announcement Type: Competitive Grant-Initial.

Funding Opportunity Number: HHS–2004–ACF–OCS–ET–0025.

CFDA Number: 93.570.

Due Date for Applications: The due date for receipt of applications is June 28, 2004.

I. Funding Opportunity Description

The Office of Community Services (OCS) within the Administration for Children and Families (ACF) announces that competing applications will be accepted for a new grant pursuant to the Secretary's authority under section 674(b) of the Community Services Block Grant (CSBG) Act, as amended, by the Community Opportunities, Accountability, and Training and Educational Services (COATES) Human Services Reauthorization Act of 1998, (Pub. L. 105–285).

The proposed grant will fund the continued operation of a national web site for its ''Results Oriented Management and Accountability,'' or ROMA, initiative in support of the national community action Goal 5: ''Agencies Increase their Capacity to Achieve Results.''

Definitions of Terms

The following definitions apply:

At-Risk Agencies refers to CSBG eligible entities in crises. The problem(s) to be addressed must be of a complex or pervasive nature that cannot be adequately addressed through existing local or State resources.

Capacity-building refers to activities that assist Community Action Agencies (CAAs) and other eligible entities to improve or enhance their overall or specific capability to plan, deliver, manage and evaluate programs efficiently and effectively to produce intended results for low-income individuals. This may include upgrading internal financial management or computer systems, establishing new external linkages with other organizations, improving board functioning, adding or refining a program component or replicating techniques or programs piloted in

another local community, or making other cost effective improvements.

Community in relationship to broad representation refers to any group of individuals who share common distinguishing characteristics including residency, for example, the ''low-income'' community, or the ''religious'' community or the ''professional'' community. The individual members of these ''communities'' may or may not reside in a specific neighborhood, county or school district but the local service provider may be implementing programs and strategies that will have a measurable affect on them. Community in this context is viewed within the framework of both community conditions and systems, *i.e.*, (1) public policies, formal written and unstated norms adhered to by the general population; (2) service and support systems, economic opportunity in the labor market and capital stakeholders; (3) civic participation; and (4) an equity as it relates to the economic and social distribution of power.

Community Services Network (CSN) refers to the various organizations involved in planning and implementing programs funded through the Community Services Block Grant or providing training, technical assistance or support to them. The network includes local Community Action Agencies and other eligible entities; State CSBG offices and their national association; CAA State, regional and national associations; and related organizations which collaborate and participate with Community Action Agencies and other eligible entities in their efforts on behalf of low-income people.

Eligible applicants described in this announcement shall be eligible entities, organizations, (including faith based) or associations with demonstrated expertise in providing training to individuals and organizations on methods of effectively addressing the needs of low-income families and communities. See description of Eligible Entities below.

Eligible entity means any organization that was officially designated as a Community Action Agency (CAA) or a community action program under Section 673(1) of the Community Services Block Grant Act, as amended by the Human Services Amendments of 1994 (Pub. L. 103–252), and meets all the requirements under Sections 673(1)(A)(I), and 676A of the CSBG Act, as amended by the COATES Human Services Reauthorization Act of 1998. All eligible entities are current recipients of Community Services Block Grant funds, including migrant and seasonal farm worker organizations that received CSBG funding in the previous fiscal year.

Local service providers are local public or private non-profit agencies that receive Community Services Block Grant funds from States to provide services to, or undertake activities on behalf of, low-income people.

Nationwide refers to the scope of the technical assistance, training, data collection, or other capacity-building projects to be undertaken with grant funds. Nationwide projects must provide for the implementation of technical assistance, training or data collection for all or a significant number of States, and the local service providers who administer CSBG funds.

Non-profit Organization refers to an organization, including faith-based, which has ''demonstrated experience in providing training to individuals and organizations on methods of effectively addressing the needs of low income families and communities.'' Acceptable documentation for eligible non-profit status is limited to: (1) A copy of a current, valid Internal Revenue service tax exemption certificate; (2) a copy of the applicant organization's listing in the Internal Revenue Service's most recent list of tax-exempt organizations described in Section 501(c)(3) of the IRS code; and/or (3) Articles of incorporation bearing the seal of the State in which the corporation or association is domiciled.

Outcome Measures are definable changes in the status or condition of individuals, families, organizations, or communities as a result of program services, activities, or collaborations.

Performance Measurement is a tool used to objectively assess how a program is accomplishing its mission through the delivery of products, services, and activities.

Program technology exchange refers to the process of sharing expert technical and programmatic information, models, strategies and approaches among the various partners in the Community Services Network. This may be done through written case studies, guides, seminars, technical assistance, and other mechanisms.

Regional Networks refers to CAA State Associations within a region.

Results-Oriented Management and Accountability (ROMA) System: ROMA is a system, which provides a framework for focusing on results for local agencies funded by the Community Services Block Grant Program. It involves setting goals and strategies and developing plans and techniques that focus on a result-oriented performance based model for management.

State means all of the 50 States and the District of Columbia. Except where specifically noted, for purposes of this program announcement, it also includes specified Territories.

State CSBG Lead Agency (SCLA) is the lead agency designated by the Governor of the State to develop the State CSBG application and to administer the CSBG Program.

Statewide refers to training and technical assistance activities and other capacity building activities undertaken with grant funds that will have significant impact, *i.e.* activities should impact at least 50 percent of the eligible entities in a State.

Technical assistance is an activity, generally utilizing the services of an expert (often a peer), aimed at enhancing capacity, improving programs and systems, or solving specific problems. Such services may be provided proactively to improve systems or as an intervention to solve specific problems.

Territories refer to the Commonwealth of Puerto Rico and American Samoa for the purpose of this announcement.

Training is an educational activity or event which is designed to impart knowledge, understanding, or increase the development of skills. Such training activities may be in the form of assembled events such as workshops, seminars, conferences or programs of self-instructional activities.

Program Purpose, Scope and Focus

OCS seeks to continue to support the implementation and expansion of performance-based management concepts embodied in its ''Results Oriented Management and Accountability'' initiative, or ROMA. One of the most effective tools for sharing information about Federal, State, and local agency ROMA principles, policies, and activities has been the national ROMA Web site.

OCS will fund the continued availability of a national ROMA Web site that serves an informational resource to the Community Services Network by continuous posting and updating of:

- National ROMA policies, guidelines, training and technical assistance opportunities and resources;
- ROMA implementation strategies and supporting documents from State CSBG Lead Agencies, State Community Action Associations, and local eligible entities;
- ROMA information generated by various national training and technical assistance organizations;

• Relevant performance-based management information from other programs, both public and private.

II. Award Information

Funding Instrument Type: Grant.

Category of Funding Activity: ISS Income Security and Social Services.

Anticipated Total Priority Area Funding: $36,000 in FY 2004.

Anticipated Number of Awards: One.

Ceiling on Amount of Individual Awards: $36,000 per budget period.

Floor on Amount of Individual Awards: None.

Average Projected Award Amount: $36,000 per budget period.

Project Periods for Award: This announcement is inviting applicants for project periods up to two years. Awards, on a competitive basis, will be for a one-year budget period, although project may be for two years. Applications for continuation grants beyond the one-year budget period but within the two year project period will be entertained in subsequent years on a noncompetitive 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.

III. Eligibility Information

1. Eligible Applicants

Community Services Block Grant eligible entities, State Community Action Associations including faith-based organizations, nonprofit organizations having 501(c)(3) status, and nonprofits that do not have 501(c)(3) status.

Additional Information on Eligibility: As prescribed by the Community Services Block Grant Act (Pub. L. 105–285, Section 678(c)(2), eligible applicants are eligible entities (see definitions), organizations, or associations with demonstrated expertise in providing training to individuals and organizations on methods of effectively addressing the needs of low-income families and communities.

Any non-profit organization submitting an application must submit proof of its non-profit status in its application at the time of submission. The non-profit agency can accomplish this by providing a reference to the applicant organization's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in the IRS Code; a copy of a currently valid IRS tax exemption certificate; a statement from a State taxing body, State attorney general, or other appropriate State official certifying that the applicant organization has a non-profit status and that none of the net earnings accrue to any private shareholders or individuals; a certified copy of the organization's certificate of incorporation or similar document that clearly establishes non-profit status; or any of the items referenced above for a State or national parent organization and a statement signed by the parent organization that the applicant organization is a local non-profit affiliate.

Private, non-profit organizations are encouraged to submit with their applications the survey located under ''Grant Related Documents and Forms'' titled ''Survey for Private, Non-Profit Grant Applicants'' at *http://www.acf.hhs.gov/programs/ofs/forms.htm.*

2. Cost Sharing or Matching

None.

3. Other

On June 27, 2003, the Office of Management and Budget published in the **Federal Register** a new Federal policy applicable to all Federal grant applicants. The policy requires all Federal grant applicants to provide a Dun and Bradstreet Data Universal Numbering System (DUNS) number when applying for Federal grants or cooperative agreements on or after October 1, 2003. The DUNS number will be required whether an applicant is submitting a paper application or using the government-wide electronic portal (*http://www.Grants.gov*). A DUNS number will be required for every application for a new award or renewal/continuation of an award, including applications or plans under formula, entitlement and block grant programs, submitted on or after October 1, 2003.

Please ensure that your organization has a DUNS number. You may acquire a DUNS number at no cost by calling the dedicated toll-free DUNS number request line on 1–866–705–5711 or you may request a number on-line at *http://www.dnb.com.*

IV. Application and Submission Information

1. Address To Request Application Package

Office of Community Services Operations Center, ATTN: Dr. Margaret Washnitzer, 1815 Fort Meyer Drive, Suite 300, Arlington, Virginia 22209: Telephone: (800) 281–9519:

2. Content and Form of Application Submission

An original and two copies of the complete application are required. The original and the 2 copies must include all required forms, certifications, assurances, and appendices, be signed by an authorized representative of the applicant organization, have original signatures, and be submitted unbound. Applicants have the option of omitting from the application copies (not the original) specific salary rates or amounts for individuals specified in the application budget and Social Security Numbers. The copies may include summary salary information.

You may submit your application to us in either electronic or paper format. To submit an application electronically, please use the *http://www.Grants.gov* apply site. If you use Grants.gov, you will be able to download a coy of the application package, complete it off-line, and then upload and submit the application via the Grants.gov site. You may not e-mail an electronic copy of a grant application to us.

Please note the following if you plan to submit your application electronically via Grants. Gov:

• Electronic submission is voluntary.

• When you enter the Grants. Gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation. We strongly recommend that you do not wait until the application deadline date to begin the application process through Grants.Gov.

• To use Grants.gov, you, as the applicant, must have a DUNS Number and register in the Central Contractor Registry (CCR). You should allow a minimum of five days to complete the CCR registration.

• You will not receive additional point value because you submit a grant application in electronic format, nor will we penalize you if you submit an application in paper format.

• You may submit all documents electronically, including all information typically included on the SF 424 and all necessary assurances and certifications.

• Your application must comply with any page limitation requirements described in this program announcement.

• After you electronically submit your application, you will receive an automatic acknowledgement from Grants.gov that contains a Grants.gov tracking number. The Administration for Children and Families will retrieve your application from Grants.gov.

• We may request that you provide original signatures on forms at a later date.

• You may access the electronic application for this program on *http://www.Grants.gov.* You must search for

the downloadable application package by the CFDA number.''

Application Content

Each application must include the following components:

(a) *Table of Contents*

(b) *Abstract of the Proposed Project*—very brief, not to exceed 250 words, that would be suitable for use in an announcement that the application has been selected for a grant award and which identifies the type of project, the target population and the major elements of the work plan.

(c) *Completed Standard Form 424*—that has been signed by an Official of the organization applying for the grant who has authority to obligate the organization legally.

(d) *Standard Form 424A*—Budget Information-Non-Construction Programs.

(e) *Narrative Budget Justification*—for each object class category required under Section B, Standard Form 424A.

(f) *Project Narrative*—A narrative that addresses issues described in the ''Application Review Information'' and the ''Review and Selection Criteria'' sections of this announcement.

Application Format

Each application should include one signed original application and two additional copies of the same application.

Submit application materials on white 8½ x 11 inch paper only. Do not use colored, oversized or folded materials.

Please do not include organizational brochures or other promotional materials, slides, films, clips, etc.

The font size may be no smaller than 12 pitch and the margins must be at least one inch on all sides.

Number all application pages sequentially throughout the package, beginning with the abstract of the proposed project as page number one.

Please present application materials either in loose-leaf notebooks or in folders with pages two-hole punched at the top center and fastened separately with a slide paper fastener.

Page Limitation

The application package including sections for the Table of Contents, Project Abstract, Project and Budget Narratives must not exceed 30 pages. The page limitation does not include the following attachments and appendices: Standard Forms for Assurances, Certifications, Disclosures and appendices. The page limitation also does not apply to any supplemental documents as required in this announcement.

Required Standard Forms

Applicants requesting financial assistance for a non-construction project must sign and return Standard Form 424B, Assurances: Non-Construction Programs with their applications.

Applicants must provide a Certification Regarding Lobbying. Prior to receiving an award in excess of $100,000, applicants shall furnish an executed copy of the lobbying certification. Applicants must sign and return the certification with their application.

Applicants must make the appropriate certification of their compliance with all Federal statues relating to nondiscrimination. By signing and submitting the applications, applicants are providing the certification and need not mail back a certification form.

Applicants must make the appropriate certification of their compliance with the requirements of the Pro-Children Act of 1994 as outlined in Certification Regarding Environmental Tobacco Smoke. By signing and submitting the applications, applicants are providing the certification and need not mail back a certification form.

Additional Requirements

(a) The application must contain a signed Standard Form 424, Application for Federal Assistance, a Standard Form 424–A, Budget Information, and signed Standard From 424–B, Assurance—Non-Construction Programs, completed according to instructions provided in this Program Announcement. The Forms SF–424 and SF–424B must be signed by an official of the organization applying for the grant who has authority to obligate the organization legally. The applicant's legal name as required on the SF–424 (Item 5) must match that listed as corresponding to the Employer Identification Number (Item 6);

(b) The application must include a project narrative that meets the requirements set forth in this announcement;

(c) The application must contain documentation of the applicant's tax-exempt status as indicated in the ''Funding Opportunity Description'' section of this announcement;

Private, non-profit organizations are encouraged to submit with their applications the survey located under ''Grant Related Documents and Forms'' titled ''Survey for Private, Non-Profit Grant Applicants.'' The forms are located on the web at *http://www.acf.hhs.gov/programs/ofs/forms.htm.*

Project Summary Abstract: Provide a one page (or less) summary of the project description with reference to the funding request.

Full Project Description Requirements: Describe the project clearly in 30 pages or less (not counting supplemental documentation, letters of support or agreements) using the following outline and guidelines. Applicants are required to submit a Full Project Description and must prepare the project description statement in accordance with the following instructions. The pages of the project description must be numbered and are limited to 30 typed pages starting on page 1 with the ''Objectives and Need for Assistance''. The description must be double-spaced, printed on only one side, with at least one inch margins. Pages over the 30 page limit will be removed from the competition and will not be reviewed.

It is in the applicant's best interest to ensure that the project description is easy to read, logically developed in accordance with the evaluation criteria and adheres to the page limitation. In addition, applicants should be mindful of the importance of preparing and submitting applications using language, terms, concepts and descriptions that are generally known by the Community Services Block Grant (CSBG) network.

The maximum number of pages for supplemental documentation is 10 pages. The supplemental documentation, subject to the 10-page limit, must be numbered and might include brief resumes, position descriptions, proof of non-profit status, news clippings, press releases, etc. Supplemental documentation over the 10-page limit will not be reviewed.

Applicants must include letters of support or agreement, if appropriate or applicable, in reference to the project description. Letters of support are not counted as part of the 30-page project description limit or the 10-page supplemental documentation limit. All applications must comply with the following requirements as noted:

3. Submission Dates and Times

The closing time and date for receipt of applications is 4:30 p.m. Eastern Standard Time (EST) on June 28, 2004. Mailed or hand carried applications received after 4:30 p.m. on the closing date will be classified as late.

Deadline: Mailed applications shall be considered as meeting an announced deadline if they are received on or before the deadline time and date at the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Community Services' Operations Center, 1815 North Fort Meyer Drive, Suite 300, Arlington,

Virginia 22209. Attention: Barbara Ziegler Johnson. Applicants are responsible for mailing applications well in advance, when using all mail services, to ensure that the applications are received on or before the deadline time and date.

Applications hand carried by applicants, applicant couriers, other representatives of the applicant, or by overnight/express mail couriers shall be considered as meeting an announced deadline if they are received on or before the deadline date, between the hours of 8 a.m. and 4:30 p.m., Eastern Standard Time (EST), at the U.S. Department of Health and Human Services (HHS), Administration for Children and Families, Office of Community Services' Operations Center, 1815 North Fort Meyer Drive, Suite 300, Arlington, Virginia 22209, between Monday and Friday (excluding federal holidays). This address must appear on the envelope/package containing the application with the note: ''Attention: Barbara Ziegler Johnson''. Applicants are cautioned that express/overnight mail services do not always deliver as agreed.

Late applications: Applications which do not meet the criteria above are considered late applications. ACF shall notify each late applicant that its application will not be considered in the current competition.

Extension of deadlines: ACF may extend application deadlines when circumstances such as acts of God (floods, hurricanes, etc.) occur, or when there are widespread disruptions of mails service. Determinations to extend or waive deadline requirements rest with the Chief Grants Management Officer.

ACF will not send acknowledgements of receipt of application materials.

Required Forms:

What to submit	Required content	Required form or format	When to submit
Table of Contents	As described above	Consistent with guidance in ''Application Format'' section of this announcement.	By application due date.
Abstract of Proposed Project	Brief abstract that identifies the type of project, the target population and the major elements of the proposed project.	Consistent with guidance in ''Application Format'' section of this announcement.	By application due date.
Completed Standard Form 424	As described above and per required form.	May be found on *http://www.acf.hhs.gov/programs/ofs/forms.htm*.	By application due date.
Completed Standard Form 424A	As described above and per required form.	May be found on *http://www.acf.hhs.gov/programs/ofs/forms.htm*.	By application due date.
Narrative Budget Justification	As described above	Consistent with guidance in ''Application Format'' section of this announcement.	By application due date.
Project Narrative	A narrative that addresses issues described in the ''Application Review Information'' and the ''Review and Selection Criteria'' sections of this announcement.	Consistent with guidance in ''Application Format'' section of this announcement.	By application due date.
Certification regarding lobbying	As described above and per required form.	May be found on *http://www.acf.hhs.gov/programs/ofs/forms.htm*.	By application due date.
Certification regarding environmental tobacco smoke.	As described above and per required form.	May be found on *http://www.acf.hhs.gov/programs/ofs/forms.htm*.	By application due date.

Additional Forms: Private-non-profit organizations are encouraged to submit with their applications the additional survey located under ''Grant Related Documents and Forms'' titled ''Survey for Private, Non-Profit Grant Applicants''.

What to submit	Required content	Required form or format	When to submit
Survey for Private, Non-Profit Grant Applicants.	Per required form	May be found on: *http://www.acf.hhs.gov/programs/ofs/form.htm*.	By application due date.

4. Intergovernmental Review

State Single Point of Contact (SPOC)

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 Programs and Activities.'' Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs. As of October 1, 2003, the following jurisdictions have elected not to participate in the Executive Order process. Applicants from these jurisdictions or for projects administered by federally-recognized Indian Tribes need take no action in regard to E.O. 12372:

All States and Territories except Alabama, Alaska, Arizona, Colorado, Connecticut, Hawaii, Idaho, Indiana, Kansas, Louisiana, Massachusetts, Minnesota, Montana, Nebraska, New Jersey, New York, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Vermont, Virginia, Washington, Wyoming and Palau have elected to participate in the Executive Order process and have established Single Points of Contact (SPOCs). Applicants from these twenty-seven jurisdictions need take no action.

Although the jurisdictions listed above no longer participate in the process, entities which have met the

eligibility requirements of the program are still eligible to apply for a grant even if a State, Territory, Commonwealth, etc. does not have a SPOC. All remaining jurisdictions participate in the Executive Order process and have established SPOCs. Applicants from participating jurisdictions should contact their SPOCs as soon as possible to alert them of the prospective applications and receive 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. The applicant must 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: Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, 370 L'Enfant Promenade, SW., Mail Stop 6C–462, Washington, DC 20447.

A list of the Single Points of Contact for each State and Territory is included with the application materials for this announcement.

5. Funding Restrictions

Sub-Contracting or Delegating Projects

OCS will not fund any project where the role of the applicant is primarily to serve as a conduit for funds to organizations other than the applicant. The applicant must have a substantive role in the implementation of the project for which funding is requested. This prohibition does not bar the making of sub-grants or sub-contracting for specific services or activities that are needed to conduct the project.

Number of Projects in Application

Each application may include only one proposed project.

6. Other Submission Requirements

Submission by Mail: An Applicant must provide an original application with all attachments, signed by an authorized representative and two complete copies. The application must be received at the address below by 4:30 p.m. Eastern Standard Time (EST) on or before June 28, 2004. Applications should be mailed to:

U.S. Department of Health and Human Services (HHS), Administration for Children and Families, Office of Community Services' Operations Center, 1815 North Fort Meyer Drive, Suite 300, Arlington, Virginia 22209, ATTN: Barbara Ziegler Johnson.

For Hand Delivery: Applicants must provide an original application with all attachments, signed by an authorized representative and two complete copies. The Application must be received at the address below by 4:30 p.m. Eastern Standard Time on or before the closing date. Applications that are hand delivered will be accepted between the hours of 8 a.m. to 4:30 p.m., Monday through Friday. Applications may be delivered to: Department of Health and Human Services (HHS), Administration for Children and Families, Office of Community Services' Operations Center, 1815 North Fort Meyer Drive, Suite 300, Arlington, Virginia 22209 Attention: Barbara Ziegler Johnson. It is strongly recommended that applicants obtain documentation that the application was hand delivered on or before the closing date. Applicants are cautioned that express/overnight mail services do not always deliver as agreed.

V. Application Review Information

1. Criteria

Paperwork Reduction Act of 1995 (Pub. L. 104–13)

Under the Paperwork Reduction Act of 1995, Pub.L.104–13, the Department is required to submit to the Office of Management and Budget (OMB) for review and approval of any reporting and record keeping requirements in regulations including program announcements. This program announcement does not contain information collections beyond those approved for ACF grant applications under the Program Narrative Statement by OMB Approval Number 0970–0139.

The project description is approved under OMB control # 0970–0139. 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.

Public reporting burden for this collection of information is estimated to average 25 hours per response, including the time for reviewing instructions, gathering and maintaining the date needed and reviewing the collection of information.

Instructions: ACF Uniform Project Description (UPD)

The following are instructions and guidelines on how to prepare the ''project summary/abstract'' and ''Full Project Description'' sections of the application. Under the evaluation criteria section, note that each criterion is preceded by the generic evaluation requirement under the ACF Uniform Project Description (UPD). The UPD was approved by the Office of Management and Budget (OMB), control Number 0970–0139, expiration date 12/31/2003. The generic UPD requirement is followed by the evaluation criterion specific to the Community Services Block Grant legislation.

Purpose

The project description provides a major means by which an application is evaluated and ranked to compete with other applications for available assistance. The project description should be concise and complete and should address the activity for which Federal funds are being requested. Supporting documents should be included where they can present information clearly and succinctly. In preparing your project description, all information requested through each specific evaluation criteria should be provided. Awarding offices use this and other information in making their funding recommendations. It is important, therefore, that this information be included in the application.

Introduction

Applicants required to submit a full project description shall prepare the project description statement in accordance with the following instructions and the specified evaluation criteria. The instructions give a broad overview of what your project description should include while the evaluation criteria expands and clarifies more program-specific information that is needed.

Project Summary/Abstract

Provide a summary of the project description (a page or less) with reference to the funding request.

Objectives and Need for Assistance

Clearly identify the physical, economic, social, financial, institutional, and/or other problem(s) requiring a solution. The need for assistance must be demonstrated and

the principal and subordinate objectives of the project must be clearly stated; supporting documentation, such as letters of support and testimonials from concerned interests other than the applicant, may be included. Any relevant data based on planning studies should be included or referred to in the endnotes/footnotes. Incorporate demographic data and participant/beneficiary information, as needed. In developing the project description, the applicant may volunteer or be requested to provide information on the total range of projects currently being conducted and supported (or to be initiated), some of which may be outside the scope of the program announcement.

Results or Benefits Expected

Identify the results and benefits to be derived. For example, describe the population to be served by the program and the number of new jobs that will be targeted to the target population. Explain how the project will reach the targeted population, how it will benefit participants including how it will support individuals to become more economically self-sufficient.

Approach

Outline a plan of action which describes the scope and detail of how the proposed work will be accomplished. Account for all functions or activities identified in the application. Cite factors which might accelerate or decelerate the work and state your reason for taking the proposed approach rather than others. Describe any unusual features of the project such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvement.

Provide quantitative monthly or quarterly projections of the accomplishments to be achieved for each function or activity in such terms as the number of people to be served and the number of activities accomplished. Account for all functions or activities identified in the application. Cite factors that might accelerate or decelerate the work and state your reasons for taking the proposed approach rather than others. Describe any unusual features of the project such as design or technical innovations, reductions in cost or time or extraordinary social and community involvement.

Provide quantitative monthly or quarterly projections of the accomplishments to be achieved for each function or activity in, for example such terms as the ''number of people served.'' When accomplishments cannot be quantified by activity or function, list them in chronological order to show the schedule of accomplishments and their target dates.

If any data is to be collected, maintained, and/or disseminated, clearance may be required from the U.S. Office of Management and Budget (OMB). This clearance pertains to any ''collection of information that is conducted or sponsored by ACF.''

List organizations, cooperating entities, consultants, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution.

Evaluation

Provide a narrative addressing how the results of the project and the conduct of the project will be evaluated. In addressing the evaluation of results, state how you will determine the extent to which the project has achieved its stated objectives and the extent to which the accomplishment of objectives can be attributed to the project. Discuss the criteria to be used to evaluate results, and explain the methodology that will be used to determine if the needs identified and discussed are being met and if the project results and benefits are being achieved. With respect to the conduct of the project, define the procedures to be employed to determine whether the project is being conducted in a manner consistent with the work plan presented and discuss the impact of the project's various activities on the project's effectiveness.

Organizational Profiles

Provide information on the applicant organization(s) and cooperating partners such as organizational charts, financial statements, audit reports or statements from CPAs/Licensed Public Accountants, Employer Identification Numbers, names of bond carriers, contact persons and telephone numbers, child care licenses and other documentation of professional accreditation, information on compliance with Federal/State/local government standards, documentation of experience in the program area, and other pertinent information. Any non-profit organization submitting an application must submit proof of its non-profit status in its application at the time of submission.

The non-profit agency can accomplish this by providing a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in Section 501(c)(3) of the IRS code, or by providing a copy of the currently valid IRS tax exemption certificate, or by providing a copy of the articles of incorporation bearing the seal of the State in which the corporation or association is domiciled.

Budget and Budget Justification

Provide line item detail and detailed calculations for each budget object class identified on the Budget Information form. Detailed calculations must include estimation methods, quantities, unit costs, and other similar quantitative detail sufficient for the calculation to be duplicated. The detailed budget must also include a breakout by the funding sources identified in Block 15 of the SF–424.

Provide a narrative budget justification that describes how the categorical costs are derived. Discuss the necessity, reasonableness, and allocability of the proposed costs.

2. Evaluation Criteria

Evaluation Criterion I: Approach (Maximum: 35 Points)

Factors:

(1) The work program is results-oriented, approximately related to the legislative mandate and specifically related to the priority area under which funds are being requested. Application addresses the following: Specific outcomes to be achieved; performance targets that the project is committed to achieving, including a discussion of and how the project will verify the achievement of these targets; critical milestones which must be achieved if results are to be gained; organizational support, the level of support from the applicant organization; past performance in similar work; and specific resources contributed to the project that are critical to success.

(2) The application defines the comprehensive nature of the project and methods that will be used to ensure that the results can be used to address a statewide or nationwide project as defined by the description of the particular priority area.

Evaluation Criterion II: Organizational Profiles (Maximum: 25 Points)

Factors:

(1) The application demonstrates that the applicant has experience and a successful record of accomplishment relevant to the specific activities it proposes to accomplish.

(2) If the application proposes to provide training and technical assistance, it details its abilities to provide those services on a nationwide basis. If applicable, information provided by the applicant also

addresses related achievements and competence of each cooperating or sponsoring organization.

(3) The application fully describes, for example in a resume, the experience and skills of the proposed project director and primary staff showing specific qualifications and professional experiences relevant to the successful implementation of the proposed project.

(4) The application describes how it will involve partners in the Community Services Network in its activities. Where appropriate, application describes how it will interface with other related organizations.

(5) If subcontracts are proposed, the application documents the willingness and capacity of the subcontracting organization(s) to participate as described.

Evaluation Criterion III: Objectives and Need for Assistance (Maximum: 20 Points)

Factors:

(1) The application documents that the proposed project addresses vital needs related to the program purposes and provides statistics and other data and information in support of its contention.

(2) The application provides current supporting documentation or other testimonies regarding needs from State CSBG Directors, CAAs and local service providers and/or State and Regional organizations of CAAs and other local service providers.

Evaluation Criterion IV: Results or Benefits Expected (Maximum: 15 Points)

Factors:

(1) The application describes how the project will assure long-term program and management improvements for State CSBG offices, CAA State and/or regional associations, CAAs and/or other local providers of CSBG services and activities.

(2) The application indicates the types and amounts of public and/or private resources it will mobilize, how those resources will directly benefit the project, and how the project will ultimately benefit low-income individuals and families.

(3) If the application proposes a project with a training and technical assistance focus, the application indicates the number of organizations and/or staff that will benefit from those services.

(4) If the application proposes a project with data collection focus, the application describes the mechanism it will use to collect data, how it can assure collections from a significant number of States, and the number of States willing to submit data to the applicant.

(5) If the application proposes to develop a symposium series or other policy-related project(s), the application identifies the number and types of beneficiaries.

(6) The application describes methods of securing participant feedback and evaluations of activities.

Criterion V: Budget and Budget Justification (Maximum: 5 Points)

Factors:

(1) The resources requested are reasonable and adequate to accomplish the project.

(2) Total costs are reasonable and consistent with anticipated results.

2. Review and Selection Process

Initial OCS Screening

Each application submitted to OCS will be screened to determine whether it was received by the closing date and time.

Applications received by the closing date and time will be screened for completeness and conformity with the following requirements. Only complete applications that meet the requirements listed below will be reviewed and evaluated competitively. Other applications will be returned to the applicants with a notation that they were unacceptable and will not be reviewed.

All applications must comply with the following requirements except as noted:

OCS Evaluation of Applications

Applications that pass the initial OCS screening will be reviewed and rated by a panel based on the program elements and review criteria presented in relevant sections of this program announcement. The review criteria are designed to enable the review panel to assess the quality of a proposed project and determine the likelihood of its success. The criteria are closely related to each other and are considered as a whole in judging the overall quality of an application. The review panel awards points only to applications that are responsive to the program elements and relevant review criteria within the context of this program announcement.

The OCS Director and program staff use the reviewer scores when considering competing applications. Reviewer scores will weigh heavily in funding decisions, but will not be the only factors considered.

Applications generally will be considered in order of the average scores assigned by the review panel. Because other important factors are taken into consideration, highly ranked applications are not guaranteed funding. These other considerations include, for example: the timely and proper completion by the applicant of projects funded with OCS funds granted in the last five (5) years; comments of reviewers and government officials; staff evaluation and input; amount and duration of the grant requested and the proposed project's consistency and harmony with OCS goals and policy; geographic distribution of applications; previous program performance of applicants; compliance with grant terms under previous HHS grants, including the actual dedication to program of mobilized resources as set forth in project applications; audit reports; investigative reports; and applicant's progress in resolving any final audit disallowance on previous OCS or other Federal agency grants.

VI. Award Administration Information

1. Award Notices

Following approval of the application selected for funding, ACF will mail a written notice of project approval and authority to draw down project funds. The official award document is the Financial Assistance Award that specifies the amount of Federal funds approved for use in the project, the project and budget period for which support is provided and the terms and conditions of the award. The Financial Assistance Award is signed and issued via postal mail by an authorized Grants Officer.

ACF will notify unsuccessful applicants after the award is issued to the successful applicant.

2. Administrative and National Policy Requirements

Grantees are subject to the requirements in 45 CFR Part 74 (non-governmental) or 45 CFR Part 92 (governmental).

3. Special Terms and Conditions of Awards

None.

4. Reporting Requirements

All grantees are required to submit semi-annual program reports and semi-annual expenditure reports using the required financial standard form (SF–269) with final reports due 90 days after the project end date. A suggested format for the program report will be sent to all grantees after the awards are made.

VII. Agency Contacts

Program Office Contact: Dr. Margaret Washnitzer, Department of Health and Human Services (HHS), Administration for Children and Families, Office of Community Services Operations Center, 1815 Fort Meyer Drive, Suite 300, Arlington, Virginia 22209, E-Mail: *OCS@lcgnet.com,* Phone: 1–800–281–9519.

Grants Management Office Contact: Barbara Ziegler Johnson, Team Leader, Office of Grants Management, Division of Discretionary Grants, Department of Health and Human Services (HHS), Administration for Children and Families, Office of Community Services Operations Center, 1815 Fort Meyer Drive, Suite 300, Arlington, Virginia 22209, E-Mail: *OCS@lcgnet.com,* Phone: 1–800–281–9519.

VIII. Other Information

Additional information about this program and its purpose can be located on the following Web site: *http://www.acf.hhs.gov/programs/ocs.*

Dated: May 7, 2004.

Clarence H. Carter,

Director, Office of Community Services.

[FR Doc. 04–10967 Filed 5–13–04; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Circulatory System Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Circulatory System Devices Panel of the Medical Devices Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on June 8, 2004, from 8 a.m. to 5 p.m.

Location: Hilton Washington DC North/Gaithersburg, Salons A, B, and C, 620 Perry Pkwy., Gaithersburg, MD.

Contact Person: Geretta Wood, Center for Devices and Radiological Health (HFZ–450), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–443–8320, ext. 143, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 3014512625. Please call the Information Line for up-to-date information on this meeting.

Agenda: The committee will discuss, make recommendations, and vote on a premarket approval application for a left ventricular assist system. The system is intended for use as a short or long term bridge to transplantation in cardiac transplant patients, and in patients with relative contraindication to transplantation who are expected to become transplant candidates with mechanical circulatory support, at risk of imminent death from nonreversible left ventricular failure. The device is indicated for use both inside and outside of the hospital. Background information for the topics, including the agenda and questions for the committee, will be available to the public 1 business day before the meeting on the Internet at *http://www.fda.gov/cdrh/panelmtg.html.* Material will be posted on June 7, 2004.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by May 25, 2004. On June 8, 2004, oral presentations from the public will be scheduled for approximately 30 minutes at the beginning of committee deliberations and for approximately 30 minutes near the end of the deliberations. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before May 25, 2004, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Persons attending FDA's advisory committee meetings are advised that the agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact AnnMarie Williams, Conference Management Staff, at 301–594–1283, ext. 113, at least 7 days in advance of the meeting.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: May 8, 2004.

Peter J. Pitts,

Associate Commissioner for External Relations.

[FR Doc. 04–11029 Filed 5–13–04; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2003D–0319]

Guidance for Industry and Food and Drug Administration Staff; Premarket Assessment of Pediatric Medical Devices; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the guidance entitled ''Premarket Assessment of Pediatric Medical Devices.'' This guidance presents FDA's current thinking on the type of safety and effectiveness information needed to support marketing of pediatric devices and on measures to be used to help protect this vulnerable patient population during the course of clinical trials involving such products.

DATES: Submit written or electronic comments on this guidance at any time. General comments on agency guidance documents are welcome at any time.

ADDRESSES: Submit written requests for single copies on a 3.5″ diskette of the guidance document entitled ''Premarket Assessment of Pediatric Medical Devices'' to the Division of Small Manufacturers, International, and Consumer Assistance (HFZ–220), Center for Devices and Radiological Health, Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850. Send one self-addressed adhesive labels to assist that office in processing your request, or fax your request to 301–443–8818. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance.

Submit written comments concerning this guidance to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.fda.gov/dockets/ecomments.* Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT:

For device issues contact: Joy

Samuels-Reid, Center for Devices and Radiological Health (HFZ–480), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–1287.

For biologics issues contact: Edward Tabor, Center for Biologics Evaluation and Research (HFM–300), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301–827–3518.

SUPPLEMENTARY INFORMATION:

I. Background

On October 26, 2002, the Medical Device User Fee and Modernization Act of 2002 (MDUFMA), Public Law 107–250, was signed into law. Among other things, MDUFMA amends the Federal Food, Drug, and Cosmetic Act (the act) by adding several new provisions concerning devices intended for pediatric use. MDUFMA requires FDA, within 270 days of enactment, to issue guidance on the safety and effectiveness information needed to support marketing of pediatric devices and on measures to be used to help protect this vulnerable patient population during the course of clinical trials involving such products.

On February 4, 2003, FDA published a **Federal Register** document entitled, ''Medical Device User Fee and Modernization Act of 2003, Establishment of a Public Docket'' (68 FR 5643) (hereinafter referred to as the MDUFMA Docket). In this **Federal Register** document, the agency identified several statutory provisions for which FDA was particularly interested in receiving stakeholder input, and this pediatric provision was one of them. No comments were submitted to the MDUFMA Docket on this topic. In the **Federal Register** of July 24, 2003 (68 FR 43729), FDA announced the availability of a draft of this guidance document and invited interested persons to comment by October 22, 2003. Three comments were submitted in response to the draft guidance, and the agency considered the comments while finalizing the document.

II. Significance of Guidance

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the agency's current thinking on premarket assessment of pediatric medical devices. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statute and regulations.

III. Electronic Access

To receive ''Premarket Assessment of Pediatric Medical Devices'' by fax, call the Center for Devices and Radiological Health (CDRH) Facts-On-Demand system at 800–899–0381 or 301–827–0111 from a touch-tone telephone. Press 1 to enter the system. At the second voice prompt, press 1 to order a document. Enter the document number (1220) followed by the pound sign (#). Follow the remaining voice prompts to complete your request.

Persons interested in obtaining a copy of the guidance may also do so by using the Internet. CDRH maintains an entry on the Internet for easy access to information including text, graphics, and files that may be downloaded to a personal computer with Internet access. The CDRH web site may be accessed at *http://www.fda.gov/cdrh*. A search capability for all CDRH guidance documents is available at *http://www.fda.gov/cdrh/guidance.html*. Guidance documents are also available on the Division of Dockets Management Internet site at *http://www.fda.gov/ohrms/dockets*.

IV. Paperwork Reduction Act of 1995

This guidance contains information collection provisions that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) (the PRA). The collections of information addressed in the guidance document have been approved by OMB in accordance with the PRA under the regulations governing premarket notification submissions (21 CFR part 807, subpart E, OMB control number 0910–0120) and premarket approval applications (21 CFR part 814, OMB control number 0910–0231). The labeling provisions addressed in the guidance have been approved by OMB under OMB control number 0910–0485.

V. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments regarding this document at any time. Submit a single copy of electronic comments or two paper copies of any mailed comments, except individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Comments received may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: May 5, 2004.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 04–11028 Filed 5–13–04; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Collection: Comment Request

In compliance with the requirement for opportunity for public comment on data collection projects (section 3506(c)(2)(A) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, Public Law 104–13), the Health Resources and Services Administration (HRSA) publishes periodic summaries of projects being developed for submission to OMB under the Paperwork Reduction Act of 1995. To request more information on the project or to obtain a copy of the data collection methods and instruments, call the HRSA Reports Clearance Officer on (301) 443–1891.

Comments are invited on: (a) Whether the continued 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 collection of information; (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 respondents, including through the use of automated collection techniques or other forms of information technology.

Project: Evaluation of the Health Care for the Homeless Respite Pilot Initiative (OMB No. 0915–0269)—Extension

The Bureau of Primary Health Care (BPHC), Health Resources and Services Administration, is conducting an extension of an evaluation of the Health Care for the Homeless (HCH) Respite Pilot Initiative. Data are being collected from the ten HCH grantees participating in the Pilot Initiative. The National Health Care for the Homeless Council is conducting the evaluation through a cooperative agreement with the BPHC. The evaluation focuses on assessing the effect of respite services on the health of homeless people as well as examining any differences in outcomes based on client or program characteristics. The evaluation is being conducted

throughout the project period of Pilot Initiative.

The estimated response burden is as follows:

Type of respondents	Number of respondents	Responses per respondent	Total responses	Hours per response	Total hour burden
HCH Grantees	10	200	2000	0.25	500
Program data	10	1	10	.5	5
Total	10		2010		505

Send comments to Susan G. Queen, Ph.D., HRSA Reports Clearance Officer, Room 14–33, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: May 10, 2004.

Tina M. Cheatham,

Director, Division of Policy Review and Coordination.

[FR Doc. 04–10979 Filed 5–13–04; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Fiscal Year 2004 Geriatric Academic Career Awards (GACA)—CFDA 93.250

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Extension of deadline date; correction.

SUMMARY: The Health Resources and Services Administration published a document in the **Federal Register** of April 27, 2004, containing an incorrect announcement number for the extension of a due date.

In FR Doc. 04–9472, in the **Federal Register** of April 27, 2004, on page 22849, in the second column, line 12 the language ''HRSA–03–019 Fiscal Year 2004'' is corrected to read: ''HRSA–04–024 Fiscal Year 2004.''

Dated: May 10, 2004.

Tina M. Cheatham,

Director, Division of Policy Review and Coordination.

[FR Doc. 04–10978 Filed 5–13–04; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Advisory Committee on Rural Health and Human Services; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given that the following committee will convene its forty-seventh meeting.

Name: National Advisory Committee on Rural Health and Human Services.

Dates and Times: June 6, 2004, 2 p.m.–4:30 p.m.; June 7, 2004, 8:30 a.m.–4:30 p.m.; June 8, 2004, 8:30 a.m.–10:30 a.m.

Place: Arbor Day Farm Lied Lodge and Conference Center, 2700 Sylvan Road, Nebraska City, NE 68410, Phone: 402–873–8733, Fax: 402–873–4999.

Status: The meeting will be open to the public.

Purpose: The National Advisory Committee on Rural Health and Human Services provides advice and recommendations to the Secretary with respect to the delivery, research, development and administration of health and human services in rural areas.

Agenda: Sunday afternoon, June 6, 2004, at 2 p.m., the Chairperson, the Honorable David Beasley, will open the meeting and welcome the Committee. The first session will open with a discussion of the Committee business and updates by Federal staff. This will be followed by an overview of Nebraska by Committee Member Keith Mueller and a discussion of Health Care in Nebraska by Sandy Johnson, Executive Director of the State Medical Association. The final two sessions of the day will consist of a panel discussion on obstetrics and obesity in Nebraska and a dialogue on human services in Nebraska. The Sunday meeting will close at 4:30 p.m.

Monday morning, June 7, 2004, at 8:30 a.m. the Committee will break into Subcommittees and conduct site visits to local health and human services facilities. Transportation to these facilities will not be provided to the public. The Integrated Programs Subcommittee will visit Crete, NE; the Temporary Assistance for Needy Families Subcommittee will visit Beatrice, NE; the Obesity Subcommittee will visit Syracuse, NE; and the Obstetrics Subcommittee will visit Tecumseh, NE. The Committee will conduct a joint site visit in Fairbury, NE. The Committee will reconvene at 2:15 p.m. in Nebraska City, NE, for an overview of the site visits. The Committee will break into Subcommittees to work on the 2005 report. The Monday meeting will adjourn at 4:30 p.m.

The final session will be convened Tuesday morning, June 8, 2004, at 8:30 a.m. The Committee will summarize the Subcommittees discussions and draft an outline for the annual report. The meeting will conclude with a discussion of the letter to the Secretary. The meeting will be adjourned at 10:30 a.m.

For Further Information Contact: Anyone requiring information regarding the Committee should contact Tom Morris, M.P.A., Executive Secretary, National Advisory Committee on Rural Health and Human Services, Health Resources and Services Administration, Parklawn Building, Room 9A–55, 5600 Fishers Lane, Rockville, MD 20857, telephone (301) 443–0835, Fax (301) 443–2803.

Persons interested in attending any portion of the meeting should contact Michele Pray-Gibson, HRSA's Office of Rural Health Policy (ORHP), telephone (301) 443–0835. The Committee meeting agenda will be posted on ORHP's Web site *http://www.ruralhealth.hrsa.gov.*

Dated: May 7, 2004.

Tina M. Cheatham,

Director, Division of Policy Review and Coordination.

[FR Doc. 04–10977 Filed 5–13–04; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Inspector General

Program Exclusions: April 2004

AGENCY: Office of Inspector General, HHS.

ACTION: Notice of program exclusions.

During the month of April 2004, the HHS Office of Inspector General imposed exclusions in the cases set forth below. When an exclusions is imposed, no program payment is made to anyone for any items or services (other than an emergency item or service not provided in a hospital emergency room) furnished, ordered or

prescribed by an excluded party under the Medicare, Medicaid, and all Federal Health Care programs. In addition, no program payment is made to any business or facility, *e.g.*, a hospital, that submits bills for payment for items or services provided by an excluded party. Program beneficiaries remain free to decide for themselves whether they will continue to use the services of an excluded party even though no program payments will be made for items and services provided by that excluded party. The exclusions have national effect and also apply to all Executive Branch procurement and non-procurement programs and activities.

Subject name	Address	Effective date
Program-Related Convictions:		
A Dental Center, P C—Allen Park	Allen Park, MI	5/20/2004
Allen, Susanne	Murray, UT	5/20/2004
Annis, Douglas	Cincinnati, OH	5/20/2004
Arriaza, Ana	Paramount, CA	5/20/2004
Avetissyan, Hakop	Burbank, CA	5/20/2004
Beck, William	Seattle, WA	5/20/2004
Bryant, Shenika	Miami, FL	5/20/2004
Celentano, Anthony	Maspeth, NY	5/20/2004
Chillers, Patricia	Dayton, OH	5/20/2004
Cirsone, Faith	Seattle, WA	5/20/2004
Cook, Deborah	Gilmer, TX	5/20/2004
Coons, Toni	Stillwater, NY	5/20/2004
Cruz, Maria	Philadelphia, PA	5/20/2004
Durborow, Daniel	Delaware, OH	5/20/2004
Edmonds, Eunice	Mableton, GA	5/20/2004
Elie, John	Alexandria, LA	5/20/2004
Enjoy Dental Care, P C	Detroit, MI	5/20/2004
Faso, Frank	Ransomville, NY	5/20/2004
Fernandez, Guillermo	Bay Harbor Islands, FL	5/20/2004
Fernandez-Pedrinan, Ana	Bay Harbor Islands, FL	5/20/2004
Finney, Lawanna	Dayton, OH	5/20/2004
Gamez, Carla	Los Angeles, CA	5/20/2004
Hasas, Masoud	Colorado Springs, CO	5/20/2004
Haught, Charles	Dorset, OH	5/20/2004
Hernandez, Alicia	Los Angeles, CA	5/20/2004
Hernandez, Karla	Los Angeles, CA	5/20/2004
Holland, Christopher	Dublin, OH	5/20/2004
Holloway, Yashunda	Brookhaven, MS	5/20/2004
Jannace, Peter	Louisville, KY	5/20/2004
Kimber, Sonia	Colchester, VT	5/20/2004
Kloosterman, Alvina	Grant Pass, OR	5/20/2004
Kyaw, Maung	Glen Cove, NY	5/20/2004
Langdon, Ann	Hamilton, OH	5/20/2004
Lee, Hoi	Renton, WA	5/20/2004
Leonardo, Joseph	Rochester, NY	5/20/2004
Levin, Richard	Minersville, PA	5/20/2004
Lewandowski, Mark	Redondo Beach, CA	2/19/2004
Lundberg, Kim	Everett, WA	5/20/2004
Lusk, Steven	Cookeville, TN	5/20/2004
Macher, Mary	Klamath Falls, OR	5/20/2004
Magsino, Rene	Los Angeles, CA	5/20/2004
Manukian, Gagik	Terminal Island, CA	5/20/2004
McBride, Deborah	Barnesville, OH	5/20/2004
Metzger, Tiffany	Beach City, OH	5/20/2004
Morales, Jose	Los Angeles, CA	5/20/2004
Novin, Sheila	Pekin, IL	5/20/2004
Perez, Martha	Los Angeles, CA	5/20/2004
Postadjian, Aroutioon	Glandale, CA	5/20/2004
Reed, Ronald	Oregon, WI	5/20/2004
Roberts, Jodi	Lancaster, OH	5/20/2004
Scott, Debra	Hollywood, FL	5/20/2004
Seymour, Jessie	Sevierville, TN	5/20/2004
Shower, Jody	Delaware, OH	5/20/2004
Sierra-Pujols, Efrain	Bayamon, PR	5/20/2004
Sininger, Jacqueline	West Union, OH	5/20/2004
Stover, Robin	Largo, FL	5/20/2004
Tahir, Azhar	Hammondsport, NY	5/20/2004
Tighe, Mark	St Joseph, MO	5/20/2004
Traynor, Patrick	Abington, PA	5/20/2004
Weitzman, Raymond	West Bloomfield, MI	5/20/2004
Westley, Anita	Columbus, OH	5/20/2004
Williams, Sandra	Ontario, CA	5/20/2004
Felony Conviction for Health Care Fraud:		
Alverio, Megan	Buffalo, NY	5/20/2004
Cerone, Rosanna	Albany, NY	5/20/2004
Hammock, Jennifer	Wenatchee, WA	5/20/2004

Subject name	Address	Effective date
Health Information Resources, Inc	South Bend, IN	5/20/2004
Lewis, Tameika	Milwaukee, WI	5/20/2004
McNutt, George	Mesa, AZ	5/20/2004
Melvin, Shirley	Pearl, MS	5/20/2004
Nimchek, Dawn	Queensbury, NY	5/20/2004
Prescription Services, Inc	South Bend, IN	5/20/2004
Robledo, Shannon	Phoenix, AZ	5/20/2004
Semko, Daniel	Richmond, IN	5/20/2004
Tarver, Evelyn	Akron, OH	5/20/2004
Felony Control Substance Conviction:		
Antemie, Cristina	Kenmore, WA	5/20/2004
Azzalina, Terry	Eaton, OH	5/20/2004
Brophy, Samuel	Biddeford, ME	5/20/2004
Crazythunder, Christopher	Albuquerque, NM	5/20/2004
Drabovskiy, Yakov	Ashland, KY	5/20/2004
Etemadi, Anthony	Houston, TX	5/20/2004
Fex, Margaret	Guerneville, CA	5/20/2004
Hattaway, Wendy	Wolf City, TX	5/20/2004
Howe, Elliott	Roswell, GA	5/20/2004
Jeck, Charles	Newtown, PA	5/20/2004
Landefeld, Ronald	Marion, OH	5/20/2004
Lewis, Angel	Largo, FL	5/20/2004
Member, Bernard	Rockville, VA	5/20/2004
Organ, Patricia	Mitchellville, IA	5/20/2004
Osborn, Helen	Philadelphia, PA	5/20/2004
Procter, David	Lexington, KY	5/20/2004
Richards, Robert	Lehi, UT	5/20/2004
Robinson, Brenda	Yantis, TX	5/20/2004
Saber, Joseph	Delta, CO	5/20/2004
Stewart, Jasmine	Colby, KS	5/20/2004
Thrasher, Brenton	Lake Worth, FL	5/20/2004
Weatherford, Charles	Winnfield, LA	5/20/2004
Patient Abuse/Neglect Convictions:		
Bello, John	Fredericksburg, VA	5/20/2004
Black, Amber	Randolph, MS	5/20/2004
Cardoza, Estelita	Papaaloa, HI	5/20/2004
Corrigan, Christopher	Milwaukie, OR	5/20/2004
Drain, William	Alamosa, CO	5/20/2004
Driscoll, Virginia	Strasburg, CO	5/20/2004
Enos, James	Hilo, HI	5/20/2004
Freeman, Peter	New Windsor, NY	5/20/2004
Gasper, Servando	Oxnard, CA	5/20/2004
Gray, Robert	Chino, CA	5/20/2004
Hatfield, Bradley	Thorn Hill, TN	5/20/2004
Hawthorne, Dorothy	Midwest City, OK	5/20/2004
Heim II, Ronald	Oakdale, IA	5/20/2004
Kresenske, David	Boardman, OH	5/20/2004
Kubski, George	W Palm Beach, FL	5/20/2004
Murphy, Delores	Cleveland, OH	5/20/2004
Pham, Luc	Umatilla, OR	5/20/2004
Ries, Sara	Sherwood, OR	5/20/2004
Rowe, Deborah	Lewiston, ME	5/20/2004
Royer, Jo Ann	Miami, OK	5/20/2004
Shackelford, Aundray	Tupelo, MS	5/20/2004
Sherman, Forrest	Rockport, ME	5/20/2004
Smith, Marjorie	Columbus, OH	5/20/2004
Thurmond, Karl	Puyallup, WA	5/20/2004
Wells, Curtis	Raymond, MS	5/20/2004
Conviction for Health Care Fraud:		
Mitchell, Tamil	Colorado Springs, CO	5/20/2004
License Revocation/Suspension/Surrendered:		
Aboloye, Pius	Grand Prairie, TX	5/20/2004
Allison, Michelle	S Pittsburg, TN	5/20/2004
Alper, Stephen	Bolton, NC	5/20/2004
Anacker, Marlene	Prescott Valley, AZ	5/20/2004
Angelilli, Robert	Holiday, FL	5/20/2004
Arcusa, Arlene	Jacksonville, FL	5/20/2004
Armstrong, Sharon	Whitney, TX	5/20/2004
Ashby, Frances	Mystic, IA	5/20/2004
Austin, Suzanne	Jacksonville, FL	5/20/2004
Badertscher, Kirk	Kingman, AZ	5/20/2004
Baird, David	Lansdale, PA	5/20/2004
Bass, Sharon	Sanford, FL	5/20/2004
Baumgartner, Sandra	Memphis, TN	5/20/2004

Subject name	Address	Effective date
Baxter, Gina	Concord, NC	5/20/2004
Bayati, Keyvan	Reno, NV	5/20/2004
Bell, Dalynda	Caddo Gap, AR	5/20/2004
Bermudez, Catherine	Phoenix, AZ	5/20/2004
Berry, Christi	Alexandria, LA	5/20/2004
Blackwell, Tiawiana	Gary, IN	5/20/2004
Booker, Brenda	Lawton, OK	5/20/2004
Boone, Lewis	Ashland, KY	5/20/2004
Boughton, Gerald	Casselberry, FL	5/20/2004
Bowling, Elizabeth	Knoxville, TN	5/20/2004
Bowman, Barbara	Santa Rosa, CA	5/20/2004
Boyce, Nancy	Columbia, SC	5/20/2004
Brady, Michael	Sacramento, CA	5/20/2004
Brady, Patricia	Torrance, CA	5/20/2004
Breland, Ray	Gainesville, FL	5/20/2004
Brown, Jill	Charlotte, NC	5/20/2004
Burnham, Victoria	Coral Springs, FL	5/20/2004
Burns, Michelle	Sedona, AZ	5/20/2004
Busch, Brian	Hoquiam, WA	5/20/2004
Byars, Ruth	Chester, SC	5/20/2004
Carswell, Kimberly	Murphy, NC	5/20/2004
Casey, Donna	Stockton, CA	5/20/2004
Cerami, Denise	Howell, NJ	5/20/2004
Chapdelaine, David	Chicopee, MA	5/20/2004
Cleveland, Rose	Phoenix, AZ	5/20/2004
Cochrane, Regina	Whitman, MA	5/20/2004
Coker, James	Venice, FL	5/20/2004
Conover, William	Mt Holly, NJ	5/20/2004
Cook, Rochelle	Creston, IA	5/20/2004
Copeland, Leroy	Orange, FL	5/20/2004
Cox, Deborah	Ankeny, IA	5/20/2004
Craft, Lori	Gilbert, AZ	5/20/2004
Daniel, John	Norton Shores, MI	5/20/2004
Davenport, Bruce	Hermitage, TN	5/20/2004
Davis, Debra	Sierra Vista, AZ	5/20/2004
Degregorio, Deanna	Sneads Ferry, NC	5/20/2004
Delaney, Joseph	Boulder, CO	5/20/2004
Dippel, John	Kirkland, WA	5/20/2004
Ditto, Jason	Los Angeles, CA	5/20/2004
Dobson, Christopher	Portland, ME	5/20/2004
Dodd, Halbert	Union City, TN	5/20/2004
Donat, Peter	Laguna Niguel, CA	5/20/2004
Donner, Howard	Telluride, CO	5/20/2004
Downie-Cappellano, Rae-Ellen	Castleton, NY	5/20/2004
Drumm, Christina	Prescott, AZ	5/20/2004
Dunn, Jean	Mountian City, TN	5/20/2004
Durbas, Cynthia	Largo, FL	5/20/2004
Edwards, Jeffrey	Daytona Beach, FL	5/20/2004
Ellis, Joan	Aurora, IL	5/20/2004
Emerson, Barbara	Brown Mills, NJ	5/20/2004
Erik, Denise	Salisbury, NC	5/20/2004
Evergreen Medical Group, Inc	Whittier, CA	5/20/2004
Fischer, Terry	Scottsdale, AZ	5/20/2004
Foltys, Eric	Orland Park, IL	5/20/2004
Fountain, Rodney	Pensacola, FL	5/20/2004
Franks, Darrell	Louisville, KY	5/20/2004
Frazier, Teresa	Mckeesport, PA	5/20/2004
Freeman, Amy	Auburn, WA	5/20/2004
Fuentes, Jesus	Hesperia, CA	5/20/2004
Gallardo, Yolanda	Phoenix, AZ	5/20/2004
Garden, Jeffrey	Lancaster, PA	5/20/2004
Gay, Dorothy	Candler, NC	5/20/2004
Getachew, Dawit	Ontario, CA	5/20/2004
Gideon, Judith	Seattle, WA	5/20/2004
Godinez, Miguel	Santa Rosa, CA	5/20/2004
Gooder, Ronald	Casper, WY	5/20/2004
Green, Treena	Lakeland, FL	5/20/2004
Gustowski, Dianne	Worcester, MA	5/20/2004
Haines, Constance	Lewiston, ID	5/20/2004
Hampton, Kathy	Fernandina Beach, FL	5/20/2004
Harbrecht, Keith	Martinez, CA	5/20/2004
Harris, Cathy	St Petersburg, FL	5/20/2004
Harris, Teresa	Holdenville, OK	5/20/2004
Harter, Laura	Fort Wayne, IN	5/20/2004

Subject name	Address	Effective date
Hartwright, Alva	Washington, PA	5/20/2004
Hawkins, Brian	Fountain Hills, AZ	5/20/2004
Hayes, Paula	Sherman, TX	5/20/2004
Helms, Lori	Shenandoah, IA	5/20/2004
Herman, Theresa	Brick, NJ	5/20/2004
Hernandez, Javier	Phoenix, AZ	5/20/2004
Hockenberry, Michelle	Palm Springs, CA	5/20/2004
Holmes, Linda	Phoenix, AZ	5/20/2004
Houghton, Debra	Orange City, FL	5/20/2004
Houle, Richard	New Britain, CT	5/20/2004
Huelster, Margaret	W Palm Beach, FL	5/20/2004
Humphreys, Deborah	Navarre, FL	5/20/2004
Hussain, Tassawar	Everett, MA	5/20/2004
Infante, Norma	Everett, WA	5/20/2004
Ivie, Richard	Templeton, CA	5/20/2004
James, Jasmine	Willingboro, NJ	5/20/2004
James, Nino	Clermont, FL	5/20/2004
Johndrew, William	Randolph, MA	5/20/2004
Jones, Pamela	Olla, LA	5/20/2004
Jones, Tonya	Enid, OK	5/20/2004
Jordan, Kimberly	Elizabeth City, NC	5/20/2004
Jtineant, Matthew	Huntsville, AL	5/20/2004
Key, Joseph	Mount Airy, NC	5/20/2004
Kissinger, James	Atlanta, GA	5/20/2004
Leal, Angela	Centralia, WA	5/20/2004
Lear, Frank	Glenwood, FL	5/20/2004
Lee, Dorothy	Glendale, AZ	5/20/2004
Little, Tracy	Tucson, AZ	5/20/2004
Logan, Jeanette	Trenton, NJ	5/20/2004
Love, Brenda	Tacoma, WA	5/20/2004
Lugo, Fernando	Los Angeles, CA	5/20/2004
Luloff, Geralynne	Denver, IA	5/20/2004
Lussier, Toni	Granby, MA	5/20/2004
Maguire, Eleanor	Moore, OK	5/20/2004
Martel, June	Bedford, MA	5/20/2004
McBride, Patti	Cushing, OK	5/20/2004
McNeal, Jennifer	Lakeland, FL	5/20/2004
Medeiros, Chris	New Bedford, MA	5/20/2004
Miller, Jeanette	Mesa, AZ	5/20/2004
Milliner, Randy	Tucson, AZ	5/20/2004
Moore, Jeremy	Pensacola, FL	5/20/2004
Moore, Marnie	Shelbyville, IN	5/20/2004
Moss, Mary	Jerome, AZ	5/20/2004
Mossie, Zoei	Tucson, AZ	5/20/2004
Mowery, Stacey	Albemarle, NC	5/20/2004
Mullen, Wayne	Garden Grove, CA	5/20/2004
Mullins, Devin	Louisville, KY	5/20/2004
Munford, Monati	Denver, CO	5/20/2004
Myatt, Karen	Smiths Grove, KY	5/20/2004
Neeley, Terri	New Cumberland, WV	5/20/2004
Nunaley, Cathy	Milford, OH	5/20/2004
Oakley, William	Cincinnati, OH	5/20/2004
Parlow, Janet	Colorado Springs, CO	5/20/2004
Patzer, David	Tucson, AZ	5/20/2004
Perez, Marilyn	Phoenix, AZ	5/20/2004
Peterson, Pethina	Jersey City, NJ	5/20/2004
Pfaff, Robert	Lakeland, FL	5/20/2004
Pfeifer, Lauren	Oakley, UT	5/20/2004
Pfundt, Scott	Apache Junction, AZ	5/20/2004
Phipps, Ernest	Howell, NJ	5/20/2004
Pilson, Dale	Hillsboro, OR	5/20/2004
Plant, Joseph	Milton, FL	5/20/2004
Platt, Beverly	Plantsville, CT	5/20/2004
Pollock, Nenita	Fontana, CA	5/20/2004
Powers, Donna	Atascadero, CA	5/20/2004
Pozeg, Paul	Belleview, FL	5/20/2004
Prater, Valerie	Hilton Head Island, SC	5/20/2004
Price, Sara	Pueblo, CO	5/20/2004
Pruitt, Audra	Tucson, AZ	5/20/2004
Randall, Carolyn	Greenwood, MS	5/20/2004
Rawls, Russell	Sedro Wolley, WA	5/20/2004
Reyes, Lisa	Orlando, FL	5/20/2004
Robbins, Stephanie	Shelbyville, KY	5/20/2004
Roberts, Deborah	Fort Wayne, IN	5/20/2004

Subject name	Address	Effective date
Roberts, Linda	N Richland Hills, TX	5/20/2004
Robinson, Rhonda	Camp Verde, AZ	5/20/2004
Robinson, Valeri	Milton, FL	5/20/2004
Rodman, Alan	Carmichael, CA	5/20/2004
Roser, Carmela	Marion, OH	5/20/2004
Ross, Ben	Show Low, AZ	5/20/2004
Rumbel, Mark	Winter Haven, FL	5/20/2004
Russell, Donald	Fort Benton, MT	5/20/2004
Russo, Laura	Scotia, NY	5/20/2004
Sacca, Colleen	Palmyra, NJ	5/20/2004
Salinas, Frances	Phoenix, AZ	5/20/2004
Schwartz, Danette	Sweetwater, TN	5/20/2004
Serio, Susan	Barrington, RI	5/20/2004
Shacket, Ricky	San Diego, CA	5/20/2004
Sheehan, Erin	Gloucester, MA	5/20/2004
Shemwell, Frank	Paducah, KY	5/20/2004
Shepard, Kenneth	Asheville, NC	5/20/2004
Sibley, Lee	Haverill, MA	5/20/2004
Silverman, Kristyn	Hollywood, FL	5/20/2004
Simmons-Southern, Felicia	Bedford Heights, OH	5/20/2004
Sleeper, Lisa	Jacksonville, FL	5/20/2004
Smith, Barbara	Canton, OH	5/20/2004
Spector, Paul	New York, NY	5/20/2004
Strand, Glen	Seattle, WA	5/20/2004
Sweeden, Sally	Harcourt, IA	5/20/2004
Szoke, Lisanna	Newbury Park, CA	5/20/2004
Thiroux, Mark	Aberdeen, WA	5/20/2004
Thompson, Candy	Scotsburg, IN	5/20/2004
Tierney, Jennifer	Phoenix, AZ	5/20/2004
Todd, Morris	Glens Falls, NY	5/20/2004
Todd, Travis	Alva, OK	5/20/2004
Treannie, Jeffrey	Otis Orchards, WA	5/20/2004
Trease, Rebecca	Mammoth, AZ	5/20/2004
Urquhart, Michael	Bonifay, FL	5/20/2004
Valauskas, Brenda	Seymour, CT	5/20/2004
Valentine, Rhoda	Perkins, OK	5/20/2004
Vandevender-Jones, Sandra	Semmes, AL	5/20/2004
Verduzco, Jeannie	Rochester, WA	5/20/2004
Wade, Karen	Cedar Rapids, IA	5/20/2004
Walker, Kimberly	Worcester, MA	5/20/2004
Webb, Richard	Glenpool, OK	5/20/2004
Weddle, Joseph	Cashmere, WA	5/20/2004
Wells, William	Fort Thomas, KY	5/20/2004
Williams, Adrien	Del City, OK	5/20/2004
Woodruff, Leslie	Rockledge, FL	5/20/2004
Woods, Debra	Madison, TN	5/20/2004
Woods, Rhonda	Lynchburg, TN	5/20/2004
Woodyard, Laurie	Conover, NC	5/20/2004
Woolfolk, Loretta	Marysville, CA	5/20/2004
Wright, Amanda	Payson, UT	5/20/2004
Wright, Robert	Everett, WA	5/20/2004
Federal/State Exclusion/Suspension:		
Kirkham, Dan	Los Angeles, CO	5/20/2004
Fraud/Kickbacks:		
Judge, Michael	Warwick, RI	3/3/2004
Owned/Controlled By Convicted Entities:		
Boughton Chiropractic Center, PA	Casselberry, FL	5/20/2004
Compassionate Home Care	Minneapolis, MN	10/20/2003
Lowery Drugs, Inc	Sunnyside, NY	5/20/2004
Robert J Pfaff, MD, PA	Lakeland, FL	5/20/2004
Shantiram, Inc	Plainview, NY	5/20/2004
Teofilo PO, MD, Facs, Inc	Whittier, CA	5/20/2004
Default on Heal Loan:		
Colose, Lynne	Schenectady, NJ	5/20/2004
Lascano-Daralegui, Roberto	Berkeley, CA	5/20/2004

Dated: May 4, 2004.

Katherine B. Petrowski,

Director, Exclusions Staff, Office of Inspector General.

[FR Doc. 04–10903 Filed 5–13–04; 8:45 am]

BILLING CODE 4150–04–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1513–DR]

Illinois; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Illinois (FEMA–1513–DR), dated April 23, 2004, and related determinations.

EFFECTIVE DATE: April 23, 2004.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective April 23, 2004.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individual and Household Housing; 97.049, Individual and Household Disaster Housing Operations; 97.050, Individual and Household Program—Other Needs; 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary,Emergency Preparedness and Response,Department of Homeland Security.

[FR Doc. 04–10938 Filed 5–13–04; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1512–DR]

Massachusetts; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the Commonwealth of Massachusetts (FEMA–1512–DR), dated April 21, 2004, and related determinations.

EFFECTIVE DATE: April 30, 2004.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective April 30, 2004.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individual and Household Housing; 97.049, Individual and Household Disaster Housing Operations; 97.050, Individual and Household Program—Other Needs; 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary,Emergency Preparedness and Response,Department of Homeland Security.

[FR Doc. 04–10937 Filed 5–13–04; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1511–DR]

Federated States of Micronesia; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Federated States of Micronesia (FEMA–1511–DR), dated April 10, 2004, and related determinations.

EFFECTIVE DATE: May 4, 2004.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the Federated States of Micronesia is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 10, 2004:

The island of Yap proper for Individual Assistance to include the Emergency Food Assistance Program through USDA.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individual and Household Housing; 97.049, Individual and Household Disaster Housing Operations; 97.050, Individual and Household Program—Other Needs; 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response, Department of Homeland Security.

[FR Doc. 04–10936 Filed 5–13–04; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4901–N–20]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

DATES: May 14, 2004.

FOR FURTHER INFORMATION CONTACT: Kathy Burruss, Department of Housing and Urban Development, Room 7262, 451 Seventh Street, SW., Washington,

DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565, (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1998 court order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.), HUD publishes a notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: May 5, 2004.

Mark R. Johnson,

Acting Director, Office of Special Needs Assistance Programs.

[FR Doc. 04–10715 Filed 5–13–04; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Information Collection Renewal To Be Submitted to the Office of Management and Budget (OMB) for Approval Under the Paperwork Reduction Act; Summary Information for Ranking National Coastal Wetlands Grant Program Proposals, 50 CFR 84

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: The U.S. Fish and Wildlife Service (We) will submit the collection of information described below to OMB for approval under the provisions of the Paperwork Reduction Act of 1995. An estimate of the information collection burden is included in this notice. You may obtain copies of the collection requirement, related forms, or explanatory material by contacting the person listed below under **FOR FURTHER INFORMATION CONTACT**.

DATES: Interested parties must submit comments on or before July 13, 2004.

ADDRESSES: Interested parties should send comments on the information collection by mail to Information Collection Officer, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Suite 222, Arlington, VA 22203; by fax to (703) 358–2269; or by e-mail to *Anissa_Craghead@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Kim Galvan, voice (703) 358–2420, fax (703) 358–1837, or e-mail *kgalvan@fws.gov.*

SUPPLEMENTARY INFORMATION: OMB regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (*see* 5 CFR 1320.8(d)). 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.

We will submit a request to OMB to renew its approval of the collection of information associated with the Summary Information for Ranking National Coastal Wetlands Grant Program Proposals. The Service administers the National Coastal Wetlands Conservation Grant program authorized by the Coastal Wetlands Planning, Protection and Restoration Act (16 U.S.C. 3951–3956). The Service uses the information collected to evaluate proposals under this program. The information collected includes summarized information on habitat, coastal barriers, levels of conservation, watershed management, threatened and/or endangered species potentially involved, benefits of the restoration proposed, partners, cost sharing, education/outreach impact, impact on wildlife-oriented recreation, and other benefits. This summary information allows easy ranking of proposals in a short period of time, and because grant applicants complete the summary information, the information is a thorough and accurate summary of the proposal.

The OMB control number for this information collection is 1018–0111, and the OMB approval for this collection expires on September 30, 2004. We will request a 3-year term of approval for this information collection activity.

Title: Summary Information for Ranking National Coastal Wetlands Conservation Grant Program Proposals, 50 CFR 84.

OMB Control Number: 1018–0111.

Form Number: 3–2179.

Frequency of Collection: Annually.

Description of Respondents: Coastal States and Territories, as follows:

- States bordering the Great Lakes (Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin);
- Most States bordering the Atlantic, Gulf, and Pacific coasts (Alabama, Alaska, California, Connecticut, Delaware, Florida, Georgia, Hawaii, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Oregon, Rhode Island, South Carolina, Texas, Virginia, and Washington); and
- Territories of American Samoa, Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, and the Virgin Islands.

(Please note that Louisiana is not included in this program because it has its own wetlands conservation program authorized by the Coastal Wetlands Planning, Protection and Restoration Act and implemented by the Corps of Engineers with assistance from the State of Louisiana, the Environmental Protection Agency, and the Departments of the Interior, Agriculture, and Commerce.)

Annual Burden Estimates:

Name	Completion time per form (minutes)	Total annual number of responses	Total annual burden hours
Summary Form (3–2179)	30	35	17.5

We invite comments on: (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of burden of the collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and, (4) ways to minimize the burden of collection of information on respondents, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Dated: May 10, 2004.

Anissa Craghead,

Service Information Collection Officer.

[FR Doc. 04–10956 Filed 5–13–04; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Programmatic Safe Harbor Agreement and Receipt of an Application for an Enhancement of Survival Permit Associated With Proposed Restoration and Reintroduction Activities for Wyoming Toads Within Suitable Wetland Habitat of Albany County, WY

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability and receipt of application.

SUMMARY: The Laramie Rivers Conservation District (Applicant) has applied to the Fish and Wildlife Service (Service) for an Enhancement of Survival Permit (ESP) for the Wyoming toad pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973 (U.S.C. 1531 *et seq.*), as amended (Act). This permit application includes a draft Safe Harbor Agreement (SHA) between the Applicant and the Service. The proposed SHA and permit would become effective upon signature of the SHA and issuance of the permit and would remain in effect for 15 years. We have made a preliminary determination that the proposed SHA and activities described in the permit application could potentially result in the take of Wyoming toads when fully implemented; thus, these and all other impacts have been reviewed through an Environmental Assessment (EA) under the National Environmental Policy Act of 1969, as amended (NEPA). This notice is provided pursuant to NEPA and section 10 of the Act and the Service's Safe Harbor Policy (64 FR 32717). The Service specially requests information, views, and opinions from the public via this notice. Further, the Service is specifically soliciting information regarding the adequacy of the SHA as measured against the Service's Safe Harbor Policy and the regulations that implement it.

DATES: Written comments on the SHA and ESP application should be sent to the Service's Regional Office (*see* **ADDRESSES**) and should be received on or before June 14, 2004.

ADDRESSES: Persons wishing to review the SHA and ESP application may obtain a copy by writing the Service's Mountain-Prairie Regional Office, Denver, Colorado. Documents also will be available for public inspection during normal business hours at the Regional Office, 134 Union Boulevard, Denver, Colorado 80228–1807, or the Wyoming Field Office, U.S. Fish and Wildlife Service, 4000 Airport Parkway, Cheyenne, Wyoming 82001. Written data or comments concerning the SHA or ESP application should be submitted to the Regional Office and must be in writing to be processed. Comments must be submitted in writing to be adequately considered in the Service's decision-making process. Please reference permit number TE–083409 in your comments, or in requests of the documents discussed herein.

FOR FURTHER INFORMATION CONTACT: Pat Mehlhop, Regional Safe Harbor Coordinator, (*see* **ADDRESSES**), telephone 303–236–4215, facsimile 303–236–0027; or Brian T. Kelly, Field Supervisor, Wyoming Field Office, (see **ADDRESSES**), telephone 307–772–2374, facsimile 307–772–2358.

SUPPLEMENTARY INFORMATION: The Wyoming toad is a glacial relict species which was formerly common in the Laramie Basin in Albany County, Wyoming. The population was noted to decrease in the early 1960s. One isolated population was discovered in 1987. This site later became the Mortenson Lake National Wildlife Refuge and is currently the only place in the world this species is found. A captive breeding program was initiated in 1993 and reintroduction at Mortenson Lake began in 1995. The reestablishment of the Wyoming toad at Mortenson Lake has been severely hindered, mainly by the presence of the amphibian chytrid fungus (*Batrachochytrium dendrobatidis*). This fungus has been implicated in the declines of several other amphibian species worldwide. The presence of the fungus, as well as deteriorating water quality and chemistry at Mortenson Lake, make it necessary to seek suitable reintroduction sites in Albany County, Wyoming.

The primary objective of this SHA is to encourage voluntary conservation measures and/or reintroduction attempts to benefit the Wyoming toad by relieving a landowner, who enters into a Cooperative Agreement with the Applicant, from any additional section 9 liability under the Act beyond that which exists at the time the Cooperative Agreement is signed (''regulatory baseline''). An SHA encourages landowners to conduct voluntary conservation activities and assures them that they will not be subjected to increased restrictions should their beneficial stewardship efforts result in increased endangered species populations. Application requirements and issuance criteria for ESPs through SHAs are found in 50 CFR 17.22(c). As long as enrolled landowners allow the agreed upon habitat improvements to be completed on their property and maintain their responsibilities, they may make use of the property during the permit term, even if such use results in the take of individual Wyoming toads or harm to their habitat. Opportunity to enroll in the SHA with the Applicant will be open to landowners possessing suitable lacustrine wetland habitat in Albany County, Wyoming. They will receive a Certificate of Inclusion when they sign a Cooperative Agreement. The Cooperative Agreement will include—(1) A map of the property; (2) delineation of the portion of the property to be enrolled and its acreage; (3) physical description of the property; (4) baseline responsibility (zero); (5) the responsibilities of the Cooperator and the Applicant; and (6) management activities.

The Applicant will provide draft copies of Cooperative Agreements to the Service for an opportunity to review and concur with the recommended habitat management activities. The Service will have a period of 30 calendar days in which to make comments. If no comments are received within 30 days, the Applicant may proceed to finalize the Cooperative Agreement. The Applicant, as the permittee, will be responsible for annual monitoring and reporting related to implementation of the SHA and Cooperative Agreements and fulfillment of their provisions. Upon request by the Service, the Applicant will make available records and materials related to implementation of the program.

Within the Cooperative Agreement, participating landowners will be asked to choose one of two conservation measures necessary to provide a net conservation benefit to the toad. These are to—(1) allow reintroduction of Wyoming toads onto enrolled property and/or (2) maintain, enhance, or create suitable Wyoming toad habitat. Moreover, any additional conservation activities above and beyond the required conservation measurements will be covered by the ESP. These actions, where appropriate, could include (but are not limited to)—(1) allowing reintroduction of Wyoming toads on the enrolled portions of the property; (2) voluntary changes in grazing and haying regime, pesticide, and herbicide use in accordance with the Service's 1994 Biological Opinion addressing pesticides and herbicides and label

restrictions, or other activities to enhance toad habitat and minimize take; or (3) facilitation of the implementation of other objectives recommended by the Wyoming Toad Recovery Plan.

While determining the effects of this action, the Service considered the action or impact area to be the maximum number of enrolled properties and a 1–mile radius from these properties to account for toad dispersal, which could include adjacent, neighbor lands. The effect to the Wyoming toad through implementation of landowner day-to-day operations (grazing, haying, etc.) on all potential enrolled lands will be evaluated during the section 7 consultation process.

After maintenance of the restored/created/enhanced Wyoming toad habitat on the property or allowing reintroduction of Wyoming toads on the property for the agreed-upon term, cooperators may then conduct otherwise lawful activities on their property that result in the partial or total elimination of the restored habitat and the incidental taking of Wyoming toads as a result of such habitat elimination. However, the restrictions on returning a property to its original baseline condition include—(1) Wyoming toads may not be captured, killed, or otherwise directly ''taken,'' (2) the Applicant and the Service will be notified a minimum of 15 calendar days prior to the activity and provided the opportunity to capture, rescue, and/or translocate any Wyoming toads, if necessary and appropriate; and (3) return to baseline conditions must be completed within the 15-year term of the permit issued to the Applicant. Cooperative Agreements may be extended if the Applicant's permit is renewed and that renewal allows for such extension.

The Service has evaluated the impacts of this action under the National Environmental Policy Act by drafting an Environmental Assessment. The documentation also is subject to public comment and will be made available to the public concurrently with the availability of the SHA and ESP.

The Service also will evaluate whether the issuance of the ESP complies with section 7 of the Act by conducting an intra-Service section 7 consultation on the issuance of the permit. The results of the biological opinion, in combination with the above findings and any public comments, will be used in the final analysis to determine whether or not to issue the requested ESP, pursuant to the regulations that guide issuance of this type of permit.

Dated: April 30, 2004.

Mike Stempel,

Acting Regional Director, Denver, Colorado.

[FR Doc. 04–10949 Filed 5–13–04; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Meeting of the Trinity Adaptive Management Working Group

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), this notice announces a meeting of the Trinity Adaptive Management Working Group (TAMWG). The TAMWG affords stakeholders the opportunity to give policy, management, and technical input concerning Trinity River restoration efforts to the Trinity Management Council. Primary objectives of the meeting will include: FY 2005 budget for Trinity River Restoration Program, followup to May 12 Trinity Management Council/Science Advisory Board meeting, charter renewal and membership appointments, and the Executive Director's report. The agenda items are approximate and are dependent on the amount of time each item takes. The meeting could end early if the agenda has been completed. The meeting is open to the public.

DATES: The Trinity Adaptive Management Working Group will meet from 8 :30 a.m. to 5 p.m. on Tuesday June 15, 2004.

ADDRESSES: The meeting will be held at the Weaverville Victorian Inn, 1709 Main Street, Weaverville, CA 96093. Telephone: (530) 623–4432.

FOR FURTHER INFORMATION CONTACT: Dr. Mary Ellen Mueller of the U.S. Fish and Wildlife Service, California/Nevada Operations Office, 2800 Cottage Way, W–2606, Sacramento, California 95825, (916) 414–6464. Dr. Mary Ellen Mueller is the designee of the committee's Federal Official—Steve Thompson, Manager of the U.S. Fish and Wildlife Service, California/Nevada Operations Office.

SUPPLEMENTARY INFORMATION: For background information and questions regarding the Trinity River Restoration Program, please contact Douglas Schleusner, Executive Director, Trinity River Restoration Program, P.O. Box 1300, 1313 South Main Street, Weaverville, California 96093, (530) 623–1800.

Dated: May 7, 2004.

Mary Ellen Mueller,

Manager, California/Nevada Operations Office, Sacramento, CA.

[FR Doc. 04–10924 Filed 5–13–04; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–912–6320–PO; HAG 4–0131]

Call for Nominations: Resource Advisory Committees

AGENCY: Bureau of Land Management, Interior.

ACTION: Oregon District Resource Advisory Committees call for nominations.

SUMMARY: The Bureau of Land Management (BLM) gives notice that the Secretary of the Interior will solicit nominations for members and alternates for the BLM's Coos Bay, Eugene, Medford, Roseburg, and Salem District Resource Advisory Committees in the State of Oregon. Nominations will be used to fill 15 member and 6 alternate position as follows:

Category One—5 members, 2 alternates
Category Two—5 members, 2 alternates
Category Three—5 members, 2 alternates

DATES: Nomination forms are available at those District Offices listed below. All materials must be received by the appropriate BLM District office on or before June 14, 2004.

ADDRESSES: Nominations for the District RACs should be sent to the appropriate BLM District office listed below:

	BLM contact	Address	Telephone
Coos Bay District RAC	Sue Richardson, District Manager	1300 Airport Land, North Bend, Oregon 97459	(541) 756–0100
Eugene District RAC	Julia Dougan, District Manager	2890 Chad Street, Eugene, Oregon 97440	(541) 683–6600
Medford District RAC	Tim Reuwsaat, District Manager	3040 Biddle Road, Medford, Oregon 97504	(541) 618–2200
Roseburg District RAC	Jay Carlson	777 NW Garden Valley Blvd., Roseburg, Oregon 97470.	(541) 440–4930

	BLM contact	Address	Telephone
Salem District RAC	Denis Williamson, District Manager	1717 Fabry Road SE, Salem, Oregon 97306	(503) 375–5646

FOR FURTHER INFORMATION CONTACT: Pam Robbins, Oregon/Washington Bureau of Land Management, Oregon State Office, PO Box 2965, Portland, Oregon 97208, (503) 808–6306.

SUPPLEMENTARY INFORMATION: The purpose of a resource advisory committee is to improve collaborative relationships and to provide advice and recommendations to the BLM consistent with the objectives of the Act. The Committees for the five western Oregon BLM districts covered under the Act are composed of 15 members, plus 6 alternates, representing broad interest categories.

Committee membership must be balanced in terms of the categories of interest represented as follows:

—Category One—Representatives of organized labor; developed outdoor recreation; off-highway vehicle use; energy and/or mining development; timber industry; or holders of federal grazing or other land use permits.

—Category Two—Representatives of nationally, regionally or locally recognized environmental organizations; dispersed recreation, archaeological and historic interests; or wild horse and burro groups.

—Category Three—State, county or local elected officials; representatives of Native American Tribes; school officials or teachers, or the public-at-large.

Any individual or organization may nominate one or more persons to serve on the Committees. Individuals may also nominate themselves or others, and current members may reapply. Nominees must reside within one of the counties that are (in whole or part) within the BLM District boundaries of the Committee(s) on which membership is sought. A person may apply for and serve on more than one Committee. Nominees will be evaluated based on their education, training, experience relating to land use issues, recommendations from others, and knowledge of the geographical area of the Committee. Nominees must also demonstrate a commitment to collaborative resource decision-making. Members are appointed or reappointed for 3-year terms.

Geographic areas for each Committee are as follows:

Coos Bay District boundary includes federal lands within Coos, Curry, Douglas, and Lane Counties.

Eugene District boundary includes federal lands within Benton, Douglas, Lane, and Linn Counties.

Medford District Resource Advisory Committee boundary includes federal lands within Medford District and Klamath Falls Resource Area in the Lakeview District. The area covers Coos, Curry, Douglas, Jackson, and Josephine Counties, and small portions of west Klamath County.

Roseburg District boundary includes federal lands within Douglas, Lane, and Jackson Counties.

Salem District boundary includes federal lands within Benton, Clackamas, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, and Yamhill Counties.

Authority: 43 CFR 1784.4–1.

Judy Ellen Nelson,

Acting Associate State Director, OR/WA Bureau of Land Management.

[FR Doc. 04–10437 Filed 5–13–04; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

DEPARTMENT OF AGRICULTURE

Forest Service

[CA–668–1040 (P)]

Notice of a Call for Nominations for the Santa Rosa and San Jacinto Mountains National Monument Advisory Committee

AGENCIES: Bureau of Land Management, Interior; Forest Service, Agriculture.

ACTION: Notice.

SUMMARY: Under the Santa Rosa and San Jacinto Mountains National Monument Act of 2000, Pub. L. 106–351 (16 U.S.C. 431 note), the Department of the Interior's Bureau of Land Management and the Department of Agriculture's U.S. Forest Service are opening nominations for five members of the public to serve on the Santa Rosa and San Jacinto Mountains National Monument Advisory Committee. Nominations will be accepted for 45 days following the publication date of this notice. The Committee is managed under the provisions of the Federal Advisory Committee Act.

The call for nominations is for representatives for the Agua Caliente Band of Cahuilla Indians, the cities of Rancho Mirage and Palm Desert, the Winter Park Authority, and the Pinyon Community Council.

DATES: Submit nomination packets to the address listed below no later than June 28, 2004.

ADDRESSES: Request nomination packets and send completed nomination packets to: Advisory Committee Nominations, Ms. Danella George, Bureau of Land Management, P.O. Box 581260, North Palm Springs, California, 92258–1260.

FOR FURTHER INFORMATION CONTACT: Ms. Danella George, Santa Rosa and San Jacinto Mountains National Monument Manager, (760) 251–4800.

SUPPLEMENTARY INFORMATION: As directed by the Act, the Secretary of the Interior and the Secretary of Agriculture jointly established an advisory committee for the Santa Rosa and San Jacinto Mountains National Monument (Monument). The Committee's purpose is to advise the Secretaries with respect to the implementation of a management plan for the Monument. Committee members will be appointed to serve three-year terms. The three-year term would begin November 2004. All members will serve without pay but will be reimbursed for travel and per diem expense at the current rates for government employees under 5 U.S.C. 5703. The Secretary of the Interior will make appointments to the Committee with the concurrence of the Secretary of Agriculture.

The Committee meets 2–3 times a year on a Saturday. The purpose of the Committee is to gather and analyze information, conduct studies and field examinations, hear public testimony, ascertain facts, and, in an advisory capacity only, develop recommendations concerning planning for the management and uses of the National Monument. The designated Federal officer, or his or her designee, in connection with special needs for advice, may call additional meetings. A Committee Chairperson and Vice Chairperson will be elected by the Committee from among its members annually.

Any individual or organization may nominate one or more persons to serve on the Committee. Individuals may nominate themselves for Committee membership. You may obtain nomination forms that each agency requires from the BLM or Forest Service by contacting the individuals listed in

ADDRESSES below. To make a nomination, you must submit completed nomination forms, letters of reference from the represented interests or organization, and any other information that speaks to the nominee's qualification, to the offices listed above. You may make nominations for the following categories of interest, as specified in the Act: (1) A representative of the Agua Caliente Band of Cahuilla Indians; (2) a representative from each of the following cities: Rancho Mirage and Palm Desert; (3) a representative of the Winter Park Authority; (4) a representative of the Pinyon Community Council. Nominations to the Committee should describe and document the proposed member's qualifications for membership on the Advisory Committee. Nomination packets will include the nominee's legal name.

Dated: March 17, 2004.

Danella George,

Santa Rosa and San Jacinto Mountains National Monument Manager, Palm Springs Field Office of the Bureau of Land Management.

Dated: March 9, 2004.

Laurie Rosenthal,

District Ranger, San Jacinto Ranger District, San Bernardino National Forest, U.S. Forest Service.

[FR Doc. 04–10918 Filed 5–13–04; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT–926–04–1420–BJ]

Montana: Filing of Plat of Amended Protraction Diagram

AGENCY: Bureau of Land Management, Montana State Office, Interior.

ACTION: Notice of filing of plat of amended protraction diagram.

SUMMARY: The Bureau of Land Management (BLM) will file the plat of the amended protraction diagram of the lands described below in the BLM Montana State Office, Billings, Montana, (30) days from the date of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Robert L. Brockie, Cadastral Surveyor, Branch of Cadastral Survey, Bureau of Land Management, 5001 Southgate Drive, P.O. Box 36800, Billings, Montana 59107–6800, telephone (406) 896–5125 or (406) 896–5009.

SUPPLEMENTARY INFORMATION: The amended protraction diagram was prepared at the request of the U.S. Forest Service and is necessary to accommodate Revision of Primary Base Quadrangle Maps for the Geometronics Service Center.

The lands for the prepared amended protraction diagram are:

Principal Meridian, Montana

Tps. 33, 34, 35, 36, and 37 N., Rs. 17, 18, 19, and 20 W.

The plat, representing the Amended Protraction Diagram 46 Index of unsurveyed Townships 33, 34, 35, 36, and 37 North, Ranges 17, 18, 19, and 20 West, Principal Meridian, Montana, was accepted April 30, 2004.

T. 33 N., R. 17 W.

The plat, representing Amended Protraction Diagram 46 of unsurveyed Township 33 North, Range 17 West, Principal Meridian, Montana, was accepted April 30, 2004.

T. 33 N., R. 18 W.

The plat, representing Amended Protraction Diagram 46 of unsurveyed Township 33 North, Range 18 West, Principal Meridian, Montana, was accepted April 30, 2004.

T. 33 N., R. 19 W.

The plat, representing Amended Protraction Diagram 46 of unsurveyed Township 33 North, Range 19 West, Principal Meridian, Montana, was accepted April 30, 2004.

T. 33 N., R. 20 W.

The plat, representing Amended Protraction Diagram 46 of unsurveyed Township 33 North, Range 20 West, Principal Meridian, Montana, was accepted April 30, 2004.

T. 34 N., R. 17 W.

The plat, representing Amended Protraction Diagram 46 of unsurveyed Township 34 North, Range 17 West, Principal Meridian, Montana, was accepted April 30, 2004.

T. 34 N., R. 18 W.

The plat, representing Amended Protraction Diagram 46 of unsurveyed Township 34 North, Range 18 West, Principal Meridian, Montana, was accepted April 30, 2004.

T. 34 N., R. 19 W.

The plat, representing Amended Protraction Diagram 46 of unsurveyed Township 34 North, Range 19 West, Principal Meridian, Montana, was accepted April 30, 2004.

T. 34 N., R. 20 W.

The plat, representing Amended Protraction Diagram 46 of unsurveyed Township 34 North, Range 20 West, Principal Meridian, Montana, was accepted April 30, 2004.

T. 35 N., R. 17 W.

The plat, representing Amended Protraction Diagram 46 of unsurveyed Township 35 North, Range 17 West, Principal Meridian, Montana, was accepted April 30, 2004.

T. 35 N., R. 18 W.

The plat, representing Amended Protraction Diagram 46 of unsurveyed Township 35 North, Range 18 West, Principal Meridian, Montana, was accepted April 30, 2004.

T. 35 N., R. 19 W.

The plat, representing Amended Protraction Diagram 46 of unsurveyed Township 35 North, Range 19 West, Principal Meridian, Montana, was accepted April 30, 2004.

T. 35 N., R. 20 W.

The plat, representing Amended Protraction Diagram 46 of unsurveyed Township 35 North, Range 20 West, Principal Meridian, Montana, was accepted April 30, 2004.

T. 36 N., R. 17 W.

The plat, representing Amended Protraction Diagram 46 of unsurveyed Township 36 North, Range 17 West, Principal Meridian, Montana, was accepted April 30, 2004.

T. 36 N., R. 18 W.

The plat, representing Amended Protraction Diagram 46 of unsurveyed Township 36 North, Range 18 West, Principal Meridian, Montana, was accepted April 30, 2004.

T. 36 N., R. 19 W.

The plat, representing Amended Protraction Diagram 46 of unsurveyed Township 36 North, Range 19 West, Principal Meridian, Montana, was accepted April 30, 2004.

T. 36 N., R. 20 W.

The plat, representing Amended Protraction Diagram 46 of unsurveyed Township 36 North, Range 20 West, Principal Meridian, Montana, was accepted April 30, 2004.

T. 37 N., R. 17 W.

The plat, representing Amended Protraction Diagram 46 of unsurveyed Township 37 North, Range 17 West, Principal Meridian, Montana, was accepted April 30, 2004.

T. 37 N., R. 18 W.

The plat, representing Amended Protraction Diagram 46 of unsurveyed Township 37 North, Range 18 West, Principal Meridian, Montana, was accepted April 30, 2004.

T. 37 N., R. 19 W.

The plat, representing Amended Protraction Diagram 46 of unsurveyed Township 37 North, Range 19 West, Principal Meridian, Montana, was accepted April 30, 2004.

T. 37 N., R. 20 W.

The plat, representing Amended Protraction Diagram 46 of unsurveyed Township 37 North, Range 20 West, Principal Meridian, Montana, was accepted April 30, 2004.

We will place a copy of the plat of the amended protraction diagram we described in the open files. It will be available to the public as a matter of information.

If BLM receives a protest against this amended protraction diagram, as shown on this plat, prior to the date of the official filing, we will stay the filing

pending our consideration of the protest.

We will not officially file this plat of the amended protraction diagram until the day after we have accepted or dismissed all protests and they have become final, including decisions or appeals.

Dated: May 4, 2004.

Steven G. Schey,

Acting Chief Cadastral Surveyor, Division of Resources.

[FR Doc. 04–10905 Filed 5–13–04; 8:45 am]

BILLING CODE 4310–$$–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–035–1430–NJ]

Supplementary Rules for Public Lands in Umatilla County, OR

AGENCY: Oregon State Office, Bureau of Land Management, Interior.

ACTION: Interim final supplementary rule.

SUMMARY: The Bureau of Land Management (BLM) is publishing interim final supplementary rules regulating conduct on specific public lands in Umatilla County, Oregon, on and in the immediate vicinity of Umatilla Butte. The supplementary rules notify the public that certain unauthorized roads will be closed and that some activities will no longer be allowed, including: motor vehicle operation, discharge of firearms, possessing or igniting fireworks, and building, starting or maintaining any fire. The public is welcome to visit Umatilla Butte, but we have determined that certain illegal activities must be curtailed for the public to visit in safety.

DATES: The interim final supplementary rules are effective May 14, 2004. You must submit your comments to BLM at the appropriate address below on or before July 13, 2004. BLM will not necessarily consider any comments received after the above date in making its decisions on the final rule.

ADDRESSES: Address all comments concerning this rule to: Field Office Manager, Bureau of Land Management, Baker City Field Office, 3165 10th Street, Baker City, Oregon 97814.

Direct internet response: *http://www.Steve_Davidson@or.blm.gov*.

FOR FURTHER INFORMATION CONTACT: Baker City Field Office Manager Penny Dunn-Woods, at 541–523–1256. Persons who use a telecommunications device for the deaf (TDD) may contact this individual by calling the Federal Information Relay Service (FIRS) at (800) 877–8339, 24 hours a day, 7 days a week.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures
II. Background
III. Discussion of Interim final Rule
IV. Procedural Matters

I. Public Comment Procedures

Electronic Access and Filing Address

You may view an electronic version of this rule at BLM's Internet home page: *www.blm.gov*. You may comment via the Internet by accessing our automated commenting system located at *www.blm.gov/nhp/news/regulatory/index.html* and following the instructions there. Please also include your name and return address in your Internet message. If you do not receive a confirmation that we have received your electronic message, contact us directly at 541–523–1256.

Written Comments

Written comments on the rule should be specific, confined to issues pertinent to the rule, and should explain the reason for any recommended change. Where possible, comments should reference the specific section or paragraph of the proposal which the commenter is addressing. BLM may not necessarily consider or include in the Administrative Record for the final rule comments which BLM receives after the close of the comment period (See **DATES**) or comments delivered to an address other than those listed above (See **ADDRESSES**).

Comments, including names, streets addresses, and other contact information of respondents, will be available for public review at Bureau of Land Management, Baker Field Office, 3165 10th St., Baker City, OR 97814 during regular business hours (7:45 a.m. to 4:30 p.m.), Monday through Friday, except Federal holidays. Individual respondents may request confidentiality. If you wish to request that BLM consider withholding your name, street address, and other contact information (such as: Internet address, FAX or phone number) from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comment. BLM will honor requests for confidentiality on a case-by-case basis to the extent allowed by law. BLM will make available for public inspection in their entirety all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses.

II. Background

The Bureau of Land Management (BLM) manages property in Umatilla County, Oregon known as Umatilla Butte. The legal description for the butte is: Township 5 North, Range 28 East, East ½ East ½ of Section 28, of the Willamette Meridian. This location is just west of the community of Charleston, which is north of Hermiston, Oregon. Scattered housing is found in close proximity to the butte on the west, east, and south sides. Paved and gravel roads circle the butte. Several unauthorized ''roads'' have evolved on the butte, usually leading to trash dumping or firearms shooting sites.

Illegal activities on the butte have resulted in numerous complaints to BLM from neighbors, officials from Umatilla County, and the Umatilla County Sheriff's Department. These activities have included: trash dumping (household, batteries, tires), methamphetamine lab dumping (seven sites alone were found in 2001), vehicle oil changing, abandoned vehicles, and fires. Firearms target shooting has resulted in bullets impacting around residences, on other private property, and near hikers in the area. Fires in the dump areas have the potential to burn hazardous materials and produce toxic fumes. The methamphetamine lab dump sites include discarded propane tanks which also pose a significant health and safety risk if engulfed in a fire.

The primary means for illegal dumping, including methamphetamine lab waste, is through the use of motorized vehicles. Vehicles are driven onto the butte using illegal roads and even by creating new roads and routes in order to access dumping sites. This activity also causes undue erosion of the butte, which in turn has the potential of creating additional hazards to those driving on these illegal roads, to the resource, others using the butte and to land owners nearby.

Because motorized vehicles facilitate the ability to accomplish most of the illegal dumping and start fires, this rule would close the butte to motorized vehicles. Foot and non-motorized access is still allowed and encouraged.

III. Discussion of Rule

Why Is This Rule Being Published as Interim Final?

Because of significant health and safety risks to the public caused by activities that this rule would prohibit, including risks both to visitors to Umatilla Butte and residents in the

immediate area of the butte, BLM needs to curtail certain dangerous activities. The Umatilla County Sheriff's Office and the adjacent land owners are requesting that the BLM take immediate and aggressive action to stop these behaviors.

Because of the immediate and ongoing hazards to the public's health and safety and because of the need to protect natural resources from continued hazardous materials dumping, erosion, and fires, we find good cause to publish these rules as interim final, effective May 14, 2004, and allowing 60 days for public comment.

IV. Procedural Matters

Executive Order 12630, Governmental Actions and Interference With Constitutionally Protected Property Rights (Takings)

The rule does not represent a government action capable of interfering with Constitutionally protected property rights. Therefore, the Department of the Interior has determined that the rule would not cause a taking of private property or require further discussion of takings implications under this Executive Order.

Executive Order 13132, Federalism [Replaces Executive Orders 12612 and 13083.]

The rule 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, in accordance with Executive Order 13132, BLM has determined that this rule does not have sufficient Federalism implications to warrant preparation of a Federalism Assessment.

Executive Order 12988, Civil Justice Reform

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

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments [Replaces Executive Order 13084]

In accordance with Executive Order 13175, we have found that this final rule does not include policies that have tribal implications.

Paperwork Reduction Act

These supplementary rules do not contain information collection requirements that the Office of Management and Budget must approve under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*

Author

The principal author of this interim final rule is Tom Averett, Baker Field Office, Baker City, Oregon assisted by Jim Huff, Oregon State Office, BLM.

For the reasons stated in the preamble, and under the authority of 43 CFR 8365.1–6 Supplementary Rules, the Oregon/Washington State Director, Bureau of Land Management, issues supplementary rules for public lands in the area known as Umatilla Butte, to read as follows:

Sec. 1 Prohibited acts.

(a) Prohibited acts. Within the area you must not:

(1) Operate any motorized vehicle.

(2) Discharge any firearm.

(3) Start, build or maintain any fire.

(4) Light or discharge any fireworks or incendiary devices.

(b) Exemptions. The following are exempt from prosecution under the prohibited acts:

1. Any person operating a motorized vehicle on a publicly maintained State or County road;

2. Any Federal, State or local officer or employee in the scope of their duties;

3. Members of any organized rescue or fire-fighting force in the performance of official duty; and

4. Any person authorized in writing by BLM.

Sec. 2 Penalties.

On public lands, under section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)) and 43 CFR 8360.0–7, any person who violates any of these supplementary rules may be tried before a United States Magistrate and fined no more than $1,000 or imprisoned for no more than 12 months, or both. Such violations may also be subject to the enhanced fines provided for by 18 U.S.C. 3571.

Elaine M. Brong,

Oregon State Director, Bureau of Land Management.

[FR Doc. 04–10919 Filed 5–13–04; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Prospective Grant of Exclusive Patent License

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice.

SUMMARY: This notice is issued in accordance with 35 U.S.C. 209 (c)(1) and 37 CFR 404.7(a)(1)(I). The Bureau of Reclamation (Reclamation) is contemplating the granting of an exclusive license in the United States to practice the invention embodied in U.S. Patent No. 6,541,106 B1, titled ''Hydrophilic Polyurethane Impregnated Rubber for Sealing Water Leaks.'' The exclusive license is to be granted to Mr. Curt Birky, dba Conrep West, having a place of business in Littleton, Colorado. The patent rights in this invention have been assigned to the United States of America.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. While the primary purpose of this notice is to announce Reclamation's intent to grant an exclusive license to practice the above listed patent, it also serves to publish the availability of this patent for licensing in accordance with law. The prospective license may be granted unless Reclamation receives written evidence and argument which establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

DATES: Written evidence and arguments against granting the prospective license must be received by fifteen (15) days from the date of this notice.

ADDRESSES: Inquiries, comments, and other materials relating to the contemplated license may be submitted to Chuck Hennig, Research Coordinator, Bureau of Reclamation, Office of the Research Director, D–9000, P.O. Box 25007, Denver, CO 80225–0007

A copy of the above identified patent may be purchased from the U.S. Patent and Trademark Office, by calling (703) 308–9726 or (800) 972–6382 or downloaded free of charge from the U.S. Patent and Trademark Office Web site at *www.uspto.gov*.

FOR FURTHER INFORMATION CONTACT: Chuck Hennig (*chennig@do.usbr.gov*), Research Coordinator, at 303–445–2134 or Siegie Potthoff (*spotthoff@do.usbr.gov*), Program Administrator, at 303–445–2136.

SUPPLEMENTARY INFORMATION: The invention relates to a novel approach to

formulate and combine polyurethane and hydrophilic rubber compounds to produce a practical, economical, and reliable means of sealing water leaks, primarily in concrete dams and other concrete water storage structures. More specifically the product would include a porous hydrophilic rubber impregnated with a water reactive polyurethane resin. When the material comes into contact with water, the rubber and polyurethane swell, resulting in increased adhesion with the substrate and improved leak sealing. Significant additional R&D is required to develop the compounding approach.

Properly filed competing applications completed and received by Reclamation in response to this notice will be considered as objections to the grant of the contemplated license. Application forms are available from the Office of the Research Director, Bureau of Reclamation at the address above.

There 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 those individuals without a business address, Reclamation's 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.

Dated: May 4, 2004.

Charles Hennig,

Acting Director, Research and Development, Bureau of Reclamation.

[FR Doc. 04–10950 Filed 5–13–04; 8:45 am]

BILLING CODE 4310–MN–P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701–TA–438 (Preliminary) and 731–TA–1076 (Preliminary)]

Live Swine From Canada

Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (Commission) determines, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 19 U.S.C. 1673b(a)) (the Act), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Canada of live swine, provided for in subheadings 0103.91.00 and 0103.92.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be subsidized by federal and provincial governments in Canada and 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 sections 703(b) and 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under sections sections 705(a) and 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 investigation 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 investigations.

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

Background

On March 5, 2004, a petition was filed with the Commission and Commerce by the National Pork Producers Council, 8 state associations, and 119 individual pork producers, alleging that an industry in the United States is materially injured or threatened with material injury by reason of subsidized and LTFV imports of live swine from Canada. Accordingly, effective March 5, 2004, the Commission instituted antidumping and countervailing duty investigations Nos. 701–TA–438 (Preliminary) and 731–TA–1076 (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 March 16, 2004 (69 FR 12347, March 16, 2004). The conference was held in Washington, DC, on March 26, 2004, 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 May 10, 2004. The views of the Commission are contained in USITC Publication 3693 (May 2004), entitled *Live Swine From Canada: Investigations Nos. 701–TA–438 (Preliminary) and 731–TA–1076 (Preliminary).*

By order of the Commission.

Issued: May 11, 2004.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 04–10939 Filed 5–13–04; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–04–012]

Government in the Sunshine Act Meeting Notice

AGENCY: United States International Trade Commission.

TIME AND DATE: May 27, 2004 at 11 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meetings: None.
2. Minutes.
3. Ratification List.
4. Inv. No. AA1921–167 (Second Review) (Pressure Sensitive Plastic Tape

from Italy)—briefing and vote. (The Commission is currently scheduled to transmit its determination and Commissioners' opinions to the Secretary of Commerce on or before June 7, 2004.)

5. Inv. No. AA1921–188 (Second Review) (Prestressed Concrete Steel Wire Strand from Japan)—briefing and vote. (The Commission is currently scheduled to transmit its determination and Commissioners' opinions to the Secretary of Commerce on or before June 7, 2004.)

6. Outstanding action jackets: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: May 11, 2004.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 04–11060 Filed 5–12–04; 9:27 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Antitrust Division

Public Comments and Response on Proposed Final Judgment in United States v. First Data Corporation and Concord EFS, Inc.

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), the United States hereby publishes below the comments received on the proposed Final Judgment in *United States* v. *First Data Corporation and Concord EFS, Inc.,* Civil Action No. 1:03CV02169, filed in the United States District Court for the District of Columbia, together with the United States' response to the comments.

Copies of the comments and response are available for inspection at Room 200 of the Department of Justice, Antitrust Division, 325 Seventh Street, NW., Washington, DC 20530, telephone (202) 514–2481, and at the Office of the Clerk of the United States District Court for the District of Columbia, E. Barrett Prettyman United States Courthouse, 333 Constitution Avenue, NW., Washington, DC 20001. Copies of any of these materials may be obtained upon request and payment of a copying fee.

J. Robert Kramer, II,

Director of Operations, Antitrust Division.

In the United States District Court for the District of Columbia

United States of America, et al., Plaintiffs, v. First Data Corporation and Concord EFS, Inc., Defendants

Case Number: 1:03CV02169.
Judge: Hon. Rosemary M. Collyer.
Filed: May 7, 2004.

Response to Public Comments

Pursuant to the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h) (''Tunney Act''), the United States files the comments of the public concerning the proposed Final Judgment in this case and the United States' responses to those comments. After careful consideration of the comments, the United States continues to believe that the proposed Final Judgment will provide an effective and appropriate remedy for the antitrust violation alleged in the Complaint. The United States will move the Court to enter the proposed Final Judgment after the public comments and this Response have been published in the **Federal Register**, pursuant to 15 U.S.C. 16(d).

I. Background

On October 23, 2003, plaintiffs the United States and the states of Connecticut, Illinois, Louisiana, Massachusetts, New York, Ohio, Pennsylvania, and Texas, and the District of Columbia (collectively ''Plaintiff States'') filed a Complaint alleging that the proposed acquisition of Concord EFS, Inc. (''Concord'') by First Data Corporation (''First Data'') would violate section 7 of the Clayton Act, as amended, 15 U.S.C. 18. The Complaint alleged that First Data's acquisition of Concord would substantially reduce competition in the market for PIN debit network services by combining the STAR and NYCE point-of-sale PIN debit networks.[1] Concord's STAR network is the largest PIN debit network in the United States, currently switching approximately half of all U.S. PIN debit transactions. NYCE is the third-largest PIN debit network. First Data owns a 64 percent controlling interest in NYCE. The transaction would have eliminated the competition between STAR and NYCE, leading to higher prices for PIN debit network services to merchant customers. Merchants would have passed on at least some of the higher costs of PIN debit transactions by raising the prices of their goods and services, to the detriment of tens of millions of consumers throughout the United States.

On December 15, 2003, the United States, the Plaintiff States and the Defendants filed a proposed Final Judgment and Hold Separate Stipulation and Order. On January 9, 2004, the parties, by consent, filed an Amended Hold Separate Stipulation and Order. The proposed Final Judgment requires First Data, within 150 calendar days after the Court's signing of the original Hold Separate Stipulation and Order, or five days after notice of the entry of the Final Judgment by the Court, whichever is later, to divest all of its governance rights in NYCE and its entire 64 percent ownership interest in NYCE (collectively ''NYCE Holdings''). In addition, the Amended Hold Separate Stipulation and Order requires First Data to take certain steps to ensure that NYCE is operated as a competitively independent, economically viable and ongoing business concern that will remain independent and uninfluenced by the consummation of the acquisition, and that competition is maintained during the pendency of the ordered divestiture.

The United States, the Plaintiff States and the Defendants have stipulated that the proposed Final Judgment may be entered after compliance with the Tunney Act. Entry of the proposed Final Judgment would terminate this action, except that the Court would retain jurisdiction to construe, modify or enforce the provisions of the proposed Final Judgment and to punish violations thereof.

Pursuant to the requirements of the Tunney Act, the United States filed a Competitive Impact Statement (''CIS'') on January 23, 2004, and published the proposed Final Judgment and the CIS in the **Federal Register** on February 10, 2004. A summary of the terms of the proposed Final Judgment and CIS, with directions for the submission of written comments relating to the proposed Final Judgment, were published in the Washington Post for seven days on February 6, through February 12, 2004. The sixty-day period for public comments, during which the two comments described below were received, expired on April 12, 2004.

[1] PIN debit networks are the telecommunications and payment infrastructure that connects merchants to consumers' demand deposit accounts at banks. These networks enable consumers to purchase goods and services from merchants through PIN debit transactions by swiping their bank card at a merchant's terminal and entering a Personal Identification Number, or PIN. Within seconds, the purchase amount is debited from the customer's bank account and transferred to the retailer's bank.

II. Response to Public Comments

A. Legal Standard Governing the Court's Public Interest Determination

Upon publishing the public comments and this Response, the United States will have fully complied with the Tunney Act. After receiving the motion of the United States for entry of the proposed Final Judgment, the Tunney Act directs the Court to determine whether entry of the proposed Final Judgment ''is in the public interest.'' 15 U.S.C 16(e). In making that determination, ''the court's function is not to determine whether the resulting array of rights and liabilities is one that will best serve society, but only to confirm that the resulting settlement is within the reaches of the public interest.''*United States* v. *W. Elec. Co.*, 993 F.2d 1572, 1576 (D.C. Cir. 1993) (citations and emphasis omitted). The Court should evaluate the relief set forth in the proposed Final Judgment and should enter the Judgment if it falls within the government's ''rather broad discretion to settle with the defendant within the reaches of the public interest.'' *United States* v. *Microsoft Corp.*, 56 F.3d 1448, 1461 (D.C. Cir. 1995); *accord United States* v. *Associated Milk Producers, Inc.*, 534 F.2d 113, 117–18 (8th Cir. 1976). The Court should review the proposed Final Judgment ''in light of the violations charged in the complaint and * * * withhold approval only [(a)] if any of the terms appear ambiguous, [(b)] if the enforcement mechanism is inadequate, [(c)] if third parties will be positively injured, or [(d)] if the decree otherwise makes a 'mockery of judicial power.' '' *Mass. Sch. of Law at Andover, Inc.* v. *United States*, 118 F.3d 776, 783 (D.C. Cir. 1997) (quoting *Microsoft*, 56 F.3d at 1462).

Because ''[t]he court's authority to review the decree depends entirely on the government's exercising its prosecutorial discretion by bringing a case in the first place'' it follows that ''the court is only authorized to review the decree itself,'' and not to ''effectively redraft the complaint'' to inquire into other matters the United States might have, but did not, pursue. *Microsoft*, 56 F.3d at 1459–60. The Tunney Act does not empower the Court to reject the remedies in the proposed Final Judgment based on the belief that ''other remedies were preferable,'' *Id.* at 1460, nor does it give the Court authority to impose different terms on the parties. *See, e.g.*, *United States* v. *Am. Tel. & Tel. Co.*, 552 F. Supp. 131, 153 n.95 (D.D.C. 1982); *accord* H.R. Rep. No. 93–1463 (1974). Further, the United States is entitled to ''due respect'' concerning its ''prediction as to the effect of proposed remedies, its perception of the market structure, and its view of the nature of the case.'' *United States* v. *Archer-Daniels-Midland Co.*, 272 F. Supp. 2d 1, 6 (D.D.C. 2003) (*citing Microsoft*, 56 F.3d at 1461).

B. Summary of Public Comments and the United States' Responses

The United States received comments from the Citizens for Voluntary Trade (''CVT'') (Exhibit 1) and Ryco, Ltd. (Exhibit 2) in response to its publication of the Final Judgment in the **Federal Register**.

1. CVT

CVT's comment states that the United States incorrectly alleged in the Complaint that there is a relevant product market for PIN debit network services. The comment maintains that PIN debit network services are part of a broader product market that includes all demand forms of payment, including signature debit network services, cash, checks, money orders, and traveler's checks. CVT concludes that because NYCE and STAR compete in a broader market, combining the two networks does not threaten competition and, therefore, entering the Final Judgment does not serve the public interest.

CVT's comment is directed at whether the United States should have filed this case, not to whether the relief in the proposed Final Judgment is adequate to address the harm alleged in the Complaint. Comments challenging the validity of the United States' case, or alleging that it should not have been brought, are challenges to the initial exercise of the United States' prosecutorial discretion and are outside the scope of the Tunney Act proceeding. The purpose of this proceeding is not to evaluate the merits of the United States' case. A Tunney Act proceeding is not an opportunity for a ''de novo determination of facts and issues,'' but rather ''to determine whether the Department of Justice's explanations were reasonable under the circumstances'' because ''[t]he balancing of competing social and political interests affected by a proposed antitrust decree must be left, in the first instance, to the discretion of the Attorney General.'' *United States* v. *W. Elec. Co.,* 993 F.2d at 1577 (citations omitted). Consequently, the courts consistently have refused to consider ''contentions going to the merits of the underlying claims and defenses.'' *United States* v. *Bechtel Corp.,* 648 F.2d 660, 666 (9th Cir. 1981); *accord United States* v. *Thomson Corp.,* 949 F. Supp. 907, 913 (D.D.C. 1996) (''[T]he court is to compare the complaint filed by the government with the proposed consent decree and determine whether the remedies negotiated between the parties and proposed by the Justice Department clearly and effectively address the anticompetitive harms initially identified.''). Thus, CVT's challenge to the merits of the United States' underlying case are beyond the purview of appropriate Tunney Act inquiry.

Nevertheless, in response to CVT's comment, the United States observes that it conducted an extensive and thorough investigation into the provision of PIN debit network services, including to what extent these services potentially competed with other products or services. The facts found by the investigation demonstrated that PIN debit network services are a relevant product market under the antitrust laws. Many merchants strongly prefer PIN debit network services because PIN debit network services offer substantial advantages that set them apart from other forms of demand payment, most notably from the closest potential substitute, signature debit network services.[2] First, PIN debit networks generally charge merchants considerably lower prices than those offered by signature debit networks. Second, PIN debit networks provide a more secure method of payment than signature debit networks because it is easier to forge a person's signature than to obtain an individual's PIN. Consequently, fraud rates, and the expenses imposed by such fraud, are generally lower for PIN debit network services than for signature debit. The greater security provided by PIN debit networks also typically eliminates the need for costly charge-back procedures that allow consumers to challenge signature debit transactions. Third, PIN debit transactions also generally settle instantaneously, guaranteeing the merchant ready access to its receipts, while signature debit transactions often take one or two days to settle. Finally, PIN debit networks usually enable shorter times at the check-out counter than signature debit networks, further reducing merchants' costs.

Merchant preference for PIN debit network services over other forms of demand payment, including signature debit transactions, cash, money orders, and travelers checks, is further strengthened by the strong demand of many consumers to use PIN debit network services, particularly at

[2] Signature debit networks are telecommunications and payment infrastructure that enable consumers to purchase goods and services by swiping a debit card and then signing for the transaction as the means of authentication.

supermarkets, mass merchandisers and drug stores. Many consumers value the security and speed of PIN debit transactions, as well as the unique ''cash back'' feature that allows them to receive cash at the register when making a purchase. Consumers cannot receive cash back when making a signature debit purchase. Today, consumers request cash back in approximately twenty percent of all PIN debit transactions. Because of their generally substantial lower costs and superior features, the United States determined that a small but significant increase in the price of PIN debit network services would not cause a sufficient number of merchants to stop accepting PIN debit transactions, or to discourage their customers from executing such transactions, to defeat the price increase. Based on this finding, the United States concluded, and properly alleged in its Complaint, that PIN debit network services is a relevant antitrust product market.

2. Ryco's Comment

Ryco is an independent gas station and convenience store that does business under the trade name ''Hansen's Good to Go.'' Ryco's comment states that it objects to the merger of First Data and Concord because Concord currently engages in alleged anticompetitive behavior. The comment maintains that Concord provides Ryco and other merchant customers with poor customer service by double-charging them on some bills, routing some transactions to more expensive networks, and negotiating unfavorable terms in its contracts concerning the forums for litigating contractual disputes and the parties' responsibilities for ''fees'' and ''costs'' that result from such litigation. Ryco believes that the merger will increase the number of merchants to which Concord provides debit card transaction related services and, consequently, will increase Concord's leverage to provide poor customer service. Ryco advocates conditioning approval of the merger on (a) revisions to the choice of forum and attorneys' fees provisions in Concord's contracts, and (b) improvements in Concord's customer service.

Ryco's concerns do not indicate that the proposed Final Judgment is not in the public interest. To the extent that Ryco's concerns are directed to the provision of PIN debit network services, the Final Judgment's requirement that First Data divest NYCE is a fully adequate remedy. Preventing the combination of STAR and NYCE maintains the competitive structure of the PIN debit network services market that existed at the time First Data and Concord decided to merge.

Ryco also appears to be concerned about the merger's potential impact on at least two other types of services, merchant processing and acquiring services for credit and debit card transactions. These concerns are not a proper focus for the Tunney Act proceeding because they were not the subject of the Complaint. The Complaint alleged that First Data's acquisition of Concord would reduce competition *only* in the PIN debit network services market. As explained, Tunney Act review may not ''reach beyond the complaint to evaluate claims that the government did *not* make and to inquire as to why they were not made.'' *Microsoft,* 56 F.3d at 1459. *See also Archer-Daniels-Midland Co.,* 272 F. Supp. 2d at 6–7, 9 (rejecting argument that court should consider effects in markets other than those raised in the complaint); *United States* v. *Pearson PLC,* 55 F. Supp. 2d 43, 45 (D.D.C. 1999) (a court should not ''base its public interest determination on antitrust concerns in markets other than those alleged in the government's complaint'') (citation omitted). Therefore, Ryco's apparent concerns about the merger's impact on merchant processing and acquiring services provides no basis for the Court to reject the proposed Final Judgment.

III. Conclusion

The CIS and this Response of the United States to the public comments demonstrate that the proposed Final Judgment is in the public interest. Accordingly, pursuant to Section 16(d) of the Tunney Act, after these comments and this Response are published in the **Federal Register**, the United States will move this Court to enter the Proposed Final Judgment.

Dated: May 7, 2004.

Respectfully submitted,

Joshua H. Soven,
Networks and Technology Section, Antitrust Division, United States Department of Justice, 600 E Street, NW., Suite 9500, Washington, DC 20530.

Certificate of Service

The undersigned certifies that a copy of the foregoing Response to Public Comments was served on the following counsel, by electronic mail in PDF format, on May 7, 2004:

Counsel for Defendant First Data Corp.

Counsel for Defendant Concord EFS, Inc.

Christopher Hockett, Esq., Bingham McCutchen LLP, Three Embarcadero Center, San Francisco, CA 94111, e-mail: *chris.hockett@bingham.com*

Geraldine M. Alexis, Esq., Bingham McCutchen LLP, Three Embarcadero Center, San Francisco, CA 94111, e-mail: *geraldine.alexis@bingham.com*

Lawrence R. Fullerton, Esq., Sidley Austin Brown & Wood LLP, 1501 K Street, NW., Washington, DC 20005, e-mail: *lfullerton@sidley.com*

Jeffrey T. Green, Sidley Austin Brown & Wood LLP, 1501 K Street, NW., Washington, DC 20005, e-mail: *jgreen@sidley.com*

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James H. Mutchnik, Kirkland & Ellis LLP, Aon Center, 200 East Randolph Drive, Chicago, IL 60601, e-mail: *jmutchnik@kirkland.com*

Counsel for Plaintiff States

Rebecca Fisher, Esq., Assistant Attorney General, P.O. Box 12548, Austin, TX 78711–2548, e-mail: *rebecca.fisher@oag.state.tx.us*

Joshua H. Soven,
Networks and Technology Section Antitrust Division, United States Department of Justice, 600 E Street, NW., Suite 9500, Washington, DC 20530.

BILLING CODE 4410–11–M

EXHIBIT 1

Citizens for Voluntary Trade

Better Living through Rational Thinking

April 7, 2004

Ms. Renata Hesse
Chief, Networks and Technology Section
U.S. Department of Justice, Antitrust Division
600 E Street, N.W., Suite 9500
Washington, DC 20530

Re: Public comment in United States, et al. v. First Data Corp. and Concord EFS, Inc.., et al. (D.D.C., Civil No. 03-CV-2169).

Dear Ms. Hesse:

Citizens for Voluntary Trade (CVT), a Virginia corporation, respectfully submits the following public comment under the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h), in response to the *Federal Register* notice published by the United States on February 10, 2004, regarding the above-captioned case. CVT is a nonpartisan educational organization that analyzes the antitrust and competition laws from a pro-reason, pro-capitalism perspective. CVT regularly files public comments and *amicus curiae* briefs in antitrust judgments reached under the Tunney Act and the Federal Trade Commission Act. Neither CVT nor its officers or directors have a financial interest in the outcome of this case. CVT owns no subsidiaries and has no parent corporation.

CVT objects to entry of the Proposed Final Judgment. After reviewing the Competitive Impact Statement, the complaint, and the public versions of the parties' trial briefs, CVT concludes no rational individual would accept the plaintiff governments' position that PIN and signature-based debit networks constitute separate economic markets, nor would a properly-defined market exclude cash, checks, money orders, traveler's checks, and other forms of demand payment as reasonable alternatives to PIN-based debit cards. Had the plaintiff governments' properly defined the market, they would have concluded that the First Data-Concord merger posed no threat of monopolization or lessened competition. Accordingly, there is no identifiable public interest served by entering the Proposed Final Judgment.

Post Office Box 66 Arlington, Virginia 22210 571.242.1766
www.voluntarytrade.org

CVT recommends the district court reject entry of the Proposed Final Judgment under 15 U.S.C. §16(e) and dismiss the complaint *sua sponte*.

Respectfully Submitted,

S.M. Oliva
President
Citizens for Voluntary Trade

EXHIBIT 2

KRISLOV & ASSOCIATES, LTD.
Attorneys at Law

CIVIC OPERA BUILDING, SUITE 1350
20 NORTH WACKER DRIVE
CHICAGO, ILLINOIS 60606

FAX (312) 606-0207
TELEPHONE (312) 606-0500

March 01, 2004

Renata B. Hesse
Chief, Networks & Technology Enforcement Section
Antitrust Division
U.S. Department of Justice
600 E. Street N.W., 9th Floor
Washington. D.C. 20530-0001

Re: First Data/Concord Merger Litigation
Objection to Settlement and Permission to Complete Merger

Dear Ms. Hesse:

We wish to object to your agreement to permit the merger between Concord EFS, Inc. and First Data, and we would like the opportunity to shed light on the overbearing anti-competitive behavior of Concord, and believe it is ill-advised to permit them to increase their market share by this merger, unless changes are made to improve customer service and delete unfair provisions from their form contracts. As we will show, Concord signs on merchants by unsupervised Ponzi-type marketers, then abuses its customers in ways that leave them without effective redress. Giving them the opportunity to do this on a grander scale is unconscionable, unless the government requires changes in Concord's form agreements.

Background: Our Client's Experience With Concord/EFS

Our client, Ryco, Ltd., d/b/a Hansen's Good to Go, an independent gas station convenience store located in Arizona, was solicited by one of Concord's sales representatives to contract with Concord for processing his customer's credit card charges. Ryco came to us early last year with a concern of how fees were being charged by the company, how his transactions were being routed once within Concord's network, and the level of control and supervision Concord maintained over its sales associates.

Concord/EFS virtually owns the market for servicing merchants' credit and debit card transactions. By its SEC corporate filings, Concord boasts that it controls the routing for 56% of all PIN-based debit transactions, and controls 64% of all ATM machines in the United States . Similar to the discredited long distance telephone slammers, Concord uses an army of independent, unsupervised contractor commission based solicitors to get small merchants to engage Concord to provide credit card servicing to their customers by promising network routing

and low transaction charges to merchants, which Concord simply ignores. Concord's customer service to these merchants is worse than non-existent. Thus, when merchants call to take issue with double charges on their bills, and misrouted transactions through higher cost networks, their inquiries are simply ignored. After Concord failed to respond to numerous calls to its customer service, Ryco simply had no way to correct Concord's charges, other than to sue them.

Under Concord's form contracts, all disputes must be brought in Concord's Tennessee jurisdiction and the loser pays the winners' costs. The result of this was having to engage counsel in Tennessee, and suing in federal court. However, when the court dismissed the federal count and declined to exercise supplemental jurisdiction, rather than accept this small victory over the consumer, Concord then sued our client for fees, in effect, using the fee provision of the merchant contract as a threat against further litigation of the matter.

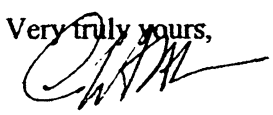
Unmoved by such truculent tactics, our client requested we continue our pursuit of what he believed to be a necessary fight against this company's dishonest and deceitful practices. As this Department understands, the issue of how a company routes charges and imposes fees, potentially a very costly unknown for unsavvy small merchants.

Amazingly, the federal judge signed onto Concord's coercive measures by ordering payment of nearly $80,000 in fees to the Defendants. Unable to further pursue litigation with this additional burden, we were able to negotiate to drop all claims, for our payment of $5,000 to Concord, demonstrating Concord's intent to preclude any consumer challenges.

We bring these matters to the Department's attention as demonstrative of the manner in which Concord treats its consumers, and their iron-fist approach to "customer service". Allowing this company to further grow, controlling what would amount to nearly half of the market for debit card transactions, would create an uncontrollable corporate machine, baiting and switching customer transactions all the way to their internally-controlled bank.

This merger must be prevented, and Concord forced to change its practices, rather than have those practices amplified through a larger share of the market. Accordingly, Concord/First Data should not be given this increased market share under current circumstances. We believe that the merger should not be approved without Concord agreeing to delete two provisions of its contract (deleting the provisions requiring suits to be brought in Concord's home district and the "loser pays" provision, unless changed to apply to ultimate victory), and upgrading its customer service.

Very truly yours,



Clinton A. Krislov

[FR Doc. 04–10917 Filed 5–13–04; 8:45 am]

BILLING CODE 4410–11–C

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review: Comment Request

May 7, 2004.

The Department of Labor (DOL) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35). A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Department of Labor (DOL). To obtain documentation, contact Darrin King on 202–693–4129 (this is not a toll-free number) or e-mail: *king.darrin@dol.gov.*

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Mine Safety and Health Administration (MSHA), Office of Management and Budget, Room 10235, Washington, DC 20503, 202–395–7316 (this is not a toll-free number), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- 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;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Agency: Mine Safety and Health Administration.

Type of Review: Extension of currently approved collection.

Title: Application for a Permit to Fire More than 20 Boreholes for the use of Nonpermissible Blasting Units, Explosive, and Shot-firing Units.

OMB Number: 1219–0025.

Frequency: On occasion.

Type of Response: Recordkeeping; Reporting; and Third party disclosure.

Affected Public: Business or other for-profit.

Number of Respondents: 48.

Number of Annual Responses: 105.

Estimated Time Per Response: 1 hour to prepare an application for a permit and 20 minutes to post a conspicuous warning notice at the entrance of an area affected by a misfire.

Total Burden Hours: 67.

Total Annualized capital/startup costs: $0.

Total Annual Costs (operating/maintaining systems or purchasing services): $588.

Description: Title 30 CFR 75.1321 outlines the procedures by which a permit may be issued for the firing of more than 20 boreholes and/or the use of nonpermissible shot-firing units in underground coal mines. In those instances in which there is a misfire of explosives, 30 CFR 75.1327 requires that a qualified person post each accessible entrance to the affected area with a warning to prohibit entry. Title 30 CFR 77.1909–1 outlines the procedures by which a coal mine operator may apply for a permit to use nonpermissible explosives and/or shot-firing units in the blasting of rock while sinking shafts or slopes for underground coal mines. These permits inform mine management and the miners of the steps to be employed to protect the safety of any person exposed to such blasting while using nonpermissible items. The posting of danger/warning signs at entrances to locations where an misfired blast hole or round remains indisposed is a safety precaution predating the Coal Mine Safety and Health Act.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. 04–10959 Filed 5–13–04; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review: Comment Request

May 6, 2004.

The Department of Labor (DOL) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35). A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Department of Labor (DOL). To obtain documentation, contact Darrin King on 202–693–4129 (this is not a toll-free number) or e-mail: *king.darrin@dol.gov.*

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Employment Standards Administration (ESA), Office of Management and Budget, Room 10235, Washington, DC 20503, 202–395–7316 (this is not a toll-free number), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- 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;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Agency: Employment Standards Administration.

Type of Review: Extension of currently approved collection.

Title: Vehicle Mechanical Inspection Report for Transportation Subject to DOT Requirements; Subject to DOL Safety Standards.

OMB Number: 1215–0036.

Frequency: On occasion.

Type of Response: Reporting.

Affected Public: Business or other for-profit and Farms.

Number of Respondents: 1,020.

Number of Annual Responses: 3,060.

Estimated Time Per Response: 5 minutes.

Total Burden Hours: 255.

Total Annualized capital/startup costs: $0.

Total Annual Costs (operating/maintaining systems or purchasing services): $140,760.

Description: Section 401 of the Migrant and Seasonal Agricultural Worker Protection Act (MSPA) requires that farm labor contractors, agricultural employers, or agricultural associations

who use any vehicle to transport a migrant or seasonal agricultural worker, ensure that such vehicle conforms to vehicle State safety standards prescribed by MSPA and other applicable Federal and State safety standards. The use of forms WH–514 and WH–514a enable an applicant to verify to the Department or appropriate State agency that the vehicles used to transport such workers meet these safety standards. The WH–514 is used to verify that Department of Transportation safety standards are met for all vehicles other than passenger automobiles or station wagons, and the WH–514a is used to verify that Department of Labor safety standards are met for all vehicles including passenger automobiles or station wagons.

Ira L. Mills,

Departmental Clearance Officer

[FR Doc. 04–10960 Filed 5–13–04; 8:45 am]

BILLING CODE 4510–27–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review: Comment Request

May 6, 2004.

The Department of Labor (DOL) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35). A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Department of Labor (DOL). To obtain documentation, contact Darrin King on 202–693–4129 (this is not a toll-free number) or e-mail: *king.darrin@dol.gov.*

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Occupational Safety and Health Administration (OSHA), Office of Management and Budget, Room 10235, Washington, DC 20503, 202–395–7316 (this is not a toll-free number), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- 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;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Agency: Occupational Safety and Health Administration.

Type of Review: Extension of currently approved collection.

Title: Asbestos in General Industry (29 CFR 1910.1001).

OMB Number: 1218–0133.

Frequency: On occasion.

Type of Response: Recordkeeping and Third party disclosure.

Affected Public: Business or other for-profit; Federal Government; and State, local, or tribal government.

Number of Respondents: 243.

Number of Annual Responses: 65,048.

Estimated Time Per Response: Varies from 5 minutes to maintain records to 1.5 hours for employees to receive training or medical evaluation.

Total Burden Hours: 23,849.

Total Annualized capital/startup costs: $0.

Total Annual Costs (operating/maintaining systems or purchasing services): $1,625,143.

Description: The basic purpose of the information collection requirements in 29 CFR 1910.1001 (the Standard) is to document that employers in general industry are providing their employees with protection from hazardous asbestos exposure. Asbestos exposure results in asbestosis, a scarring of the lung tissue; lung cancer; mesothelioma; and gastrointestinal cancer. The Standard permits employers, employees and their designated representatives, OSHA, and other specified parties to determine the effectiveness of an employer's asbestos-control program. Accordingly, the requirements ensure that employees exposed to asbestos receive all of the protection afforded by the Standard.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. 04–10961 Filed 5–13–04; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Office of Disability Employment Policy

Solicitation of Nominations for the Secretary of Labor's New Freedom Initiative Award; Reopening and Extension of Period for Submission of Nominations

AGENCY: Office of Disability Employment Policy, U.S. Department of Labor.

ACTION: Reopening and Extension of period for submission of nominations.

SUMMARY: This document re-opens and extends the period for submission of nominations for the Secretary of Labor's New Freedom Initiative Award. This action is taken to permit increased participation by interested stakeholders.

DATES: Nomination packages must be submitted to the Office of Disability Employment Policy by May 28, 2004. Any application received after 4:45 p.m. e.d.s.t. on May 28, 2004 will not be considered unless it was received before the award is made and:

1. It was sent by registered or certified mail no later than the 3rd calendar day before May 28, 2004;
2. It is determined by the Government that the late receipt was due solely to mishandling by the Government after receipt at the U.S. Department of Labor at the address indicated; or
3. It was sent by U.S. Postal Service Express Mail Next Day Service—Post Office to Addressee, not later than 5 p.m. at the place of mailing two (2) working days, excluding weekends and Federal holidays, prior to May 28, 2004.

The only acceptable evidence to establish the date of mailing of a late application sent by registered or certified mail is the U.S. Postal Service postmark on the envelope or wrapper and on the original receipt from the U.S. Postal Service. If the postmark is not legible, an application received after the above closing time and date will be processed as if mailed late. ''Postmark'' means a printed, stamped, or otherwise placed impression (not a postage meter machine impression) that is readily identifiable without further action as having been applied and affixed by an employee of the U.S. Postal Service on the date of mailing. Therefore, applicants should request that the postal clerk place a legible hand cancellation ''bull's-eye'' postmark on both the receipt and the envelope or wrapper.

The only acceptable evidence to establish the time of receipt at the U.S. Department of Labor is the date/time stamp of the Office of Disability Employment Policy on the application

wrapper or other documentary evidence or receipt maintained by that office.

Applications sent by other delivery services, such as Federal Express, UPS, etc., will also be accepted; however, the applicant bears the responsibility of timely submission.

ADDRESSES: Nomination packages must be submitted to the Office of Disability Employment Policy, 200 Constitution Avenue, NW., Room S–1303, Washington, DC 20210; Telephone 202 693–7880; TTY 202 693–7881.

FOR FURTHER INFORMATION CONTACT: Dina Dorich of the Office of Disability Employment Policy, telephone (202) 693–7880; TTY (202) 693–7881 (these are not toll-free numbers), prior to the closing deadline.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 27, 2004 (69 FR 9504), the Office of Disability Employment Policy published a Solicitation of Nominations for the Secretary of Labor's New Freedom Initiative Award. Nomination packages were to be submitted to the Office of Disability Employment Policy by May 21, 2004.

Because of the continuing interest in this solicitation, the agency believes that it is desirable to re-open and extend the period for submission of nominations. Therefore, the period for submission of nominations is extended until May 28, 2004.

Signed at Washington, DC, this 10th day of May, 2004.

W. Roy Grizzard, Jr.,

Assistant Secretary, Office of Disability, Employment Policy.

[FR Doc. 04–10962 Filed 5–13–04; 8:45 am]

BILLING CODE 4510–CX–P

DEPARTMENT OF LABOR

Employment and Training Administration

Proposed Information Collection Request; Submitted for Public Comment and Recommendations; Trade Act Participant Report (TAPR)

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration is soliciting comments concerning the proposed revision of the collection of the Trade Act Participant Report (TAPR). (OMB Control No. 1205–0392)

DATES: Submit comments on or before July 13, 2004.

ADDRESSES: Submit comments to Erin FitzGerald, Program Analyst, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room C–5311, 200 Constitution Ave., NW., Washington, DC 20210, telephone 202–693–3506 (this is not a toll-free number), FAX 202–693–3585, e-mail *fitzgerald.erin@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Erin FitzGerald, Program Analyst, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room C–5311, 200 Constitution Ave., NW., Washington, DC 20210, telephone 202–693–3506 (this is not a toll-free number) FAX 202–693–3585, e-mail *fitzgerald.erin@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. *Background:* On June 16, 1998, the Office of Management and Budget (OMB) approved a GPRA-compliant performance and participant outcomes data system for the Division of Trade Adjustment Assistance (DTAA); this system was revised in 2000 and is now known as the Trade Act Participant Report (TAPR). States implemented the TAPR beginning with the first quarter of fiscal year 1999 (October through December, 1998), and have continued to collect and report data every quarter since then.

II. *Desired Focus of Comments:* Currently, the Department of Labor is particularly interested in comments which:

- 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;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submissions of responses.

A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed above in the **ADDRESSES** section of this notice.

III. *Current Actions:* The Department of Labor is currently seeking to revise the TAPR with minimal changes that reflect expanded services implemented under the Trade Act of 2002. The Department intends to more substantially revise the collection of outcomes information later in the calendar year 2004 and incorporate the data collected on the TAPR into the common data collection system used to collect program data under the OMB common measures. The common data collection elements will be available for future public comment in 2004.

Type of Review: Revision.

Agency: Employment and Training Administration.

Title: Trade Act Participant Report (TAPR).

OMB Number: 1205–0392.

Affected Public: State governments.

Total Respondents: 50.

Average Time per Response: 47.5 hours per quarter.

Frequency: Quarterly.

Average Time per Response: 40 hours per week.

Estimated Total Burden Hours: 9,500.

Total Burden Cost (capital/startup): 0.

Total Burden Cost (operating/maintaining): $325.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: May 7, 2004.

Emily Stover DeRocco,

Assistant Secretary, Employment and Training Administration.

[FR Doc. 04–10963 Filed 5–13–04; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment Standards Administration; Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon And Related Acts,'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department.

Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S–3014, Washington, DC 20210.

Modification to General Wage Determination Decisions

The number of the decisions listed to the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and Related Acts'' being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

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Volume VII

None

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under the Davis-Bacon And Related Acts''. This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

General wage determinations issued under the Davis-Bacon and related Acts are available electronically at no cost on the Government Printing Office site at *http://www.access.gpo.gov/davisbacon.* They are also available electronically by subscription to the Davis-Bacon Online Service (*http://davisbacon.fedworld.gov)* of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at 1–800–363–2068. This subscription offers value-added features such as electronic delivery of modified wage decisions directly to the user's desktop, the ability to access prior wage decisions issued during the year, extensive Help Desk Support, etc.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the six separate Volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC, this 10th Day of May, 2004.

Terry Sullivan,

Acting Chief, Branch of Construction Wage Determinations.

[FR Doc. 04–10901 Filed 5–13–04; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Maritime Advisory Committee for Occupational Safety and Health; Notice of Meeting

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Maritime Advisory Committee for Occupational Safety and Health (MACOSH); notice of meeting.

SUMMARY: The Maritime Advisory Committee for Occupational Safety and Health (MACOSH) was established to advise the Assistant Secretary of Labor for OSHA on issues relating to occupational safety and health in the maritime industries. The purpose of this

Federal Register notice is to announce the June 2004 meeting of the committee.

DATES: The committee will meet on June 30 through July 1, 2004. On June 29, the MACOSH work groups will meet from 8 a.m. until 5 p.m.; on June 30, the full committee will meet from 8:30 a.m. until 5 p.m.; on July 1, the full committee will meet from 8:30 a.m. until approximately 4:30 p.m.

ADDRESSES: The committee will meet at the Holiday Inn on the Hill, 415 New Jersey Avenue, NW., Washington, DC 20001; phone (202) 638–1616; fax: (202) 638–0707.

Mail comments, views, or statements in response to this notice to Jim Maddux, Director, Office of Maritime, OSHA, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue, NW., Washington, DC 20210; phone: (202) 693–2086; FAX: (202) 693–1663.

FOR FURTHER INFORMATION CONTACT: For general information about MACOSH and this meeting: Jim Maddux, Director, Office of Maritime, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue, NW., Washington, DC 20210; phone: (202) 693–2086. For information about the submission of comments, and requests to speak: Vanessa L. Welch, Office of Maritime, OSHA, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue, NW., Washington, DC 20210; Phone: (202) 693–2086. Individuals with disabilities wishing to attend the meeting should contact Vanessa L. Welch at (202) 693–2086 no later than June 17, 2004 to obtain appropriate accommodations.

SUPPLEMENTARY INFORMATION: All MACOSH meetings are open to the public. All interested persons are invited to attend MACOSH at the times and places listed above. This meeting will include presentations and discussions of OSHA's standard and guidance activities (including the proposed standard for chromium VI), maritime enforcement, alliances and partnerships, outreach activities, OSHA's homeland security/emergency preparedness efforts, and MACOSH work group reports. MACOSH has formed five work groups to deal with health issues, container safety, traffic safety, outreach, and safety culture. Each workgroup will meet on June 29, following separate meetings for the shipyard and longshoring industries.

Public Participation: Written data, views or comments for consideration by MACOSH on the various agenda items listed above may be submitted to Vanessa Welch at the address listed above. Submissions received by June 17, 2004, will be provided to committee members and will be included in the record of the meeting. Requests to make oral presentations to the Committee may be granted as time permits. Anyone wishing to make an oral presentation to the Committee on any of the agenda items listed above should notify Vanessa Welch by June 4, 2004. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation.

Authority: John L. Henshaw, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice under the authority granted by 6(b)(1) and 7(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655, 656) the Federal Advisory Committee Act (5 U.S.C. App. 2), and 29 CFR part 1912.

Signed at Washington, DC, this 11th day of May, 2004.

John L. Henshaw,

Assistant Secretary of Labor.

[FR Doc. 04–11006 Filed 5–13–04; 8:45 am]

BILLING CODE 4510–26–M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

Determination of Executive Compensation Benchmark Amount Pursuant to Section 808 of Pub. L. 105–85

AGENCY: Office of Federal Procurement Policy, OMB.

ACTION: Notice.

SUMMARY: The Office of Management and Budget (OMB) is hereby publishing the attached memorandum to the heads of executive departments and agencies concerning the determination of the maximum ''benchmark'' compensation amount that will be allowable under government contracts during contractors' FY 2004—$432,851. This determination is required to be made pursuant to Section 808 of Pub. L. 105–85. It applies equally to both defense and civilian procurement agencies.

FOR FURTHER INFORMATION CONTACT: Rein Abel, Office of Federal Procurement Policy, on (202) 395–3254.

Joshua B. Bolten,

Director.

Memorandum for the Heads of Executive Departments and Agencies

Subject: Determination of Executive Compensation Benchmark Amount Pursuant to Section 808 of Pub. L. 105–85.

This memorandum sets forth the ''benchmark compensation amount'' as required by Section 39 of the Office of Federal Procurement Policy (OFPP) Act (41 U.S.C. 435), as amended. Under Section 39, the ''benchmark compensation amount'' is ''the median amount of the compensation provided for all senior executives of all benchmark corporations for the most recent year for which data is available.'' The ''benchmark compensation amount'' established as directed by Section 39 limits the allowability of compensation costs under government contracts. The ''benchmark compensation amount'' does not limit the compensation that an executive may otherwise receive.

Based on a review of commercially available surveys of executive compensation and after consultation with the Director of the Defense Contract Audit Agency, we have determined pursuant to the requirements of Section 39 that the benchmark compensation amount for contractor Fiscal Year 2004 is $432,851. This benchmark compensation amount is to be used for contractor Fiscal Year 2004, and subsequent contractor fiscal years, unless and until revised by OMB. This benchmark compensation amount applies to contract costs incurred after January 1, 2004, under covered contracts of both the defense and civilian procurement agencies as specified in Section 808 of Pub. L. 105–85.

Questions concerning this memorandum may be addressed to Rein Abel, Office of Federal Procurement Policy, on (202) 395–3254.

Joshua B. Bolten,

Director.

[FR Doc. 04–10925 Filed 5–13–04; 8:45 am]

BILLING CODE 3110–01–P

MILLENNIUM CHALLENGE CORPORATION

[FR 04–06]

Notice of Report on the Selection of Eligible Countries for FY 2004

AGENCY: Millennium Challenge Corporation.

SUMMARY: Section 608(d) of the Millennium Challenge Act of 2003, Pub. L. 108–199 (Division D) requires the Millennium Challenge Corporation to publish a report that lists the countries determined by the Board of Directors of the Corporation to be eligible for assistance for Fiscal Year 2004. The report is set forth below.

Report: The Act authorizes the provision of assistance to countries that enter into compacts with the United States to support policies and programs that advance the prospects of such countries to achieve lasting economic growth and poverty reduction. The Act requires the Millennium Challenge Corporation (''MCC'') to take a number of steps to determine the countries that, based on their demonstrated commitment to just and democratic governance, economic freedom and investing in their people, will be eligible

to receive Millennium Challenge Account (''MCA'') assistance during a fiscal year. These steps include the submission of reports to appropriate congressional committees and the publication of notices in the **Federal Register** that identify:

1. The ''candidate countries'' for MCA assistance (Section 608(a) of the Act);
2. The eligibility criteria and methodology that the MCC Board of Directors (the ''Board'') will use to select ''eligible countries'' from among the ''candidate countries'' (Section 608(b) of the Act); and
3. The countries determined by the Board to be ''eligible countries'' for a fiscal year, the countries on the list of eligible countries with which the Board will seek to enter into MCA ''Compacts'' and a justification for such decisions (Section 608(d) of the Act).

This is the third of the above-described reports. It identifies the countries determined by the Board to be eligible for MCA assistance in FY 2004 (other than under Section 616 of the Act) and those that the Board will seek to enter into MCA Compacts, and the justification for such decisions.

Eligible Countries

The MCC Board of Directors met on May 6, 2004, to select countries that will be eligible for FY 2004 MCA assistance (other than under Section 616 of the Act) and will be invited to submit proposals for such assistance. The Board determined the following countries eligible for FY 2004 assistance: Armenia, Benin, Bolivia, Cape Verde, Georgia, Ghana, Honduras, Lesotho, Madagascar, Mali, Mongolia, Mozambique, Nicaragua, Senegal, Sri Lanka, and Vanuatu.

In accordance with the Act and with MCC's ''Criteria and Methodology for Determining the Eligibility of Candidate Countries for Millennium Challenge Account Assistance in FY 2004,'' submitted to the Congress on March 2, 2004, selection was based on a country's overall performance in relation to three broad policy categories: Ruling Justly, Encouraging Economic Freedom, and Investing in People. The Board relied on sixteen publicly available indicators to assess policy performance as the predominant basis for determining which countries would be eligible for assistance. Where appropriate, the Board also considered other data and quantitative information as well as qualitative information to determine whether a country performed satisfactorily in relation to its peers in a given category, including performance with respect to investing in their people, particularly women and children, economic policies that promote private sector growth, the sustainable management of natural resources, and human and civil rights, including the rights of people with disabilities. The Board also considered whether any adjustments should be made for data gaps, lags, trends, or strengths or weaknesses in particular indicators.

The following countries were selected because (i) they performed above the median in relation to their peers on at least half of the indicators in each of the three policy categories, (ii) they performed above the median on corruption, (iii) they did not perform substantially below average on any indicator, and (iv) the supplemental information available to the Board supported their selection: Armenia, Benin, Ghana, Honduras, Madagascar, Mali, Mongolia, Nicaragua, Senegal, and Vanuatu.

Three of the countries performed above the median in relation to their peers on at least half of the indicators in each of the three policy categories and above the median on corruption, though they were substantially below average on one indicator: Cape Verde, Lesotho and Sri Lanka. The following is some of the information that was available to the Board in making its eligibility determinations that suggested that each of these countries was taking measures to address these shortcomings:

- Cape Verde—Although Cape Verde received a low score on the ''Trade Policy'' indicator, its score did not capture improvements resulting from a recent shift to a Value Added Tax that reduced Cape Verde's reliance on revenue from import tariffs. Cape Verde is also making good progress in its efforts toward World Trade Organization accession.
- Lesotho—Although Lesotho scores substantially below the median on the ''Days to Start a Business'' indicator, it recently established a one-stop shop to facilitate new business formation. It also performs very well overall in the ''Economic Freedom'' category and the other categories. Lesotho also performs well on other measures of starting a business; for example, it costs 68% of per capita income to start a business in Lesotho, versus a sub-Saharan Africa average of 256%, and Lesotho's minimum capital requirement for new businesses is only a tenth of the sub-Saharan average.
- Sri Lanka—Although Sri Lanka's score on the ''Fiscal Policy'' indicator falls substantially below the median, the deficit has declined each year since 2001, reflecting a positive trend over the past several years. Additionally, Sri Lanka's non-concessional borrowing in 2004 is expected to be less than half of the 2002 level.

Finally, three countries were determined by the Board to be eligible despite the fact that they (i) were not above the median in relation to their peers on at least half of the indicators in one of the three policy categories and/or (ii) were at or below the median on the corruption indicator. The Board made a positive eligibility determination on these countries in light of the notable actions taken by their governments and positive trends contained in supplemental information available to the Board. The following is some of the information that was available to the Board that suggested the policy performance of each of these countries was better than was reflected in the indicator data:

- Bolivia—Bolivia is right at the median on the ''Corruption'' indicator and is above the median on all of the other indicators in the ''Ruling Justly'' category; however, its current score on the ''Corruption'' indicator does not reflect changes made since President Mesa assumed power in October 2003. For instance, President Mesa has created a cabinet-level position to coordinate anti-corruption efforts as well as establishing an office to provide for the swift investigation of police corruption.
- Georgia—Although Georgia is at or below the median on more than half of the ''Ruling Justly'' categories, including the ''Corruption'' indicator, this data does not capture the substantial progress made by the newly elected Georgian government in only three months time. The Government of Georgia has, among other things, created an anti-corruption bureau, a new bureau to investigate and prosecute corruption cases, a single treasury account for all government revenue to ensure transparency and accountability, and has started revamping procurement legislation to ensure an open and competitive process.
- Mozambique—The trends and supplemental information that filled in data lags for Mozambique's ''Investing in People'' indicators demonstrated Mozambique's progress and achievement that were not reflected in the indicators. Primary education completion rates, for example, have been steadily rising in Mozambique, and this positive trend is backed by the fact that enrollment rates have increased to over 90% in 2000, from 60% in 1995. Girls' primary school enrollment rates increased by 60% between 1995 and 2000.

Although Mozambique scores above the median in four of the six ''Ruling Justly'' categories, it falls below the

median on the World Bank's anti-corruption indicator. However, certain indications suggest that this data is lagged and that Mozambique is making significant progress to fight corruption. Mozambique has passed new legislation to fight corruption and has created a special Anti-Corruption Unit that is conducting numerous investigations. These recent improvements on corruption are in fact reflected in another source—Transparency International's anti-corruption index—a more up-to-date indicator, in which it scored well above the median (74th percentile).

MCC will closely monitor the continued progress of these countries in these and other policy areas between the time of this report and the presentation to the Board of any proposed MCA Compact, and anticipates that continued performance and improvement in these areas will be part of the Compacts themselves.

Selection for Compact Negotiation

The Board also authorized the MCC to seek to negotiate an MCA Compact, as described in Section 609 of the Act, with each of the eligible countries identified above that develops a proposal that justifies beginning such negotiations. MCC will initiate the process by inviting eligible countries to submit program proposals to MCC. MCC has posted guidance on the MCC Web site (*http://www.mcc.gov*) regarding the development and submission of MCA program proposals, and will soon begin outreach visits to each of the eligible countries where this and related information on developing their proposals for MCA assistance will be discussed.

Submission of a proposal is not a guarantee that MCC will finalize a Compact with an eligible country. MCC will evaluate proposals and make funding decisions based on the potential for impacting economic growth and other considerations. The quality of the initial proposal—including how well the country has demonstrated the relationship between the proposed priority area(s) and economic growth and poverty reduction—will be a determining factor. An eligible country's commitment and capacity will also be a factor in determining how quickly MCC can begin substantive discussions with a country on a Compact and will likely influence the speed with which a Compact can be negotiated as well as the amount and timing of any MCA assistance approved by the Board.

Any MCA assistance (other than certain types of technical assistance or assistance provided under Section 616 of the Act) will be contingent on the successful negotiation of a mutually agreeable Compact between the eligible country and MCC, and approval of the Compact by the Board.

Dated: May 11, 2004.

Paul V. Applegarth,

Chief Executive Officer, Millennium Challenge Corporation.

[FR Doc. 04–10980 Filed 5–13–04; 8:45 am]

BILLING CODE 9210–01–P

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* 10 CFR Part 35, Medical Use of Byproduct Material.

2. *Current OMB approval number:* 3150–0010.

3. *How often the collection is required:* Reports of medical events, doses to an embryo/fetus or nursing child, or leaking sources are reportable on occurrence. A certifying entity desiring to be recognized by the NRC must submit a one-time request for recognition.

4. *Who is required or asked to report:* Physicians and medical institutions holding an NRC license authorizing the administration of byproduct material or radiation therefrom to humans for medical use.

5. *The estimated number of annual responses:* 242,030 (51,309 responses from NRC licensees + 1,759 recordkeepers and 184,686 responses from Agreement State licensees + 6,332 recordkeepers). Also 23 specialty certification boards are expected to request recognition under the proposed revision of Part 35 (amendment of 10 CFR Part 35, ''Medical Use of Byproduct Material—Recognition of Specialty Boards'').

6. *The estimated number of annual respondents:* 8,091 (1,759 NRC licensees and 6,332 Agreement State licensees).

7. *An estimate of the number of hours needed annually to complete the requirement or request:* 1,113,217 hours (242,030 hours for NRC licensees and 871,059 hours for Agreement State licensees [an average of 138 hours per licensee] and an additional one-time burden of 128 hours for certifying boards).

8. *Abstract:* 10 CFR Part 35, ''Medical Use of Byproduct Material,'' contains NRC's requirements and provisions for the medical use of byproduct material and for issuance of specific licenses authorizing the medical use of this material. These requirements and provisions provide for the radiation safety of workers, the general public, patients, and human research subjects. 10 CFR part 35 contains mandatory requirements that apply to NRC licensees authorized to administer byproduct material or radiation therefrom to humans for medical use.

The information in the required reports and records is used by the NRC to ensure that public health and safety is protected, and that the possession and use of byproduct material is in compliance with the license and regulatory requirements.

Submit, by July 13, 2004, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1 F21, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/index.html.* The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton (T–5 F–52), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, by telephone at 301–415–7233, or by Internet electronic mail to *INFOCOLLECTS@NRC.GOV.*

Dated at Rockville, Maryland, this 10th day of May 2004.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 04–10934 Filed 5–13–04; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Notice of Public Meeting of the Interagency Steering Committee on Radiation Standards

AGENCIES: U.S. Nuclear Regulatory Commission and U.S. Environmental Protection Agency.

ACTION: Notice of public meeting.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) will host a meeting of the Interagency Steering Committee on Radiation Standards (ISCORS) on June 17, 2004, in Rockville, Maryland. The purpose of ISCORS is to foster early resolution and coordination of regulatory issues associated with radiation standards. Agencies represented as members of ISCORS include the following: NRC; U.S. Environmental Protection Agency; U.S. Department of Energy; U.S. Department of Defense; U.S. Department of Transportation; the Occupational Safety and Health Administration of the U.S. Department of Labor; and the U.S. Department of Health and Human Services. ISCORS meeting observer agencies include the Office of Science and Technology Policy, Office of Management and Budget, Defense Nuclear Facilities Safety Board, as well as representatives from both the States of Illinois and Pennsylvania. ISCORS maintains several objectives: (1) Facilitate a consensus on allowable levels of radiation risk to the public and workers; (2) promote consistent and scientifically sound risk assessment and risk management approaches in setting and implementing standards for occupational and public protection from ionizing radiation; (3) promote completeness and coherence of Federal standards for radiation protection; and (4) identify interagency radiation protection issues and coordinate their resolution. ISCORS meetings include presentations by the chairs of the subcommittees and discussions of current radiation protection issues. Committee meetings normally involve pre-decisional intra-governmental discussions and, as such, are normally not open for observation by members of the public or media. One of the four ISCORS meetings each year is open to all interested members of the public. There will be time on the agenda for members of the public to provide comments. Summaries of previous ISCORS meetings are available at the ISCORS Web site, *www.iscors.org.* The final agenda for the June 2004 meeting will be posted on the web site shortly before the meeting.

DATES: The meeting will be held from 1 p.m. to 4 p.m. on Thursday, June 17, 2004.

ADDRESSES: The meeting will be held in the NRC auditorium, at Two White Flint North, 11545 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION, CONTACT: Susanne Woods, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–7267; FAX (301) 415–5398; electronic mail *SRW@NRC.GOV.*

SUPPLEMENTARY INFORMATION: Visitor parking around the NRC building is limited; however, the NRC auditorium is located adjacent to the White Flint Metro Station on the Red Line.

Dated at Rockville, MD, this 6th day of May, 2004.

For the Nuclear Regulatory Commission.

Scott Flanders,

Deputy Director, Environmental and Performance Assessment Directorate, Division of Waste Management and Environmental Performance, Office of Nuclear Materials Safety and Safeguards.

[FR Doc. 04–10933 Filed 5–13–04; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF MANAGEMENT AND BUDGET

Performance of Commercial Activities

AGENCY: Office of Management and Budget (OMB), Executive Office of the President.

ACTION: Update to Federal Pay Raise Assumptions and Inflation Factors Used in OMB Circular No. A–76, ''Performance of Commercial Activities.''

SUMMARY: OMB is updating the annual federal pay raise assumptions and inflation factors used for computing the government's in-house personnel and non-pay costs in public-private competitions conducted pursuant to Office of Management and Budget (OMB) Circular A–76. These annual pay raise assumptions and inflation factors are based on the President's Budget for Fiscal Year 2005.

DATES: *Effective date:* These changes are effective immediately and shall apply to all OMB Circular A–76 competitions in process where the government's in-house cost estimate has not been publicly revealed before this date.

FOR FURTHER INFORMATION CONTACT: Mathew Blum, Office of Federal Procurement Policy (OFPP), NEOB, Room 9013, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Tel. No. 202–395–4953.

Availability: Copies of OMB Circular A–76 may be obtained on the Internet at the OMB home page at *www.whitehouse.gov/omb/circulars/index.html#numerical.* Paper copies of the Circular may be obtained by calling OFPP (tel: (202) 395–7579).

Joshua B. Bolten,

Director.

Memorandum for the Heads of Executive Departments and Agencies

From: Joshua B. Bolten, Director.

Subject: Update of Annual Federal Pay Raise Assumptions and Certain Inflation Factors Used in OMB Circular A–76, Performance of Commercial Activities.

This memorandum updates the annual federal pay raise assumptions and inflation factors used for computing the government's in-house personnel and non-pay costs in public-private competitions conducted pursuant to Office of Management and Budget (OMB) Circular A–76. These annual pay raise assumptions and inflation factors are based on the President's Budget for Fiscal Year 2005.

The non-pay inflation factors are for purposes of Circular A–76 competitions only. They reflect the generic non-pay inflation assumptions used to develop the fiscal year 2005 budget baseline estimates required by law. The law requires that a specific inflation factor (GDP FY/FY chained price index) be used for this purpose. These inflation factors should not be viewed as estimates of expected inflation rates for major long-term procurement items or as an estimate of inflation for any particular agency's non-pay purchases mix.

FEDERAL PAY RAISE ASSUMPTIONS*

Effective date	Civilian (percent)	Military (percent)
January 2004	4.1	4.15
January 2005	1.5	3.5

* Pay raise assumptions have not been established for pay raises subsequent to January 2005. For January 2006 and beyond, the projected percentage change in the Employment Cost Index (ECI), 4 percent, should be used to estimate in-house personnel costs for A–76 competitions. In future updates to A–76 guidance, as pay policy for years subsequent to 2005 is established, these pay raise assumptions will be revised.

NON-PAY CATEGORIES (SUPPLIES AND EQUIPMENT, ETC.)

	(percent)
FY 2004	1.3
FY 2005	1.3
FY 2006	1.5
FY 2007	1.7
FY 2008	1.9
FY 2009	*2.0

* Any subsequent years included in the period of performance and cost comparison shall continue to use the 2.0% figure, until otherwise revised by OMB.

The pay rates (including geographic pay differentials) that are in effect for 2004 shall be included for the development of in-house personnel costs. The pay raise factors provided for 2005 and beyond shall be applied to all employees, with no assumption being made as to how they will be distributed between possible locality and base pay increases.

[FR Doc. 04–10926 Filed 5–13–04; 8:45 am]

BILLING CODE 3110–01–P

PENSION BENEFIT GUARANTY CORPORATION

Required Interest Rate Assumption for Determining Variable-Rate Premium; Interest Assumptions for Multiemployer Plan Valuations Following Mass Withdrawal

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of interest rates and assumptions.

SUMMARY: This notice informs the public of the interest rates and assumptions to be used under certain Pension Benefit Guaranty Corporation regulations. These rates and assumptions are published elsewhere (or can be derived from rates published elsewhere), but are collected and published in this notice for the convenience of the public. Interest rates are also published on the PBGC's Web site (*http://www.pbgc.gov*).

DATES: The required interest rate for determining the variable-rate premium under part 4006 applies to premium payment years beginning in May 2004. The interest assumptions for performing multiemployer plan valuations following mass withdrawal under part 4281 apply to valuation dates occurring in June 2004.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024. (TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION:

Variable-Rate Premiums

Section 4006(a)(3)(E)(iii)(II) of the Employee Retirement Income Security Act of 1974 (ERISA) and § 4006.4(b)(1) of the PBGC's regulation on Premium Rates (29 CFR part 4006) prescribe use of an assumed interest rate (the ''required interest rate'') in determining a single-employer plan's variable-rate premium. Pursuant to the Pension Funding Equity Act of 2004, for premium payment years beginning in 2004 or 2005, the required interest rate is the ''applicable percentage'' (currently 85 percent) of the annual rate of interest determined by the Secretary of the Treasury on amounts invested conservatively in long-term investment grade corporate bonds for the month preceding the beginning of the plan year for which premiums are being paid. Thus, the required interest rate to be used in determining variable-rate premiums for premium payment years beginning in May 2004 is 4.98 percent (*i.e.*, 85 percent of the 5.86 percent composite corporate bond rate for April 2004 as determined by the Treasury).

The following table lists the required interest rates to be used in determining variable-rate premiums for premium payment years beginning between June 2003 and May 2004. Note that the required interest rates for premium payment years beginning in June through December 2003 were determined under the Job Creation and Worker Assistance Act of 2002, and that the required interest rates for premium payment years beginning in January through May 2004 were determined under the Pension Funding Equity Act of 2004.

For premium payment years beginning in:	The required interest rate is:
June 2003*	4.53
July 2003*	4.37
August 2003*	4.93
September 2003*	5.31
October 2003*	5.14
November 2003*	5.16
December 2003*	5.12
January 2004**	4.94
February 2004**	4.83
March 2004**	4.79
April 2004**	4.62
May 2004**	4.98

* The required interest rates for premium payment years beginning in June through December 2003 were determined under the Job Creation and Worker Assistance Act of 2002.

** The required interest rates for premium payment years beginning in January through May 2004 were determined under the Pension Funding Equity Act of 2004.

Multiemployer Plan Valuations Following Mass Withdrawal

The PBGC's regulation on Duties of Plan Sponsor Following Mass Withdrawal (29 CFR part 4281) prescribes the use of interest assumptions under the PBGC's regulation on Allocation of Assets in Single-Employer Plans (29 CFR part 4044). The interest assumptions applicable to valuation dates in June 2004 under part 4044 are contained in an amendment to part 4044 published elsewhere in today's **Federal Register**. Tables showing the assumptions applicable to prior periods are codified in appendix B to 29 CFR part 4044.

Issued in Washington, DC, on this 11th day of May 2004.

Joseph H. Grant,

Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation.

[FR Doc. 04–11032 Filed 5–13–04; 8:45 am]

BILLING CODE 7708–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 26446; 812–13051]

J.P. Morgan Investment Management Inc., et al., Notice of Application

May 10, 2004.

AGENCY: Securities and Exchange Commission (''SEC'' or ''Commission'').

ACTION: Notice of application for an order under sections 6(c) and 17(b) of the Investment Company Act of 1940 (the ''Act'') for an exemption from section 17(a) of the Act.

Applicants: J.P. Morgan Investment Management, Inc., (''JPMIM''), any other existing or future registered investment adviser which acts as investment adviser or subadviser to a Money Market Fund (defined below) and which controls, is controlled by, or is under common control (as defined in section 2(a)(9) of the Act) with J.P. Morgan Chase & Co. (''JPM'') (''Future Advisers''),[1] J.P. Morgan Securities Inc. (''JPMSI''), J.P. Morgan Mutual Fund Trust (''JPMMFT''), all existing and

[1] JPMIM and the Future Advisers are referred to collectively in this notice as the Advisers. Any Adviser that currently intends to rely on the requested order is named as an applicant in this application. Any other Adviser that relies on the order in the future will comply with the terms and conditions of this application.

future series of JPMMFT which are money market funds subject to rule 2a–7 under the Act, and any existing or future registered investment companies and their series which are money market funds subject to rule 2a–7 under the Act, that are advised or subadvised by the Advisers.[2]

Summary of Application: Applicants request an order to permit the Money Market Funds to engage in principal transactions in tax-exempt money market instruments with JPMSI.

Filing Dates: The application was filed on December 17, 2003, and amended on April 27, 2004.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on June 7, 2004, and should be accompanied by proof of service on the applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Commission's Secretary.

ADDRESSES: Secretary, Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Applicants: c/o Philip von Turk, Esq., JPMorgan Chase Bank, Legal Department, 345 Park Avenue, 5th Floor, New York, NY 10154–1002; and Robert B. Adams, Esq. and Merrill B. Stone, Esq., Kelley Drye & Warren LLP, 101 Park Avenue, New York, NY 10178.

FOR FURTHER INFORMATION CONTACT: Bruce R. MacNeil, Senior Counsel, (202) 942–0634 or Janet M. Grossnickle, Branch Chief, (202) 942–0564 (Office of Investment Company Regulation, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the Commission's Public Reference Branch, 450 Fifth Street, NW., Washington, DC 20549–0102 (tel. 202–942–8090).

Applicants' Representations

1. JPMMFT is an open-end management investment company registered under the Act and is organized as a business trust under the laws of the Commonwealth of Massachusetts. Certain series of JPMMFT are Money Market Funds which are authorized to invest in Municipal Instruments.[3] ''Municipal Instruments'' are short-term tax-exempt money market securities, including tax-exempt securities that qualify for purchase by a money market fund under rule 2a–7 under the Act due to the existence of a floating rate of interest or a demand feature.

2. JPMIM, a Delaware corporation, is a wholly owned subsidiary of JPM, a bank holding company and a Delaware corporation. JPMIM is registered as an investment adviser under the Investment Advisers Act of 1940. Currently, each Money Market Fund has an investment advisory agreement with JPMIM under which JPMIM provides investment advisory and management services.

3. JPMSI is a wholly-owned subsidiary of JPM and is registered as a broker-dealer under the Securities Exchange Act of 1934 (the ''1934 Act''). JPMSI, a primary dealer in U.S. Government securities, is one of the largest dealers in money market instruments, including Municipal Instruments, in the United States.

4. Applicants state that the Advisers and JPMSI are functionally independent of each other. JPMSI and the Advisers operate as completely separate entities under the umbrella of JPM, the parent holding company. While JPMSI and the Advisers are under common control, each entity has its own separate directors, officers and employees, is separately capitalized, maintains its own separate books and records and operates on different sides of walls of separation with respect to the Money Market Funds and Municipal Securities. The Advisers also maintain offices physically separate from JPMSI.

5. Investment decisions for the Money Market Funds are determined solely by the Advisers. The portfolio managers and other employees that are responsible for the investment of the Money Market Funds are employed solely by one of the Advisers (and not JPMSI), and have lines of reporting responsibility solely within the Advisers. The compensation of personnel assigned to an Adviser will not depend on the volume or nature of trades with JPMSI, except to the extent that such trades may affect the profits and losses of JPM and its subsidiaries as a whole.

6. Municipal Instruments are commonly referred to as ''tax-exempt money market instruments'' and are traded in the ''tax-exempt money market.'' Applicants state that the tax-exempt money market is generally characterized by: (a) Obligors or guarantors having high credit ratings and, accordingly, relatively low risk of principal losses due to credit events; (b) trading in over-the-counter markets, consisting of dealer firms that are primarily major securities firms or large banks; (c) trading costs to the portfolio primarily consisting of dealer or underwriter spreads, typically not greater than 12.5 basis points (0.125%), but subject to variations based on the type of instrument or the occurrence of turbulent market conditions; (d) an elaborate telephone communication network to match buyers with sellers, which generally precludes being able to obtain a single market price for a given instrument at any given time; and (e) varying price, volatility, liquidity and availability for each type of instrument within the market.

7. Applicants state that recent growth in tax-exempt money market fund assets and withdrawals by several major dealers from making markets in Municipal Instruments have contributed to the limited availability of Municipal Instruments to money market funds that are authorized to purchase Municipal Instruments. Applicants assert that, over the past few years, the growth in money market funds that purchase Municipal Instruments has substantially outpaced the growth in Municipal Instruments.

8. Applicants state that JPMSI has remained committed to the tax-exempt market, and has moved to fill the void left by departing dealers. As the number of dealers with which the Money Market Funds can transact business has decreased, it has become even more important for the Money Market Funds to have meaningful access to all of the

[2] All existing or future series of JPMMFT which are money market funds subject to rule 2a–7 under the Act and are authorized to invest in Municipal Instruments (as defined below) and any existing or future registered investment companies and their series which are money market funds subject to rule 2a–7 under the Act and which are authorized to invest in Municipal Instruments and which are advised or subadvised by the Advisers are referred to collectively in this notice as the ''Money Market Funds.'' Any Money Market Fund that currently intends to rely on the requested order is named as an applicant in this application. Any other Money Market Fund that relies on the order in the future will comply with the terms and conditions of this application.

[3] The current Money Market Funds of JPMMFT are J.P. Morgan Liquid Assets Money Market Fund, J.P. Morgan California Tax Free Money Market Fund, J.P. Morgan New York Tax Free Money Market Fund, J.P. Morgan Prime Money Mark Fund and J.P. Morgan Tax Free Money Market Fund. In 2002, a Commission order was issued permitting certain of the Money Market Funds to engage in principal transactions in taxable money market instruments with JPMSI. *J.P. Morgan Fleming Asset Management (USA), Inc., et al.*, Investment Company Act Release Nos. 25574 (May 15, 2002) (notice) and 25608 (June 11, 2002) (order). While the Money Market Funds which are not tax-exempt funds generally do not invest in Municipal Instruments, each has the investment flexibility to do so under its investment objectives and policies.

major dealers in Municipal Instruments in order to diversify each Money Market Fund's investments, to maintain portfolio liquidity, and to increase opportunities for obtaining best price and execution with respect to portfolio trades.

9. Applicants state that Municipal Instruments include conventional municipal notes (''conventional notes''), tax-exempt commercial paper, and variable rate demand notes. Applicants state that there is no comprehensive information published as to the dollar amount and volume of secondary market transactions executed in Municipal Instruments. However, JPMSI believes that it is generally one of the top five secondary market dealers in Municipal Instruments. Based upon JPMSI estimates, JPMSI was responsible for 12.8% of the trading volume in variable rate demand notes and tax-exempt commercial paper among JPMSI and nine other leading dealers as of October, 2003. This estimate includes 12.2% of the trading volume of variable rate demand notes and 14.7% of tax-exempt commercial paper. In addition, JPMSI, estimates that its market share in 2002 for Municipal Instruments in the new issue market included 6.4% of conventional notes, 14% of tax-exempt commercial paper and 12% of variable rate demand notes.

10. Subject to the general supervision of the trustees of JPMMFT (collectively, the ''Trustees''), the Advisers are responsible for making investment decisions and for the placement of portfolio transactions. The Money Market Funds have no obligation to deal with any dealer or group of dealers in the execution of their portfolio transactions. When placing orders, an Adviser must attempt to obtain the best net price and the most favorable execution of its orders. In doing so, it takes into account such factors as price, the size, type and difficulty of the transaction involved and the dealer's general execution and operational facilities.

Applicants' Legal Analysis

1. Applicants request an order pursuant to sections 6(c) and 17(b) of the Act exempting certain transactions from the provisions of section 17(a) of the Act to permit JPMSI, acting as principal, to sell to or purchase from the Money Market Funds Municipal Instruments, subject to the conditions set forth below.

2. Section 17(a) of the Act generally prohibits an affiliated person or principal underwriter of a registered investment company, or any affiliated person of that person, acting as principal, from selling to or purchasing from the registered company, or any company controlled by the registered company, any security or other property. Because an Adviser is an affiliated person of the Money Market Funds it advises and JPMSI and the Advisers are under common control, the Money Market Funds are currently prohibited from conducting portfolio transactions with JPMSI in transactions in which JPMSI acts as principal.

3. Section 17(b) of the Act provides that the Commission, upon application, may exempt a transaction from the provisions of section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair, and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company concerned and with the general purposes of the Act. Section 6(c) provides that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

4. Applicants contend that the rationale for the proposed order is based upon the decreased liquidity in the money market in Municipal Instruments, the major role played in the tax-exempt money market by JPMSI and the special requirements of the Money Market Funds with respect to their portfolio transactions. In particular applicants note the following:

a. With over $14 billion invested in Municipal Instruments, the Money Market Funds are major buyers and sellers in the tax-exempt money market with a strong need for access to large quantities of high quality Municipal Instruments. The applicants believe that access to such a significant dealer as JPMSI in this market increases the Money Market Funds' ability to obtain suitable portfolio securities.

b. The fact that the Money Market Funds regularly invest in securities with short maturities, combined with the active portfolio management techniques employed by the Advisers often results in high portfolio activity and the need to make numerous purchases and sales of securities and instruments. This high portfolio activity emphasizes the importance of increasing opportunities to obtain suitable portfolio securities and best price and execution.

c. The tax-exempt money market is highly competitive, and maintaining a dealer as prominent as JPMSI in the pool of dealers with which the Money Market Funds could conduct principal transactions may provide the Money Market Funds with opportunities to purchase and sell Municipal Instruments, including those not available from other sources.

d. JPMSI is such a major factor in the tax-exempt money market that being unable to deal directly with JPMSI may indirectly deprive the Money Market Funds of obtaining best price and execution even when the Money Market Funds trade with unaffiliated dealers.

5. Applicants believe that the requested order will benefit the investors of each Money Market Fund by providing the Money Market Funds with more complete access to Municipal Instruments which is needed to ensure the availability of suitable portfolio securities at the best price and execution. Applicants believe that the conditions below and procedures to be followed with respect to principal transactions between the Money Market Funds and the Advisers with JPMSI are designed to ensure that the terms of such transactions will be, in all instances, reasonable and fair, will not involve overreaching on the part of any person concerned, and would eliminate the possibility of abuses. Applicants further submit that the requested exemption is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. The exemption shall be applicable to principal transactions in the secondary market and primary or secondary fixed price dealer offerings not made pursuant to underwriting syndicates. Principal purchase or sale transactions will be conducted only in Municipal Instruments that are First Tier Securities as defined in rule 2a–7(a)(12)(i) under the Act. Notwithstanding the foregoing, if a Money Market Fund purchases a Municipal Instrument meeting the above requirements from JPMSI and, subsequent to such purchase the security becomes no longer an ''Eligible Security,'' the Money Market Fund may sell the security to JPMSI in a manner consistent with the requirements of rule

2a–7(c)(6)(i)(B). The exemption shall not apply to any purchase or sale of any security issued by JPM or any affiliated person thereof or to any security subject to a Demand Feature or Guarantee, as defined in rule 2a–7, issued by JPM or any affiliated person thereof. For purposes of this requirement, JPM will not be considered to be the issuer of a Demand Feature or Guarantee solely by reason of the fact that JPM or an affiliate thereof serves as a remarketing agent for a Municipal Instrument.

2. A determination will be made with respect to each principal transaction conducted by a Money Market Fund pursuant to the order, based upon the information reasonably available to the Money Market Funds and the Advisers, that the price available from JPMSI is at least as favorable to the Money Market Fund as the prices obtained from two other dealer bids in connection with securities falling within the same category of instrument, quality and maturity (but not necessarily the identical security or issuer) (''price test''). In the case of variable rate demand notes, for which dealer bids are not ordinarily available, the Money Market Funds will only undertake purchases and sales where the rate of interest to be earned from the variable rate demand note is at least equal to that of variable rate demand notes of comparable quality that are available from other dealers. Neither JPM nor any other affiliate thereof (other than the Advisers) will have any involvement with respect to proposed transactions between the Money Market Funds and the Advisers and, except to the extent set forth in condition 6(d) below, will not attempt to influence or control in any way the placing by the Money Market Funds or the Advisers of orders with JPMSI.

3. Before any principal transaction may be conducted pursuant to the order, the Money Market Funds or the Advisers must obtain such information as they deem reasonably necessary to determine that the price test has been satisfied. In the case of each purchase or sale transaction, the Money Market Funds or the Advisers must make and document a good faith determination with respect to compliance with the price test based on current price information obtained through the contemporaneous solicitation of bona fide offers in connection with securities falling within the same category of instrument, quality and maturity (but not necessarily the identical security or issuer). With respect to variable rate demand notes, contemporaneous solicitation of a bona fide offer will be construed to mean any bona fide offer solicited during the same trading day. With respect to prospective purchases of securities by a Money Market Fund, the dealer firms from which prices are solicited must be those who have securities of the same categories and the type desired in their inventories and who are in a position to quote favorable prices with respect thereto. With respect to the prospective sale of securities by a Money Market Fund, these dealer firms must be those who, in the experience of the Money Market Funds and the Advisers, are in a position to quote favorable prices.

4. Principal transactions conducted by a Money Market Fund pursuant to the order shall be limited to no more than an aggregate of 20% of the purchases and 20% of the sales of Municipal Instruments conducted by that Money Market Fund. These calculations shall be measured on an annual basis and shall be computed with respect to the dollar volume thereof. For the purposes of these calculations, purchases of Municipal Instruments by a Money Market Fund shall also count towards the 25% cumulative limitation for purchases or sales set forth in condition 3 of J.P. Morgan Fleming Asset Management (USA), Inc., Investment Company Act Release No. 25574 (May 11, 2002).

5. JPMSI's dealer spread regarding any transaction with the Money Market Funds will be no greater than its customary dealer spread on similar transactions (with unaffiliated parties) of a similar size during a comparable time period. Its customary dealer spread also will be consistent with the average or standard spread charged by dealers in money market securities of a similar type and transaction size.

6. The Advisers, on the one hand, and JPMSI, on the other, will operate on different sides of appropriate walls of separation with respect to the Money Market Funds and Municipal Instruments. The walls of separation will include all of the following characteristics, and such others as may from time to time be considered reasonable by JPMSI and the Advisers to facilitate the factual independence of the Advisers from JPMSI:

a. Each of the Advisers will maintain offices physically separate from those of JPMSI.

b. The compensation of persons assigned to any of the Advisers (*i.e.*, executive, administrative or investment personnel) will not depend on the volume or nature of trades effected by the Advisers for the Money Market Funds with JPMSI under the exemption, except to the extent that such trades may affect the profits and losses of JPM and its subsidiaries as a whole.

c. JPMSI will not compensate the Advisers from its profits or losses on such specific transactions with any of the Advisers, provided that the allocation of the profits by JPM to its shareholders and the determination of general firm-wide compensation of officers and employees, will be unaffected by this undertaking.

d. Personnel assigned to the Advisers' investment advisory operations on behalf of the Money Market Funds will be exclusively devoted to the business and affairs of one or more of the Advisers. Personnel assigned to JPMSI will not participate in the decision-making process for or otherwise seek to influence the Advisers other than in the normal course of sales and dealer activities of the same nature as are simultaneously being carried out with respect to nonaffiliated institutional clients. Each Adviser, on the one hand, and JPMSI, on the other hand, may nonetheless maintain affiliations other than with respect to the Money Market Funds, as follows:

i. Adviser personnel may rely on research, including credit analysis and reports prepared internally by various subsidiaries and divisions of JPMSI.

ii. Certain senior executives of JPM with responsibility for overseeing operations of various divisions, subsidiaries and affiliates of JPM are not precluded from exercising those functions over the Advisers because they oversee JPMSI as well, provided that such persons shall not have any involvement with respect to proposed transactions pursuant to the exemption and will not in any way attempt to influence or control the placing by the Money Market Funds or any Adviser of orders in respect of Municipal Instruments with JPMSI.

7. The Money Market Funds and the Advisers will maintain such records with respect to those transactions conducted pursuant to the exemption as may be necessary to confirm compliance with the conditions to the requested relief. To this end, each Money Market Fund shall maintain the following:

a. An itemized daily record of all purchases and sales of securities pursuant to the exemption, showing for each transaction the following: (i) The name and quantity of securities; (ii) the unit purchase or sale price; and (iii) the time and date of the transaction. For each transaction (other than variable rate demand notes), these records shall document two quotations received from other dealers for securities falling within the same category of instrument, quality and maturity; including the

following: (i) The names of the dealers; (ii) the names of the securities; (iii) the prices quoted; and (iv) the times and dates the quotations were received. In the case of variable rate demand notes, the same records shall be maintained except that the rates of return quoted will be substituted for the prices quoted.

b. Records sufficient to verify compliance with the volume limitations contained in condition (4) above. JPMSI will provide the Money Market Funds with all records and information necessary to implement this requirement.

The records required by this condition (7) will be maintained and preserved in the same manner as records required under rule 31a–1(b)(1) under the Act.

8. The legal and compliance departments of JPMSI and the Advisers will prepare and administer guidelines for personnel of JPMSI and the Advisers to make certain that transactions conducted pursuant to the order comply with the conditions set forth in the order and that the parties generally maintain arm's-length relationships. In the training of JPMSI's personnel, particular emphasis will be placed upon the fact that the Money Market Funds are to receive rates as favorable as other institutional purchasers buying the same quantities. The legal and compliance departments will periodically monitor the activities of JPMSI and the Advisers to make certain that the conditions set forth in the order are adhered to.

9. The Trustees who are not ''interested persons,'' as defined in section 2(a)(19) of the Act (''Independent Trustees''), will approve, periodically review, and update as necessary, guidelines for the Money Market Funds and the Advisers that are reasonably designed to make certain that the transactions conducted pursuant to the exemption comply with the conditions set forth therein and that the above procedures are followed in all respects. The Independent Trustees will periodically monitor the activities of the Money Market Funds and the Advisers in this regard to ensure that these goals are being accomplished.

10. The Trustees, including a majority of the Independent Trustees, will have approved each Money Market Fund's participation in transactions conducted pursuant to the exemption and determined that such participation by the Money Market Fund is in the best interests of the Money Market Fund and its shareholders. The minutes of the meeting of the Trustees at which this approval was given must reflect in detail the reasons for the Trustees' determination. The Trustees will review no less frequently than annually each Money Market Fund's participation in transactions conducted pursuant to the exemption during the prior year and determine whether the Money Market Fund's participation in such transactions continues to be in the best interests of the Money Market Fund and its shareholders. Such review will include (but not be limited to) (a) a comparison of the volume of transactions in each type of security conducted pursuant to the exemption to the market presence of JPMSI in the market for that type of security, which market data may be based on good faith estimates to the extent that current formal data is not reasonably available, and (b) a determination that the Money Market Funds are maintaining appropriate trading relationships with other sources for each type of security, to ensure that there are appropriate sources for the quotations required by condition 3. The minutes of the meetings of the Trustees at which these determinations are made will reflect in detail the reasons for the Trustees' determinations.

11. A majority of Trustees will be Independent Trustees and these Independent Trustees will select and nominate any other Independent Trustees. Any person who acts as legal counsel for the Independent Trustees will be an independent legal counsel within the meaning of rule 0–1 under the Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 04–10951 Filed 5–13–04; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of May 17, 2004:

A Closed Meeting will be held on Tuesday, May 18, 2004 at 2 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), (9), and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii), and (10), permit consideration of the scheduled matters at the Closed Meeting.

Commissioner Atkins, as duty officer, voted to consider the items listed for the closed meetings in closed sessions.

The subject matter of the Closed Meeting scheduled for Tuesday, May 18, 2004 will be:

Formal orders of investigation;

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings of an enforcement nature; and

An adjudicatory matter.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 942–7070.

Dated: May 11, 2004.

Jonathan G. Katz,

Secretary.

[FR Doc. 04–11098 Filed 5–12–04; 11:37 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–49668; File No. SR–Amex–2004–21]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of a Proposed Rule Change by American Stock Exchange LLC Relating to Trust Certificates Linked to a Basket of Investment Grade Fixed Income Securities

May 7, 2004.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 29, 2004, the American Stock Exchange LLC (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and is

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

approving the proposal on an accelerated basis.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to approve for listing and trading under Section 107A of the Amex Company Guide (''Company Guide''), trust certificates linked to a basket of investment grade fixed income debt instruments.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Amex included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The Amex has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

Under Section 107A of the Company Guide, the Exchange may approve for listing and trading securities which cannot be readily categorized under the listing criteria for common and preferred stocks, bonds, debentures, or warrants.[3] The Amex proposes to list for trading under Section 107A of the Company Guide, the asset-backed securities (''ABS Securities'') representing ownership interests in the Select Notes Trust 2004–03 (''Trust''), a special purpose trust to be formed by Structured Obligations Corporation (''SOC''),[4] and the trustee of the Trust pursuant to a trust agreement, which will be entered into on the date that the ABS Securities are issued. The assets of the Trust will consist primarily of a basket or portfolio of up to approximately twenty-five (25) investment-grade fixed-income securities (''Underlying Corporate Bonds'') and United States Department of Treasury STRIPS or securities issued by the United States Department of the Treasury (''Treasury Securities'') or government sponsored entity securities (''GSE Securities''). In the aggregate, the component securities of the basket or portfolio will be referred to as the ''Underlying Securities.''

The ABS Securities will conform to the initial listing guidelines under Section 107A[5] and continued listing guidelines under Sections 1001–1003[6] of the Company Guide. At the time of issuance, the ABS Securities will receive an investment grade rating from a nationally recognized securities rating organization (''NRSRO''). The issuance of the ABS Securities will be a repackaging of the Underlying Corporate Bonds together with the addition of either Treasury Securities or GSE Securities,[7] with the obligation of the Trust to make distributions to holders of the ABS Securities depending on the amount of distributions received by the Trust on the Underlying Securities.

However, due to the pass-through and passive nature of the ABS Securities, the Exchange intends to rely on the assets and stockholder equity of the issuers of the Underlying Corporate Bonds, as well as GSE Securities, rather than the Trust to meet the requirement in Section 107A of the Company Guide. The corporate issuers of the Underlying Corporate Bonds and GSE Securities will meet or exceed the requirements of Section 107A of the Company Guide. The distribution and principal amount/aggregate market value requirements found in Section 107A(b) and (c), respectively, will otherwise be met by the Trust as issuer of the ABS Securities. In addition, the Exchange for purposes of including Treasury Securities will rely on the fact that the issuer is the United States Government rather than the asset and stockholder tests found in Section 107A.

The basket of Underlying Securities will not be managed and will generally remain static over the term of the ABS Securities. Each of the Underlying Securities provides for the payment of interest on a semi-annual basis and the ABS Securities will provide for monthly or quarterly distributions of interest. Neither the Treasury Securities or GSE Securities will make periodic payments of interest.[8] The Exchange represents that, to alleviate this cash flow timing issue, the Trust will enter into an interest distribution agreement (''Interest Distribution Agreement'') as described in the prospectus supplement related to the ABS Securities (''Prospectus Supplement'').[9] Principal distributions on the ABS Securities are expected to be made on dates that correspond to the maturity dates of the Underlying Securities (*i.e.*, the Underlying Corporate Bonds and Treasury Securities or GSE Securities). However, some of the Underlying Securities may have redemption provisions and in the event of an early redemption or other liquidation (*e.g.*, upon an event of default) of the Underlying Securities, the proceeds from such redemption (including any make-whole premium associated with such redemption) or liquidation will be distributed pro rata to the holders of the ABS Securities. Each Underlying Corporate Bond will be issued by a

[3] *See* Securities Exchange Act Release No. 27753 (March 1, 1990), 55 FR 8626 (March 8, 1990) (order approving File No. SR–Amex–89–29).

[4] SOC is a wholly-owned special purpose entity of J.P. Morgan Securities Holdings Inc. and the registrant under the Form S–3 Registration Statement (No. 333–67188) under which the securities will be issued.

[5] The initial listing standards for the ABS Securities require: (1) A minimum public distribution of one million units; (2) a minimum of 400 shareholders; (3) a market value of at least $4 million; and (4) a term of at least one year. However, if traded in thousand dollar denominations, then there is no minimum holder requirement. In addition, the listing guidelines provide that the issuer have assets in excess of $100 million, stockholder's equity of at least $10 million, and pre-tax income of at least $750,000 in the last fiscal year or in two of the three prior fiscal years. In the case of an issuer which is unable to satisfy the earning criteria stated in Section 101 of the Company Guide, the Exchange pursuant to Section 107A of the Company Guide will require the issuer to have the following: (1) Assets in excess of $200 million and stockholders' equity of at least $10 million; or (2) assets in excess of $100 million and stockholders' equity of at least $20 million.

[6] The Exchange's continued listing guidelines are set forth in Sections 1001 through 1003 of Part 10 to the Exchange's Company Guide. Section 1002(b) of the Company Guide states that the Exchange will consider removing from listing any security where, in the opinion of the Exchange, it appears that the extent of public distribution or aggregate market value has become so reduced to make further dealings on the Exchange inadvisable. With respect to continued listing guidelines for distribution of the ABS Securities, the Exchange will rely on the guidelines for bonds in Section 1003(b)(iv). Section 1003(b)(iv)(A) provides that the Exchange will normally consider suspending dealings in, or removing from the list, a security if the aggregate market value or the principal amount of bonds publicly held is less than $400,000.

[7] A GSE Security is a security that is issued by a government-sponsored entity such as Federal National Mortgage Association (Fannie Mae), Federal Home Loan Mortgage Corporation (Freddie Mac), Student Loan Marketing Association (Sallie Mae), the Federal Home Loan Banks and the Federal Farm Credit Banks. All GSE debt is sponsored but not guaranteed by the federal government, whereas government agencies such as Government National Mortgage Association (Ginnie Mae) are divisions of the U.S. government whose securities are backed by the full faith and credit of the U.S.

[8] A stripped fixed income security, such as a Treasury Security or GSE Security, is a security that is separated into its periodic interest payments and principal repayment. The separate strips are then sold individually as zero coupon securities providing investors with a wide choice of alternative maturities.

[9] Pursuant to the Interest Distribution Agreement, shortfalls in the amounts available to pay monthly or quarterly interest to holders of the ABS Securities due to the Underlying Securities paying interest semi-annually will be made to the Trust by JP Morgan Chase Bank or one of its affiliates and will be repaid out of future cash flow received by the Trust from the Underlying Securities.

corporate issuer and purchased in the secondary market.

In the case of Treasury Securities, the Trust will either purchase the securities directly from primary dealers or in the secondary market that consists of primary dealers, non-primary dealers, customers, financial institutions, non-financial institutions and individuals. Similarly, in the case of GSE Securities, the Trust will either purchase the securities directly from the issuer or in the secondary market.

Holders of the ABS Securities generally will receive interest on the face value in an amount to be determined at the time of issuance of the ABS Securities and disclosed to investors. The rate of interest payments will be based upon prevailing interest rates at the time of issuance and made to the extent that coupon payments are received from the Underlying Securities. Distributions of interest will be made monthly or quarterly. Investors will also be entitled to be repaid the principal of their ABS Securities from the proceeds of the principal payments on the Underlying Securities.[10] The payout or return to investors on the ABS Securities will not be leveraged.

The ABS Securities will mature on the latest maturity date of the Underlying Securities. Holders of the ABS Securities will have no direct ability to exercise any of the rights of a holder of an Underlying Corporate Bond; however, holders of the ABS Securities as a group will have the right to direct the Trust in its exercise of its rights as holder of the Underlying Securities.

The proposed ABS Securities are virtually identical to a product currently listed and traded on the Exchange.[11] The only difference being the actual Underlying Securities in the basket of investment grade fixed-income securities. Accordingly, the Exchange proposes to provide for the listing and trading of the ABS Securities where the Underlying Securities meet the Exchange's Bond and Debenture Listing Standards set forth in Section 104 of the Company Guide. The Exchange represents that all of the Underlying Securities in the proposed basket will meet or exceed these listing standards.

The Exchange's Bond and Debenture Listing Standards in Section 104 of the Company Guide provide for the listing of individual bond or debenture issuances provided the issue has an aggregate market value or principal amount of at least $5 million and any of: (1) The issuer of the debt security has equity securities listed on the Exchange (or on the New York Stock Exchange, Inc. (''NYSE'') or on the Nasdaq National Market ''(Nasdaq'')); (2) an issuer of equity securities listed on the Exchange (or on the NYSE or on the Nasdaq) directly or indirectly owns a majority interest in, or is under common control with, the issuer of the debt security; (3) an issuer of equity securities listed on the Exchange (or on the NYSE or on the Nasdaq) has guaranteed the debt security; (4) an NRSRO has assigned a current rating to the debt security that is no lower than an S&P Corporation (''S&P'') ''B'' rating or equivalent rating by another NRSRO; or (5) or if no NRSRO has assigned a rating to the issue, an NRSRO has currently assigned (i) an investment grade rating to an immediately senior issue or (ii) a rating that is no lower than a S&P ''B'' rating or an equivalent rating by another NRSRO to a pari passu or junior issue.

In addition to the Exchange's Bond and Debenture Listing Standards, an Underlying Security must also be of investment grade quality as rated by an NRSRO and at least 75% of the underlying basket is required to contain Underlying Securities from issuances of $100 million or more. The maturity of each Underlying Security is expected to match the payment of principal of the ABS Securities with the maturity date of the ABS Securities being the latest maturity date of the Underlying Securities. Amortization of the ABS Securities will be based on (1) The respective maturities of the Underlying Securities, including Treasury Securities or GSE Securities, (2) principal payout amounts reflecting the pro-rata principal amount of maturing Underlying Securities and (3) any early redemption or liquidation of the Underlying Securities, including Treasury Securities or GSE Securities.

Investors will be able to obtain the prices for the Underlying Securities through Bloomberg L.P. or other market vendors, including the broker-dealer through whom the investor purchased the ABS Securities. In addition, The Bond Market Association (''TBMA'') provides links to price and other bond information sources on its investor Web site at *http://www.investinginbonds.com*. Transaction prices and volume data for the most actively-traded bonds on the exchanges are also published daily in newspapers and on a variety of financial websites. The National Association of Securities Dealers, Inc. (''NASD'') Trade Reporting and Compliance Engine (''TRACE'') will also help investors obtain transaction information for the most active corporate debt securities, such as investment grade corporate bonds.[12] For a fee, investors can have access to intra-day bellwether quotes.[13]

Price and transaction information for Treasury Securities and GSE Securities may also be obtained at *http://www.publicdebt.treas.gov* and *http://www.govpx.com,* respectively. Price quotes are also available to investors via proprietary systems such as Bloomberg L.P., Reuters and Dow Jones Telerate. Valuation prices[14] and analytical data may be obtained through vendors such as Bridge Information Systems, Muller Data, Capital Management Sciences, Interactive Data Corporation and Barra.

The ABS Securities will be listed in $1,000 denominations with the Exchange's existing debt floor trading rules applying to trading.[15] First, pursuant to Amex Rule 411, the Exchange will impose a duty of due diligence on its members and member firms to learn the essential facts relating to every customer prior to trading the ABS Securities.[16] Second, the ABS Securities will be subject to the debt margin rules of the Exchange.[17] Third,

[10] The Underlying Securities may drop out of the basket upon maturity or upon payment default or acceleration of the maturity date for any default other than payment default. *See* Prospectus for a schedule of the distribution of interest and of the principal upon maturity of each Underlying Security and for a description of payment default and acceleration of the maturity date.

[11] *See* Securities Exchange Act Release Nos. 49315 (February 24, 2004), 69 FR 9882 (March 2, 2004) (File No. SR–Amex–2004–08); 49136 (January 28, 2004), 69 FR 6345 (File No. SR–Amex–2003–99); 48791 (November 17, 2003), 68 FR 65750 (November 21, 2003) (File No. SR–Amex–2003–92); 48312 (August 8, 2003), 68 FR 48970 (August 15, 2003) (File No. SR–Amex–2003–69); 47884 (May 16, 2003), 68 FR 28305 (May 23, 2003) (File No. SR–Amex–2003–37); 47730 (April 24, 2003), 68 FR 23340 (May 1, 2003) (File No. SR–Amex–2003–25); 46923 (November 27, 2002), 67 FR 72247 (December 4, 2002) (File No. SR–Amex–2002–92); and 46835 (November 14, 2002), 67 FR 70271 (November 21, 2002) (File No. SR–Amex–2002–70).

[12] *See* Securities Exchange Act Release No. 43873 (January 23, 2001), 66 FR 8131 (January 29, 2001). Investors are able to access TRACE information at *http://www.nasdbondinfo.com/*.

[13] Corporate prices are available at 20-minute intervals from Capital Management Services at *http://www.bondvu.com/*.

[14] ''Valuation Prices'' refer to an estimated price that has been determined based on an analytical evaluation of a bond in relation to similar bonds that have traded. Valuation prices are based on bond characteristics, market performance, changes in the level of interest rates, market expectations and other factors that influence a bond's value.

[15] The ABS Securities will trade on Amex's debt trading floor. Telephone conversation between Jeffrey P. Burns, Associate General Counsel, Amex, and Florence Harmon, Senior Special Counsel, Division of Market Regulation, Commission, on May 7, 2004.

[16] Amex Rule 411 requires that every member, member firm or member corporation use due diligence to learn the essential facts, relative to every customer and to every order or account accepted.

[17] *See* Amex Rule 462.

the Exchange will, prior to trading the ABS Securities, distribute a circular to the membership providing guidance with regard to member firm compliance responsibilities (including suitability recommendations) when handling transactions in the ABS Securities and highlighting the special risks and characteristics of the ABS Securities. With respect to suitability recommendations and risks, the Exchange will require members, member organizations and employees thereof recommending a transaction in the ABS Securities: (1) To determine that such transaction is suitable for the customer, and (2) to have a reasonable basis for believing that the customer can evaluate the special characteristics of, and is able to bear the financial risks of such transaction.

The Exchange represents that its surveillance procedures are adequate to properly monitor the trading of the ABS Securities. Specifically, the Amex will rely on its existing surveillance procedures governing debt, which have been deemed adequate under the Act. In addition, the Exchange also has a general policy which prohibits the distribution of material, non-public information by its employees.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with section 6 [18] of the Act in general and furthers the objectives of section 6(b)(5) [19] in particular in that it is designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, remove impediments to and perfect the mechanisms of a free and open market and a national market system, and, in general, protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange did not receive any written comments on the proposed rule change.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic comments:

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–2004–AMEX–21 on the subject line.

Paper comments:

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609.

All submissions should refer to File Number SR–2004–AMEX–21. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of such filing also will be available for inspection and copying at the principal office of the Amex. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–2004–AMEX–21 and should be submitted on or before June 4, 2004.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

After careful consideration, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with the requirements of section 6(b)(5) of the Act.[20] The Commission finds that this proposal is similar to several approved equity-linked instruments currently listed and traded on the Amex.[21] Accordingly, the Commission finds that the listing and trading of the ABS Securities is consistent with the Act and will promote just and equitable principles of trade, foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, and, in general, protect investors and the public interest consistent with section 6(b)(5) of the Act.[22]

As described more fully above, the ABS Securities are asset-backed securities and represent a repackaging of the Underlying Corporate Bonds together with the addition of either Treasury Securities or GSE Securities, subject to certain distribution of interest obligations of the Trust. The ABS Securities are not leveraged instruments. The ABS Securities are debt instruments whose price will still be derived and based upon the value of the Underlying Securities. Investors are guaranteed at least the principal amount that they paid for the Underlying Securities. In addition, each of the Underlying Corporate Bonds will pay interest on a semi-annual basis while the ABS Securities themselves will pay interest on the monthly or quarterly basis, pursuant to the Interest Distribution Agreement. Neither the Treasury Securities or GSE Securities will make periodic payments of interest.[23] In addition, the ABS Securities will mature on the latest maturity date of the Underlying Securities.[24] However, due to the pass-through nature of the ABS Securities, the level of risk involved in the purchase or sale of the ABS Securities is similar to the risk involved in the purchase or sale of traditional common stock.

The Commission notes that the Exchange's rules and procedures that address the special concerns attendant to the trading of hybrid securities will

[18] 15 U.S.C. 78f(b).

[19] 15 U.S.C. 78f(b)(5).

[20] *Id.*

[21] *See supra* note 11.

[22] 15 U.S.C. 78f(b)(5). In approving this rule, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[23] *See supra* note 8.

[24] The Commission notes, however, that the Exchange has represented that the Underlying Securities may drop out of the basket upon maturity or upon payment default or acceleration of the maturity date of any default other than payment default. *See* Prospectus for a schedule of the distribution of interest and of the principal upon maturity of each Underlying Security and for a description of payment default and acceleration of the maturity date.

be applicable to the ABS Securities. In particular, by imposing the hybrid listing standards, suitability disclosure, and compliance requirements noted above, the Commission believes the Exchange has addressed adequately the potential problems that could arise from the hybrid nature of the ABS Securities. Moreover, the Commission notes that the Exchange will distribute a circular to its membership calling attention to the specific risks associated with the ABS Securities.

The Commission notes that the ABS Securities are dependent upon the individual credit of the issuers of the Underlying Securities. To some extent this credit risk is similar minimized by the Exchange's listing standards in Section 107A of the Company Guide which provide that only issuers satisfying asset and equity requirements may issue securities such as the ABS Securities. In addition, the Exchange's ''Other Securities'' listing standards further provide that there is no minimum holder requirement if the securities are traded in thousand dollar denominations.[25] The Commission notes that the Exchange has represented that the ABS Securities will be listed in $1000 denominations with its existing debt floor trading rules applying to the trading. In any event, financial information regarding the issuers of the Underlying Securities will be publicly available.[26]

Due to the pass-through and passive nature of the ABS Securities, the Commission does not object to the Exchange's reliance on the assets and stockholder equity of the Underlying Securities rather than the Trust to meet the requirement in Section 107A of the Company Guide. The Commission notes that the distribution and principal amount/aggregate market value requirements found in Sections 107A(b) and (c), respectively, will otherwise be met by the Trust as issuer of the ABS Securities. Thus, the ABS Securities will conform to the initial listing guidelines under Section 107A and continued listing guidelines under Sections 1001–1003 of the Company Guide, except for the assets and stockholder equity characteristics of the Trust. At the time of issuance, the Commission also notes that the ABS Securities will receive an investment grade rating from an NRSRO.

The Commission also believes that the listing and trading of the ABS Securities should not unduly impact the market for the Underlying Securities or raise manipulative concerns. As discussed more fully above, the Exchange represents that, in addition to requiring the issuers of the Underlying Securities meet the Exchange's Section 107A listing requirements (in the case of Treasury Securities, the Exchange will rely on the fact that the issuer is the United States Government rather than the asset and stockholder tests found in Section 107A), the Underlying Securities will also be required to meet or exceed the Exchange's Bond and Debenture Listing Standards pursuant to Section 104 of the Amex's Company Guide, which among other things, requires that underlying debt instrument receive at least an investment grade rating of ''B'' or equivalent from an NRSRO. Furthermore, at least 75% of the basket is required to contain Underlying Securities from issuances of $100 million or more. The Amex also represents that the basket of Underlying Securities will not be managed and will remain static over the term of the ABS Securities. In addition, the Amex's surveillance procedures will serve to deter as well as detect any potential manipulation.

The Commission notes that the investors may obtain price information on the Underlying Securities through market venders such as Bloomberg L.P., or through websites such as *http://www.investinginbonds.com* (for Underlying Corporate Bonds) and *http://www.publicdebt.treas.gov* and *http://www.govpx.com* (for Treasury Securities and GSE Securities, respectively).

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice thereof in the **Federal Register**. The Amex has requested accelerated approval because this product is similar to other asset-backed instruments currently listed and traded on the Amex.[27] The Commission believes that the ABS Securities will provide investors with an additional investment choice and that accelerated approval of the proposal will allow investors to begin trading the ABS Securities promptly. Additionally, the ABS Securities will be listed pursuant to Amex's existing hybrid security listing standards as described above. Based on the above, the Commission believes that there is good cause, consistent with Sections 6(b)(5) and 19(b)(2) of the Act[28] to approve the proposal on an accelerated basis.

V. Conclusion

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[29] that the proposed rule change (SR–Amex–2004–21) is hereby approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[30]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 04–10954 Filed 5–13–04; 8:45 am]

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[25] *See* Company Guide Section 107A.

[26] The ABS Securities will be registered under section 12 of the Act.

[27] *See supra* note 11.

[28] 15 U.S.C. 78f(b)(5) and 78s(b)(2).

[29] 15 U.S.C. 78*o*–3(b)(6) and 78s(b)(2).

[30] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–49674; File No. SR–NASD–2004–001]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to Arbitrator Training Fees

May 10, 2004.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 7, 2004, the National Association of Securities Dealers, Inc. (''NASD''), through its wholly owned subsidiary, NASD Dispute Resolution (''NASD Dispute Resolution''), filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by NASD Dispute Resolution. On April 2, 2004, NASD filed Amendment No. 1 to the proposed rule change.[3] The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASD is proposing to amend the fees that are charged to its panel member arbitrators. The text of the proposed rule change is available at the principal office of NASD and at the Commission.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* letter from Mignon McLemore, NASD, to Katherine England, Assistant Director, Division of Market Regulation, Commission, dated April 2, 2004.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NASD has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

NASD proposes to raise the fee for panel member training from $100 to $125 for all applicants who register for the training after the proposed rule change becomes effective. This increase is intended to offset increased costs of providing the panel member training program, due primarily to increased room rental and staff travel costs. The proposed increase of $25 per trainee also will allow NASD to increase the honorarium provided to arbitrators who serve as co-trainers for the programs.

Dispute Resolution staff plans to extend the length of the current four-hour training program to cover additional subject matter. Following approval of the proposed rule change, the usual panel member training program will consist of a four-hour morning session, followed by a two-hour afternoon session.[4] During the afternoon session, staff and the designated co-trainer, who is an arbitrator on the roster, will facilitate a videotaped training on civility. In light of the increased length of the training session, NASD plans to raise the honorarium of each co-trainer from $300 for a four-hour program to $400 for a six-hour program.

NASD believes the increase in the training fee will enable it to provide in-depth arbitrator training, which will improve the quality of the arbitrator roster. Moreover, NASD believes this nominal increase is an equitable allocation of reasonable fees among persons using an NASD system or facility.

2. Statutory Basis

NASD believes that the proposed rule change is consistent with the provisions of section 15A(b)(6) of the Act, which requires, among other things, that the Association's rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. NASD believes that the minimal increase in the in-person panel member training fee will help NASD improve the knowledge and experience of arbitrators and thus, improve the quality of the NASD arbitration forum.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASD does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic comments:

- Use the Commission's Internet comment form *(http://www.sec.gov/rules/sro.shtml);* or
- Send an E-mail to *rule-comments@sec.gov.* Please include File Number SR–NASD–2004–001 on the subject line.

Paper comments:

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609.

All submissions should refer to File Number SR–NASD–2004–001. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site *(http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of NASD. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASD–2004–001 and should be submitted on or before June 4, 2004.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 04–10952 Filed 5–13–04; 8:45 am]

BILLING CODE 8010–01–P

[4] NASD room rental expenses will not increase, because rates quoted are for the entire business day.

[5] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–49673; File No. SR–NASD–2004–016]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to Implementation of a Web-based Arbitration Claim Notification and Filing Procedure

May 10, 2004.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 29, 2004, the National Association of

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Securities Dealers, Inc. (''NASD'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by NASD. On February 25, 2004, NASD filed Amendment No. 1 to the proposed rule change.[3] On April 16, 2004, NASD filed Amendment No. 2 to the proposed rule change.[4] The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Below is the text of the proposed rule change. Proposed new language is in *italics.*

* * * * *

10314. Initiation of Proceedings

Except as otherwise provided herein, an arbitration proceeding under this Code shall be instituted as follows:

(a) Statement of Claim

(1) The Claimant shall file with the Director of Arbitration an executed Submission Agreement, a Statement of Claim of the controversy in dispute, together with the documents in support of the Claim, and the required deposit. Sufficient additional copies of the Submission Agreement and the Statement of Claim and supporting documents shall be provided to the Director of Arbitration for each party and each arbitrator. The Statement of Claim shall specify the relevant facts and the remedies sought. The Director of Arbitration shall endeavor to serve promptly by mail or otherwise on the Respondent(s) one (1) copy of the Submission Agreement and one (1) copy of the Statement of Claim.

(2) A Claimant or counsel (referred to herein collectively as ''Claimant'') may use the online claim notification and filing procedure to complete part of the arbitration claim filing process through the Internet. To commence this process, a Claimant may complete a Claim Information Form that can be accessed through an NASD Web site. In completing the Claim Information Form, the Claimant may attach an electronic version of the Statement of Claim to the form, provided it does not exceed 50 pages. Once this online form has been completed, an NASD Dispute Resolution Tracking Form will be generated and displayed for the Claimant to reproduce as necessary. The Claimant shall then file with the Director of Arbitration the rest of the materials required in subparagraph (1), above, along with a hard copy of the NASD Dispute Resolution Tracking Form.

(Remainder of rule unchanged.)

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NASD has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

NASD Dispute Resolution proposes to amend NASD Rule 10314(a) to allow parties to complete part of the arbitration claim filing process through the Internet.

Background

NASD Dispute Resolution is upgrading its computer technology platform, in what is known as the MATRICS[5] Computer Project, which will replace its two legacy case management systems: CRAFTIS[6] and NLSS.[7] Before the upgrade is complete, the MATRICS Computer Project will be implemented in a series of overlapping releases between the second quarter of 2003 and the fourth quarter of 2005. A significant component of this upgrade includes the development of an online, Web-based arbitration claim notification and filing system. The release to implement this component of the upgrade was originally scheduled for deployment in 2005, but has taken less time than anticipated to design and develop. Once this component of the release had been tested, NASD decided to accelerate the implementation of the online claim notification and filing procedure, to the first quarter of 2004.

Current Procedures for Filing and Processing an Arbitration Claim

Currently, if a party wants to file an arbitration claim, a package of materials is sent to the party to complete.[8] The materials contain a Claim Information Sheet that NASD Dispute Resolution asks the party to complete on a voluntary basis. The Claim Information Sheet gathers key data about the claim and the parties and serves as a reliable source of background information for intake staff.[9] Once the party has completed the materials, the party then completes the claim filing process by submitting the Statement of Claim, executed Uniform Submission Agreement, and filing fee and hearing session deposit through the mail.[10]

When the intake staff in New York receives the Claimant's materials, they enter this new claim information into NASD's CRAFTIS computer system. This process requires manual entry of data by at least two staff members in different offices. For example, when a new claim is received, a staff member in New York opens a case file by reviewing either the Statement of Claim or the Claim Information Sheet, if it is submitted, and by inputting the claim information in a new CRAFTIS file. Once this process is complete, the case is assigned to the appropriate NASD Dispute Resolution regional office, where another staff member performs an analysis of the claim documents and then manually enters more data (*i.e.*, party information, type of dispute, fees, and relief requested) into this CRAFTIS file. This process requires the staff member to analyze the case to determine what information must be entered into CRAFTIS and to input the data into the system. This stage of the process usually takes an average of 30 minutes per case.

The Effects of the Online Claim Notification Procedure

The proposed rule change would modify how an arbitration claim is filed in several ways. In the package of information sent to the Claimant or

[3] *See* letter from Mignon McLemore, Counsel, NASD, to Katherine England, Assistant Director, Division of Market Regulation, Commission, dated February 24, 2004.

[4] *See* letter from Mignon McLemore, Counsel, NASD, to Katherine England, Assistant Director, Division of Market Regulation, Commission, dated April 16, 2004.

[5] MATRICS stands for Mediation and Arbitration Tracking Retrieval Interactive Case System.

[6] CRAFTIS is the legacy software application that NASD Dispute Resolution uses to support its case administration function. It uses an old technology platform and is not Web-based.

[7] NLSS stands for the Neutral List Selection System, which is the computer program NASD uses to appoint arbitrators on a rotational basis.

[8] Parties may also download this information from NASD Dispute Resolution's Web site.

[9] NASD Dispute Resolution estimates that the sheet is submitted in approximately 75% of the arbitration cases filed.

[10] Pursuant to the Code, ''mailing'' can be accomplished by first-class postage pre-paid, overnight mail service, method of delivery acceptable to the parties and the Director.

counsel (referred to herein collectively as ''Claimant''), in addition to a Claim Information Sheet, there will be instructions on how to submit a Claim Information Form online, including procedures for accessing the system. Prior to submitting a claim for the first time, a Claimant will obtain a User Identification name (''User ID'') and password through a self-registration process on the NASD Web site. Repeat Claimants, and attorneys who are submitting new claims on behalf of different Claimants, may continue to use their User ID and password to enter data for new cases.

The proposed rule change would allow a Claimant to commence the arbitration claim filing process by completing a Claim Information Form online that can be accessed through an NASD Web site.[11] The Claim Information Form has been upgraded to allow the Claimant to attach an electronic version of the Statement of Claim to the form, provided it does not exceed 50 pages. Once this online form has been completed, the Claimant will be prompted to print the NASD Dispute Resolution Tracking Form (''Tracking Form''). The Claimant would then complete the claim filing process by filing a copy of the Tracking Form, the Statement of Claim (if it has not been submitted electronically), an executed Uniform Submission Agreement, and the filing fee and hearing session deposit through the mail, as is current practice.[12]

Benefits of the Online Claim Notification Procedure

The online version of the Claim Information Form would gather information similar to the paper version currently in use, but the format would be upgraded to provide:

- A ''look up'' tool, that will be used to provide the exact name of the member or associated person for automatic insertion into the Claim Information Form;
- A link to the fee calculators, which will calculate the amount that should be remitted with the Statement of Claim; and
- ''Tool tips'' to help the Claimant navigate the Claim Information Form.

These enhancements will enable Claimants to enter the required information more quickly and accurately. For example, the Claim Information Form will require that the Claimant list those members or associated persons who would be parties to the claim. The Claim Information Form ''look up'' tool will provide the exact name of the member or associated person. Once the Claimant has found the requisite information, the system will allow the Claimant to load the information automatically into the form fields, thus minimizing transcription errors. If, after a search using the ''look up'' tool, the Claimant is unable to find the requisite information, the Claimant may type whatever information the Claimant has into a text box on the form for intake staff to analyze.

The Claim Information Form will also provide a link to the existing online fee calculator, to assist the Claimant in determining the correct amount of fees and deposits associated with the claim.

Further, the Claim Information Form will provide on-screen guidance to Claimants through ''tool tips,'' which are small help screens that can be displayed in order to assist the Claimant in completing certain data elements.

Once the Claimant has completed the Claim Information Form, the system will generate a Tracking Form that will summarize the Claimant's entries for review and provide a tracking number for the claim. Prior to submission, the Claimant will be prompted to print a hard copy of the Tracking Form to file with the other documentation to NASD Dispute Resolution. The system will also encourage the Claimant to print a copy as a receipt. The remaining aspects of the claim filing procedure remain unchanged from the Claimant's perspective.

The intake staff in New York will be notified that a claim has been electronically submitted when it receives the Claimant's materials in hard copy with the Tracking Form attached. The intake staff will access the system and, using the tracking number or some other identifying information, locate the Claimant's data. The data will be stored in a secure ''holding area'' in the system, where an intake staff member will verify it, and then upload it into the CRAFTIS system. The uploaded data will instantly be transferred to the screens currently completed manually by applicable staff. Once this process is completed, the Claimant's file will be transferred to the appropriate NASD Dispute Resolution regional office, where the staff member will be able to analyze the case without having to input data into CRAFTIS.

Conclusion

NASD Dispute Resolution believes that the online claim notification procedure will expedite the case intake process, provide better data accuracy, reduce manual data entry, and provide for more efficient claims intake and administration. Moreover, NASD Dispute Resolution believes that the implementation of a Web-based arbitration claim notification and filing system is a positive step toward streamlining the claim filing process and providing global access to potential filers.[13]

2. Statutory Basis

NASD believes that the proposed rule change is consistent with the provisions of section 15A(b)(6) of the Act,[14] which require, among other things, that the Association's rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. In light of recent regulatory developments in the securities markets, NASD believes the proposed rule change will enhance the efficiency of the NASD arbitration forum, by providing a better mechanism to process new claims expeditiously.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASD does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

[11] The current Web site address for the online claim filing system is *http://www.nasdadr.com/uniform_forms_guide.asp.*

[12] Submission of documents through this online notification system does not alter the date a claim is filed; rather, filing a claim requires submission of documentation pursuant to Rule 10314(a).

[13] NASD believes that most potential filers have access to the Internet. During the transition from paper filing to the online claim notification and filing procedure, NASD staff will work with any Claimants who have technological problems with using this system.

[14] 15 U.S.C. 78o–3(b)(6).

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic comments:

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an E-mail to *rule-comments@sec.gov.* Please include File Number SR–NASD–2004–016 on the subject line.

Paper comments:

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609.

All submissions should refer to File Number SR–NASD–2004–016. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW, Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of NASD. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number and should be submitted on or before June 4, 2004.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[15]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 04–10953 Filed 5–13–04; 8:45 am]

BILLING CODE 8010–01–P

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–49667; File No. SR–NASD–2004–073]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change by the National Association of Securities Dealers, Inc. To Change the Minimum Term for Selected Equity-Linked Debt Securities

May 7, 2004.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 27, 2004, the National Association of Securities Dealers, Inc. (''NASD''), through its subsidiary, The Nasdaq Stock Market, Inc. (''Nasdaq''), filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by Nasdaq. Nasdaq has designated the proposed rule change as constituting a ''non-controversial'' rule change under subparagraph (f)(6) of Rule 19b–4 under the Act,[3] which renders the proposal effective upon receipt of this filing by the Commission.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

Nasdaq proposes to modify NASD Rule 4420(g) to reduce the minimum term of Selected Equity-linked Debt Securities (''SEEDS'') from two years to one year.

The text of the proposed rule change is below. Proposed new language is in *italics;* proposed deletions are in [brackets].[5]

* * * * *

4420. Quantitative Designation Criteria

(a) through (f) No change

(g) Nasdaq will consider designating as Nasdaq National Market securities Selected Equity-linked Debt Securities (SEEDS) that generally meet the criteria of this paragraph (g). SEEDS are limited-term, non-convertible debt securities of an issuer where the value of the debt is based, at least in part, on the value of another issuer's common stock or non-convertible preferred stock (or sponsored American Depositary Receipts (ADRs) underlying such equity securities).

(1) No change

(2) Equity-Linked Debt Security Listing Standards

The issue must have:

(A) through (C) No change

(D) a term of *one* [two] to seven years; provided that if the issuer of the underlying security is a non-U.S. company, or if the underlying security is a sponsored ADR, the issue may not have a term of more than three years.

(3) through (5) No change

(h) through (l) No change

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Nasdaq has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The proposed rule change reduces from two years to one the minimum term of SEEDS that may qualify for Nasdaq National Market designation

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

[4] As required by 17 CFR 240.19b–4(f)(6), Nasdaq has represented that the proposed rule change will not significantly affect the protection of investors or the public interest, nor will it impose any significant burden on competition. Nasdaq also fulfilled its obligation to provide at least five business days notice to the Commission of its intent to file this proposed rule change by notice on April 16, 2004. The NASD's proposed rule change is similar to the rules regarding the minimum term of equity-linked debt securities for the American Stock Exchange LLC (''Amex''), the Chicago Stock Exchange, Inc. (''CHX''), and the New York Stock Exchange, Inc. (''NYSE'').

[5] The proposed rule change is marked to show changes to NASD Rule 4420(g) as currently reflected in the NASD Manual available at *www.nasd.com.* No other pending or approved rule filings would affect the text of Rule 4420(g).

under NASD Rule 4420(g). Nasdaq represents that several other self-regulatory organizations that maintain specific listing criteria for equity-linked debt securities similar to the criteria in NASD Rule 4420(g) have in recent years reduced the minimum term requirement with respect to such securities from two years to one.[6] In order to provide issuers of equity-linked debt securities that have a term shorter than two years with a greater choice of listing venues, Nasdaq is now seeking to make the same change. Nasdaq represents that comprehensive surveillance procedures, which are designed to identify and deter manipulative trading activity, are in place with respect to the SEEDS.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 15A of the Act,[7] in general and furthers the objectives of Section 15A(b)(6) of the Act,[8] in particular, in that, by reducing the minimum term of SEEDS, impediments to a free and open market and a national market system will be removed, and investors and the public interest will be protected.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

This proposed rule filing has been filed by Nasdaq as a ''non-controversial'' rule change pursuant to Section 19(b)(3)(A) of the Act[9] and subparagraph (f)(6) of Rule 19b–4 thereunder.[10] Nasdaq states that the foregoing proposed rule change does not significantly affect the protection of investors or the public interest, nor does it impose any significant burden on competition. Nasdaq also provided the Commission with written notice of its intent to file the proposed rule change at least five days prior to the filing date, as statutorily required.

Pursuant to subparagraph (f)(6) of Rule 19b–4,[11] the Commission has the authority to shorten the time period for the effectiveness of a rule ''if consistent with the protection of investors and the public interest.'' In this case, shortening the time period for effectiveness from 30 days after the date of filing[12] to immediate effectiveness is consistent with the protection of investors and the public interest because approval of this proposed rule conforms the listing criteria for equity-linked debt instruments to those of the Amex, the CHX, and the NYSE.[13]

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic comments:

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send E-mail to *rule-comments@sec.gov.* Please include File Number SR–NASD–2004–073 on the subject line.

Paper comments:

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609.

All submissions should refer to File Number SR–NASD–2004–073. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of the NASD. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASD–2004–073 and should be submitted on or before June 4, 2004.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 04–10955 Filed 5–13–04; 8:45 am]

BILLING CODE 8010–01–P

[6] *See* Securities Exchange Act Release No. 42313 (Jan. 4, 2000), 65 FR 2205 (Jan. 13, 2000) (CHX rule change reducing the minimum term of eligible equity-linked debt securities from two years to one and eliminating the maximum term requirement); Securities Exchange Act Release No. 42110 (Nov. 5, 1999), 64 FR 61677 (Nov. 12, 1999) (Amex rule change reducing the minimum term of eligible equity-linked debt securities from two years to one and eliminating the maximum term requirement); Securities Exchange Act Release No. 41992 (Oct. 7, 1999), 64 FR 56007 (Oct. 15, 1999) (NYSE rule change reducing the minimum term of eligible equity-linked debt securities from two years to one and eliminating the maximum term requirement).

[7] 15 U.S.C. 78*o*–3.

[8] 15 U.S.C. 78*o*–3(b)(6).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–(f)(6).

[11] *Id.*

[12] *Id.*

[13] For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[14] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[License No. 01/01–0396]

Seacoast Capital Partners II, L.P.; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that Seacoast Capital Partners II, L.P., 55 Ferncroft Road, Danvers, MA 01923, a Federal Licensee under the Small Business Investment Act of 1958, as amended (''the Act''), in connection with the financing of a small concern, has sought an exemption under section 312 of the Act and section 107.730, Financings which Constitute Conflicts of Interest of the Small Business Administration (''SBA'') rules and regulations (13 CFR 107.730 (2002)). Seacoast Capital Partners II, L.P. proposes to provide subordinated debt financing to KODA Distribution, Inc., 154 Pioneer Drive,

Leominster, Massachusetts 01453. The financing is contemplated to pay off expiring subordinated debt used for working capital purposes.

The financing is brought within the purview of § 107.730(a)(4) of the Regulations because Seacoast Capital Partners II, L.P.''s investment in KODA Distribution, Inc. will discharge an obligation of Seacoast Capital Partners, L.P., an Associate of Seacoast Capital Partners II, L.P. Therefore, this transaction is considered a financing of an Associate requiring prior SBA approval.

Notice is hereby given that any interested person may submit written comments on the transaction, within 15 days of the date of this publication, to the Associate Administrator for Investment, U.S. Small Business Administration, 409 Third Street, SW., Washington, DC 20416.

Dated: May 11, 2004.

Jeffrey D. Pierson,

Associate Administrator for Investment.

[FR Doc. 04–10975 Filed 5–13–04; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #P032]

State of North Dakota

As a result of the President's major disaster declaration for Public Assistance on May 5, 2004, the U.S. Small Business Administration is activating its disaster loan program only for private non-profit organizations that provide essential services of a governmental nature. I find that Benson, Cavalier, Grand Forks, Griggs, Nelson, Pembina, Ramsey, Steele, Traill and Walsh Counties, and the Spirit Lake Indian Reservation in the State of North Dakota constitute a disaster area due to damages caused by severe storms, flooding, and ground saturation occurring on March 26, 2004, and continuing. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on July 6, 2004, at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 3 Office, 14925 Kingsport Road, Fort Worth, TX 76155–2243.

The interest rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations Without Credit Available Elsewhere:	2.900
Non-Profit Organizations With Credit Available Elsewhere:	4.875

The number assigned to this disaster for physical damage is P03211.

(Catalog of Federal Domestic Assistance Program Nos. 59008).

Dated: May 7, 2004.

Becky C. Brantley,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 04–10976 Filed 5–13–04; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 4721]

Culturally Significant Objects Imported for Exhibition Determinations: ''Beyond Geometry: Experiments in Form, 1940s–70s''

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 19875], I hereby determine that the objects to be included in the exhibition ''Beyond Geometry: Experiments in Form, 1940s–70s,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners. I also determine that the exhibition or display of the exhibit objects at the Los Angeles County Museum of Art, Los Angeles, California from on or about June 13, 2004, until on or about October 3, 2004, at the Miami Art Museum, Miami, Florida, from on or about November 18, 2004 until on or about May 1, 2005, and at possible additional venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact the Office of the Legal Adviser, U.S. Department of State, (telephone: 202–619–6982). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: May 6, 2004.

C. Miller Crouch,

Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 04–11108 Filed 5–13–04; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 4706]

Notice of Meeting of the Advisory Committee on International Law

A meeting of the Advisory Committee on International Law will take place on Thursday, May 20, 2004, from 10 a.m. to approximately 4 p.m., as necessary, in Room 1105 of the United States Department of State, 2201 C Street, NW., Washington, DC. The meeting will be chaired by the Legal Adviser of the Department of State, William H. Taft, IV, and will be open to the public up to the capacity of the meeting room. The meeting will discuss various issues relating to current international legal topics, including developments in Iraq, an update on treaties, the decision of the International Court of Justice in *Avena and other Mexican Nationals* (*Mexico* v. *U.S.*), the draft articles on state responsibility produced by the International Law Commission, and NAFTA Chapter 11 arbitrations.

Entry to the building is controlled and will be facilitated by advance arrangements. Members of the public desiring access to the session should, by Tuesday, May 18, 2004 notify the Office of the Assistant Legal Adviser for United Nations Affairs (telephone (202) 647–2767) of their name, Social Security number, date of birth, professional affiliation, address and telephone number in order to arrange admittance. This includes admittance for government employees as well as others. All attendees must use the ''C'' Street entrance. One of the following valid IDs will be required for admittance: Any U.S. driver's license with photo, a passport, or a U.S. Government agency ID. Because an escort is required at all times, attendees should expect to remain in the meeting for the entire morning or afternoon session.

Dated: May 10, 2004.

Judith L. Osborn,

Attorney-Adviser, Office of United Nations Affairs, Office of the Legal Adviser, Executive Director, Advisory , Committee on International Law, Department of State.

[FR Doc. 04–11107 Filed 5–13–04; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 4719]

Public Meeting on Universal Postal Union Issues

SUMMARY: The Department of State will host a briefing on Thursday, June 10, 2004, to provide an update on current Universal Postal Union issues, including work leading up to and preparations for the UPU Congress to be held in Bucharest, Romania from September 15 to October 5, 2004.

The briefing will be held from 10 a.m. until 12 noon, on June 10, in Room 1207 of the Department of State, 2201 C Street, NW., Washington, DC. The briefing will be open to the public up to the capacity of the meeting room (40 persons).

The briefing will provide information on the results of the February 2004 sessions of the UPU Council of Administration and Postal Operations Council, whose major focus was to approve proposals and documentation for submission to the Bucharest UPU Congress. Special attention will be paid to several major issues to be taken up by the Bucharest Congress including terminal dues, the creation of a Consultative Committee within the UPU with primary membership from the private sector, service performance measurement, extra-territorial offices of exchange and an outline of the U.S. government's expected goals for the UPU for 2005–2008 period. Information will also be provided on the status of United States preparations for the Bucharest UPU Congress. The briefing will be chaired by Donald Booth, Director of the Office of Technical Specialized Agencies, Bureau of International Organization Affairs of the Department of State.

Entry to the Department of State building is controlled and will be facilitated by advance arrangements. In order to arrange admittance, persons desiring to attend the briefing should, no later than noon on June 9, 2004, notify the Office of Technical and Specialized Agencies, Bureau of International Organization Affairs, Department of State, preferably by fax, providing the name of the meeting and the individual's name, Social Security number, date of birth, professional affiliation, address and telephone number, The fax number to use is (202) 647–8902. Voice telephone is (202) 647–1044. This request applies to both government and non-government individuals.

All attendees must use the main entrance of the Department of State at 23rd Street between C and D Streets, NW. Please note that under current security restrictions, C Street is closed to vehicular traffic between 21st and 23rd Streets. Taxis may leave passengers at 21St and C Streets, 23rd and C Streets, or 22nd Street and Constitution Avenue. One of the following means of identification will be required for admittance: Any U.S. driver's license with photo, a passport, or any U.S. Government agency identification card.

Questions concerning the briefing may be directed to Mr. Dennis Delehanty at (202) 647–4197 or Heather Von Behren at (202) 647–2753 or via e-mail at *delehantydm@state.gov.*

Dated: May 10, 2004.

Dennis Delehanty,

Program Officer, Department of State.

[FR Doc. 04–11012 Filed 5–13–04; 8:45 am]

BILLING CODE 4710–19–P

DEPARTMENT OF STATE

[Public Notice 4720]

Bureau of Oceans and International Environmental and Scientific Affairs; Certifications Pursuant to Section 609 of Public Law 101–162

SUMMARY: On April 30, 2004, the Department of State certified, pursuant to Section 609 of Public Law 101–162 (''Section 609''), that 14 nations have adopted programs to reduce the incidental capture of sea turtles in their shrimp fisheries comparable to the program in effect in the United States. The Department also certified that the fishing environments in 24 other countries and one economy, Hong Kong, do not pose a threat of the incidental taking of sea turtles protected under Section 609. Shrimp imports from any nation not certified were prohibited effective May 1, 2004 pursuant to Section 609.

EFFECTIVE DATE: May 14, 2004.

FOR FURTHER INFORMATION CONTACT: James Story, Office of Marine Conservation, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State, Washington, DC 20520–7818; telephone: (202) 647–2335.

SUPPLEMENTARY INFORMATION: Section 609 of Public Law 101–162 prohibits imports of certain categories of shrimp unless the President certifies to the Congress not later than May 1 of each year either: (1) That the harvesting nation has adopted a program governing the incidental capture of sea turtles in its commercial shrimp fishery comparable to the program in effect in the United States and has an incidental take rate comparable to that of the United States; or (2) that the fishing environment in the harvesting nation does not pose a threat of the incidental taking of sea turtles. The President has delegated the authority to make this certification to the Department of State. Revised State Department guidelines for making the required certifications were published in the **Federal Register** on July 2, 1999 (Vol. 64, No. 130, Public Notice 3086).

On April 30, 2004, the Department certified 14 nations on the basis that their sea turtle protection programs are comparable to that of the United States: Belize, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Guyana, Honduras, Mexico, Nicaragua, Pakistan, Panama, Suriname, and Trinidad and Tobago.

The Department also certified 24 shrimp harvesting nations and one economy as having fishing environments that do not pose a danger to sea turtles. Sixteen nations have shrimping grounds only in cold waters where the risk of taking sea turtles is negligible. They are: Argentina, Belgium, Canada, Chile, Denmark, Finland, Germany, Iceland, Ireland, the Netherlands, New Zealand, Norway, Russia, Sweden, the United Kingdom, and Uruguay. Eight nations and one economy only harvest shrimp using small boats with crews of less than five that use manual rather than mechanical means to retrieve nets, or catch shrimp using other methods that do not threaten sea turtles. Use of such small-scale technology does not adversely affect sea turtles. The eight nations and one economy are: the Bahamas, China, the Dominican Republic, Fiji, Hong Kong, Jamaica, Oman, Peru and Sri Lanka.

The Department of State has communicated the certifications under Section 609 to the Office of Trade Program of the United States Customs Service.

Dated: May 5, 2004.

David A Balton,

Deputy Assistant Secretary for Oceans and Fisheries, Department of State.

[FR Doc. 04–11013 Filed 5–13–04; 8:45 am]

BILLING CODE 4710–09–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Identification of Countries that Deny Adequate Protection, or Market Access, for Intellectual Property Rights Under Section 182 of the Trade Act of 1974

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: Notice is hereby given that the United States Trade Representative (USTR) has submitted its annual report on the identification of those foreign countries that deny adequate and effective protection of intellectual property rights or deny fair and equitable market access to United States persons that rely upon intellectual property protection, and those foreign countries determined to be priority foreign countries, to the Committee on Finance of the United States Senate and the Committee on Ways and Means of the United States House of Representatives, pursuant to section 182 of the Trade Act of 1974, as amended (the Trade Act) (19 U.S.C. 2242).

DATES: This report was submitted on May 3, 2004.

ADDRESSES: Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508.

FOR FURTHER INFORMATION CONTACT: Brian Peck, Senior Director for Intellectual Property, at (202) 395–6864, or Stan McCoy, Assistant General Counsel, or Dan Mullaney, Associate General Counsel, at (202) 395–7305.

SUPPLEMENTARY INFORMATION: Section 182 of the Trade Act requires USTR to identify within 30 days of the publication of the National Trade Estimate Report all trading partners that deny adequate and effective protection of intellectual property rights or deny fair and equitable market access to U.S. persons who rely on intellectual property protection. Those countries that have the most onerous or egregious acts, policies, or practices that have the greatest adverse impact (actual or potential) on the relevant U.S. products are to be identified as priority foreign countries, unless they are entering into good faith negotiations or are making significant progress in bilateral or multilateral negotiations to provide adequate and effective protection for intellectual property rights. In identifying countries in this manner, the USTR is directed to take into account the history of intellectual property laws and practices of the foreign country, including any previous identifications as a priority foreign country, and the history of efforts of the United States, and the response of the foreign country, to achieve adequate and effective protection and enforcement of intellectual property rights. In making these determinations, the USTR must consult with the Register of Copyrights, the Commissioner of Patents and Trademarks, and other appropriate officials of the Federal Government, and must take into account information from other sources such as information submitted by interested persons.

On May 3, 2004, USTR identified 52 trading partners that deny adequate and effective protection of intellectual property or deny fair and equitable market access to United States artists and industries that rely upon intellectual property protection. USTR maintained Ukraine's designation as a Priority Foreign Country, and again designated Paraguay and China for Section 306 monitoring to ensure both countries comply with the commitments made to the United States under bilateral intellectual property agreements.

USTR also announced placement of 15 trading partners on the Priority Watch List: Argentina, the Bahamas, Brazil, Egypt, the European Union, India, Indonesia, Korea, Kuwait, Lebanon, Pakistan, the Philippines, Russia, Taiwan, and Turkey. In addition, USTR placed 34 trading partners on the Watch List. USTR will conduct out-of-cycle reviews of China, Israel, Malaysia, Poland and Taiwan.

Brian Peck,

Senior Director for Intellectual Property.

[FR Doc. 04–10958 Filed 5–13–04; 8:45 am]

BILLING CODE 3190–W4–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Trade Policy Staff Committee; Request for Public Comment on Review of Employment Impact of United States-Andean Free Trade Agreement Negotiations

AGENCIES: Office of the United States Trade Representative. Department of Labor.

ACTION: Request for comments.

SUMMARY: The Trade Policy Staff Committee (TPSC) gives notice that the Office of the United States Trade Representative (USTR) and the Department of Labor (Labor) are initiating a review of the impact of the proposed U.S.-Andean Free Trade Agreement (FTA) on United States employment, including labor markets. This notice seeks written public comment on potentially significant sectoral or regional employment impacts (both positive and negative) in the United States as well as other likely labor market impacts of the FTA.

DATES: USTR and Labor will accept any comments received during the course of the negotiations of the FTA. However, comments should be received by noon, June 7, 2004, to be assured of timely consideration in the preparation of the report.

ADDRESSES: Submissions by electronic mail: *FR0427@ustr.gov.* Submissions by facsimile: Gloria Blue, Executive Secretary, Trade Policy Staff Committee, at (202) 395–6143.

FOR FURTHER INFORMATION CONTACT: For procedural questions concerning public comments, contact Gloria Blue, Executive Secretary, TPSC, Office of the USTR, 1724 F Street, NW., Washington, DC 20508, telephone (202) 395–3475. Substantive questions concerning the employment impact review should be addressed to Jorge Perez-Lopez, Director, Office of International Economic Affairs, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, telephone (202) 693–4883; or William Clatanoff, Assistant U.S. Trade Representative for Labor, telephone (202) 395–6120.

SUPPLEMENTARY INFORMATION:

1. Background Information

On November 18, 2003, in accordance with section 2104(a)(1) of the Trade Act of 2002, the United States Trade Representative notified the Congress of the President's intent to enter into negotiations on a free trade agreement with Colombia, Peru, Ecuador, and Bolivia. The notification letters to the Congress can be found on the USTR Web site at *http://www.ustr.gov/new/fta/Andean/2003–11–18-notification_letter.pdf.* We intend to launch negotiations the week of May 17, 2004.

On December 8, 2003, the USTR requested the U.S. International Trade Commission (ITC) provide advice on probable economic effects. The ITC delivered this report to the USTR on April 8, 2004.

In addition, USTR also published a notice in the **Federal Register** soliciting views from the public on the negotiations in general and held hearings on March 17–18, 2004 pursuant to the Trade Act.

2. Employment Impact Review

Section 2102(c)(5) of the Bipartisan Trade Promotion Authority Act of 2002, 19 U.S.C. 3802(c)(5), directs the President to ''review the impact of future trade agreements on United States employment, including labor markets, modeled after Executive Order 13141 to the extent appropriate in establishing procedures and criteria, report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on such review, and make that report available to the public.'' USTR and the Department of Labor will conduct the employment reviews through the TPSC.

The employment impact review will be based on the following elements, which are modeled to the extent appropriate after those in EO 13141. The review will be: (1) Written; (2) initiated through a notice in the **Federal Register** soliciting public comment and information on the employment impact of the FTA in the United States; (3) made available to the public in draft form for public comment, to the extent practicable; and (4) made available to the public in final form.

Comments may be submitted on potentially significant sectoral or regional employment impacts (both positive and negative) in the United States as well as other likely labor market impacts of the FTA. Persons submitting comments should provide as much detail as possible in support of their submissions.

3. Requirements for Submissions

To ensure prompt and full consideration of responses, the TPSC strongly recommends that interested persons submit comments by electronic mail to the following e-mail address: *FR0427@ustr.gov.* Persons making submissions by e-mail should use the following subject line: ''Andean Employment Review.'' Documents should be submitted in WordPerfect, MSWord, or text (.TXT) files. Supporting documentation submitted as spreadsheets is acceptable in Quattro Pro or Excel format. For any document containing business confidential information submitted electronically, the file name of the business confidential version should begin with the characters ''BC-'', and the file name of the public version should begin with the character ''P-''. The ''P-'' or ''BC-'' should be followed by the name of the submitter. Persons who make submissions by e-mail should not provide separate cover letters; information that might appear in a cover letter should be included in the submission itself. To the extent possible, any attachments to the submission should be included in the same file as the submission itself, and not as separate files.

Written comments will be placed in a file open to public inspection pursuant to 15 CFR 2003.5, except confidential business information exempt from public inspection in accordance with 15 CFR 2003.6. Confidential business information submitted in accordance with 15 CFR 2003.6 must be clearly marked ''BUSINESS CONFIDENTIAL'' at the top of each page, including any cover letter or cover page, and must be accompanied by a non-confidential summary of the confidential information. All public documents and non-confidential summaries shall be available for public inspection in the USTR Reading Room in Room 3 of the Annex of the Office of the USTR, 1724 F Street, NW., Washington, DC 20508. An appointment to review the file may be made by calling (202) 395–6186. The USTR Reading Room is generally open to the public from 10 a.m–12 noon and 1–4 p.m. Monday through Friday. Appointments must be scheduled at least 48 hours in advance.

Carmen Suro-Bredie,

Chairman, Trade Policy Staff Committee.

[FR Doc. 04–10957 Filed 5–13–04; 8:45 am]

BILLING CODE 3190–01–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Passenger Manifest Information; Notice of Request for Renewal of a Currently Approved Information Collection

AGENCY: Office of the Secretary, (OST), DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (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 renewal and comment. The ICR describes the nature of the information collection and its expected cost and burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on September 20, 2002 [FR 67, page 59326]. No comments were received.

DATES: Comments must be submitted on or before June 14, 2004. A comment to OMB is most effective if OMB receives it within 30 days of publication.

FOR FURTHER INFORMATION CONTACT: Jack Schmidt, Competition and Policy Analysis Division, Office of Aviation Analysis; Office of the Secretary, U.S. Department of Transportation, 400 7th Street, SW., Washington, DC 20590–0002, Telephone (202)366–5420.

SUPPLEMENTARY INFORMATION:

Title: Passenger Manifest Information.

OMB Control Number: 2105–0534.

Affected Public: U.S. and foreign direct air carriers.

Annual Estimated Burden: 1.05 million hours.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street, NW., Washington, DC 20503, Attention OST Desk Officer.

Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on May 7, 2004.

Michael A. Robinson,

Information Collection Clearance Officer.

[FR Doc. 04–10995 Filed 5–13–04; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aircraft Accident Liability Insurance; Notice of Request for Renewal of a Currently Approved Information Collection

AGENCY: Office of the Secretary (OST), DOT.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (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 renewal and comment. The ICR describes the nature of the information collection and its expected burden. The **Federal Register** Notice with a 60-day

comment period soliciting comments on the following collection of information published on January 30, 2004 [FR Vol. 69, No. 20, Page 4556]. No comments were received.

DATES: Comments must be submitted on or before June 14, 2004. A comment to OMB is most effective if OMB receives it within 30 days of publication.

FOR FURTHER INFORMATION CONTACT: Delores King, Air Carrier Fitness Division (X–56), Office of Aviation Analysis, Office of the Secretary, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–2343.

SUPPLEMENTARY INFORMATION:

Title: Aircraft Accident Liability Insurance, 14 CFR Part 205.

OMB Control Number: 2106–0030.

Affected Public: U.S. and Foreign Air Carriers.

Annual Estimated Burden: 2,763 hours.

Abstract: 14 CFR Part 205 contains the minimum requirements for air carrier accident liability insurance to protect the public from losses and directs that certificates evidencing appropriate coverage must be filed with the Department.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street, NW., Washington, DC 20503, Attention OST Desk Officer.

Comments are invited on whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collections; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques of other forms of information technology.

Issued in Washington, DC, on May 7, 2004.

Michael A Robinson,

Information Collection Clearance Officer.

[FR Doc. 04–10996 Filed 5–13–04; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities Under OMB Review

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Requests (ICR) abstracted below have been forwarded to the Office of Management and Budget (OMB) for extension of the currently approved collections. The ICR describes the nature of the information collection and the expected burden. The Federal Register Notice with a 60-day comment period soliciting comments on the following collections of information was published on March 9, 2004, pages 10806–10807.

DATES: Comments must be submitted on or before June 14, 2004. A comment to OMB is most effective if OMB receives it within 30 days of publication.

FOR FURTHER INFORMATION CONTACT: Judy Street on (202) 267–9895.

SUPPLEMENTARY INFORMATION:

Federal Aviation Administration (FAA)

1. *Title:* Certification Procedures for Products and Parts, FAA Part 21.

Type of Request: Revision of a currently approved collection.

OMB Control Number: 2120–0018.

Forms(s): FAA Forms 8110–12, 8130–1, 8130–6, 8130–9, and 8130–12.

Affected Public: A total of 5,100 aircraft parts designers, manufacturers, and owners.

Abstract: 14 CFR part 21 prescribes certification procedures for aircraft, aircraft engines, propellers, products and parts. The information collected is used to determine compliance and applicant eligibility. The respondents are aircraft parts designers, manufacturers, and aircraft owners.

Estimated Annual Burden Hours: An estimated 44,101 hours annually.

2. *Title:* Certificate: Mechanics, Repairmen, Parachute Riggers, and Inspection Authorizations—FAR Part 65.

Type of Request: Revision of a currently approved collection.

OMB Control Number: 2120–0022.

Forms(s): FAA Forms 8610–1, 8610–2.

Affected Public: A total of 38,441 airmen.

Abstract: Title 49 U.S.C. 44702 and 44703 authorize the issuance of airman certificates. FAR Part 65 prescribes requirements for mechanics, repairmen, parachute riggers, and inspection authorizations. The information collected shows applicant eligibility for certification.

Estimated Annual Burden Hours: An estimated 34,432 hours annually.

3. *Title:* Terrain Awareness and Warning System (TAWS).

Type of Request: Extension of a currently approved collection.

OMB Control Number: 2120–0631.

Forms(s): NA.

Affected Public: None, as this collection is performed by a passive electronic safety device.

Abstract: This rule mandates TAWS for all turbine powered airplanes of 6 or more passenger seating. TAWS is a passive, electronic, safety device located in the airplane's avionics bay. TAWS alerts pilots when there is terrain in the airplane's flight path.

Estimated Annual Burden Hours: Since this is a passive collection activity, 1 hour is assigned for recordkeeping purposes only.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention FAA Desk Officer.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimates of the burden of the proposed information collection; and ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on May 6, 2004.

Judith D. Street,

FAA Information Collection Clearance Officer, Standards and Information Division, APF–100.

[FR Doc. 04–11002 Filed 5–13–04; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Receipt of Noise Compatibility Program and Request for Review for Reid-Hillview Airport, San Jose, CA

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces that it is reviewing a proposed noise compatibility program that was submitted for the Reid-Hillview Airport under the provisions of 49 U.S.C. 47501

et seq. (the Aviation Safety and Noise Abatement Act, hereinafter referred to as ''the Act'') and 14 CFR part 150 by the County of Santa Clara, California. This program was submitted subsequent to a determination by FAA that associated noise exposure maps submitted under 14 CFR part 150 for Reid-Hillview Airport were in compliance with applicable requirements, effective January 13, 2004. The proposed noise compatibility program will be approved or disapproved on or before November 3, 2004.

EFFECTIVE DATE: The effective date of the start of FAA's review of the noise compatibility program is May 7, 2004. The public comment period ends July 6, 2004.

FOR FURTHER INFORMATION CONTACT: Joseph Rodriguez, Supervisor, Planning Section, San Francisco Airports District Office, Federal Aviation Administration, 831 Mitten Road, Burlingame, CA 94010, Telephone (650) 876–2805. Comments on the proposed noise compatibility program should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This noise announces that the FAA is reviewing a proposed noise compatibility program for Reid-Hillview Airport, which will be approved or disapproved on or before November 3, 2004. This notice also announces the availability of this program for public review and comment.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) part 150, promulgated pursuant to the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The FAA has formally received the noise compatibility program for Reid-Hillview Airport, effective on May 7, 2004. The airport operator has requested that the FAA review this material and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under section 47504 of the Act. Preliminary review of the submitted material indicates that it conforms to FAR part 150 requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before November 3, 2004.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR Part 150, § 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety or create an undue burden on interstate or foreign commerce, and whether they are reasonably consistent with obtaining the goal of reducing existing non-compatible land uses and preventing the introduction of additional non-compatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments relating to these factors, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps and the proposed noise compatibility program are available for examination at the following locations:

Federal Aviation Administration, National Headquarters, Community and Environmental Needs Division, APP–600, 800 Independence Avenue, SW., Room 621, Washington, DC 20591.

Federal Aviation Administration, Western-Pacific Region Office, Airports Division, Room 3012, 15000 Aviation Boulevard, Hawthorne, California 90261.

Federal Aviation Administration, San Francisco Airports District Office, 831 Mitten Road, Burlingame, California 94010–1303.

W. Carl Honaker Acting Director of County Airports, County of Santa Clara, Roads & Airports Department, Airports Division, 2500 Cunningham Avenue, San Jose, California 94148.

Questions may be directed to the individual named above under the heading **FOR FURTHER INFORMATION CONTACT.**

Issued in Hawthorne, California on May 7, 2004.

Mark A. McClardy,

Manager, Airports Division, Western-Pacific Region, AWP–600.

[FR Doc. 04–11003 Filed 5–13–04; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2004–31]

Petitions for Exemption; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains the dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

FOR FURTHER INFORMATION CONTACT: Susan Boylon (425–227–1152), Transport Airplane Directorate (ANM–113), Federal Aviation Administration, 1601 Lind Ave SW., Renton, WA 98055–4056; or John Linsenmeyer (202–267–5174), Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC on May 11, 2004.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Dispositions of Petitions

Docket No.: FAA–2004–17474.

Petitioner: Zero Gravity Corporation.

Sections of 14 CFR Affected: 14 CFR 25.785(j) and 25.1447(c)(1).

Description of Relief Sought: To allow an interior configuration which includes a ''floating area'' where persons can experience weightless flight on a specially modified Boeing Model 727 airplane. *Grant of Exemption, 05/05/2004, Exemption No. 8306.*

[FR Doc. 04–10998 Filed 5–13–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Research, Engineering and Development Advisory Committee

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of meeting.

Pursuant to section 10(A)(2) of the Federal Advisory Committee Act (Public Law 92–463; U.S.C. App. 2), notice is hereby given of a meeting of the FAA Research, Engineering and Development (R,E&D) Advisory Committee.

Name: Research, Engineering & Development Advisory Committee.

Time and Date: June 8, 2004—8:30 a.m. to 4:30 p.m.

Place: Federal Aviation Administration, 800 Independence Avenue, SW.,—Bessie Coleman Room, Washington, DC 20591.

Purpose: On June 8 from 8:30 a.m. to 4:30 p.m. the meeting agenda will include receiving from the Committee guidance for FAA's research and development investments in the areas of air traffic services, airports, aircraft safety, human factors and environment and energy.

Attendance is open to the interested public but seating is limited. Persons wishing to attend the meeting or obtain information should contact Gloria Dunderman at the Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591 (202) 267–8937 or *gloria.dundeman@faa.gov.*

Members of the public may present a written statement to the Committee at any time.

Issued in Washington, DC, on May 10, 2004.

Joan Bauerlein,

Director of Operations Planning Research & Development.

[FR Doc. 04–11001 Filed 5–13–04; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application 04–10–U–00–CRW To Use the Revenue From a Passenger Facility Charge (PFC) at Yeager Airport, Charleston, WV

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to use the revenue from a PFC at Yeager Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before June 14, 2004.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Beckley Airports District Office, 176 Airport Circle, Room 101, Beaver, West Virginia 25813.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Richard Atkinson, Director of Aviation of the Central West Virginia Regional Airport Authority at the following address: 100 Airport Road, Suite 175, Charleston, West Virginia 25311–1080.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Central West Virginia Regional Airport Authority under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Larry F. Clark, Manager, Airports District Office, 176 Airport Circle, Room 101, Beaver, West Virginia 25813, (304) 252–6216. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to use the revenue from a PFC at Yeager Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On May 3, 2004, the FAA determined that the application to use the revenue from a PFC submitted by Central West Virginia Regional Airport Authority was substantially complete within the requirements of section 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no longer than August 6, 2004.

The following is a brief overview of the application.

PFC Application No.: 04–10–U–00–CRW.

Level of the proposed PFC: $4.50.

Proposed charge effective date: August 1, 2002.

Proposed charge expiration date: April 1, 2003.

Total estimated PFC revenue: $912,000.

Brief description of proposed project:

—Taxiway A Relocation

Class or classes of air carriers which the public agency has requested not be required to collect PFCs:

—Under FAR Part 135—Charter Operators for hire to the general public

—Under FAR Part 121—Unscheduled Charter Operators for hire to the general public

—Non-signatory and non-scheduled Air Carriers

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA regional airports office located at: 1 Aviation Plaza, Airports Division, AEA–610, Jamaica, New York 11434.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Central West Virginia Regional Airport Authority.

Issued in Beckley, West Virginia, on May 3, 2003.

Larry F. Clark,

Manager, Beckley ADO, Eastern Region.

[FR Doc. 04–11000 Filed 5–13–04; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket Nos. FMCSA–99–6156, FMCSA–99–6480, FMCSA–2001–10578, FMCSA–2002–11714]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemption; request for comments.

SUMMARY: This notice publishes the FMCSA decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 13 individuals. The FMCSA has statutory authority to exempt individuals from vision standards if the exemptions granted will not compromise safety. The agency has concluded that granting these exemptions will provide a level of safety that will be equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

DATES: This decision is effective June 3, 2004. Comments from interested persons should be submitted by June 14, 2004.

ADDRESSES: You may submit comments identified by DOT DMS Docket Numbers FMCSA–99–6156, FMCSA–

99–6480, FMCSA–2001–10578, and FMCSA–2002–11714 by any of the following methods:

- *Web site: http://dms.dot.gov.* Follow the instructions for submitting comments on the DOT electronic docket site.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–0001.
- *Hand Delivery:* Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

Instructions: All submissions must include the agency name and docket numbers for this notice. For detailed instructions on submitting comments and additional information on the rulemaking process, see the Public Participation heading of the Supplementary Information section of this document. Note that all comments received will be posted without change to *http://dms.dot.gov,* including any personal information provided. Please see the Privacy Act heading under Regulatory Notices.

Docket: For access to the docket to read background documents or comments received, go to *http://dms.dot.gov* at any time or to Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra Zywokarte, Office of Bus and Truck Standards and Operations, (202) 366–2987, FMCSA, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Public Participation: The DMS is available 24 hours each day, 365 days each year. You can get electronic submission and retrieval help guidelines under the ''help'' section of the DMS Web site. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the Department of Transportation's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://dms.dot.gov.*

Exemption Decision

Under 49 U.S.C. 31315 and 31136(e), the FMCSA may renew an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.'' The procedures for requesting an exemption (including renewals) are set out in 49 CFR Part 381. This notice addresses 13 individuals who have requested renewal of their exemptions in a timely manner. The FMCSA has evaluated these 13 applications for renewal on their merits and decided to extend each exemption for a renewable 2-year period. They are:

Ronnie F. Bowman
Trixie L. Brown
Thomas L. Corey
Dennis E. Krone
James F. Laverdure
Christopher P. Lefler
Robert P. Martinez
Keith G. McCully
Richard J. McKenzie, Jr.
Bobby G. Minton
Kenneth R. Piechnik
Melvin B. Shumaker
David E. Steinke

These exemptions are extended subject to the following conditions: (1) That each individual have a physical exam every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retain a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for 2 years unless rescinded earlier by the FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31315 and 31136(e).

Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than 2 years from its approval date and may be renewed upon application for additional 2-year periods. In accordance with 49 U.S.C. 31315 and 31136(e), each of the 13 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (64 FR 54948, 65 FR 159, 67 FR 17102, 64 FR 68195, 65 FR 20251, 67 FR 38311, 66 FR 53826, 66 FR 66966, 67 FR 15662, 67 FR 37907). Each of these 13 applicants has requested timely renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the standard specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past 2 years indicates each applicant continues to meet the vision exemption standards. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, the FMCSA concludes that extending the exemption for each renewal applicant for a period of 2 years is likely to achieve a level of safety equal to that existing without the exemption.

Comments

The FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31315 and 31136(e). However, the FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by June 14, 2004.

In the past the FMCSA has received comments from Advocates for Highway and Auto Safety (Advocates) expressing continued opposition to the FMCSA's procedures for renewing exemptions from the vision requirement in 49 CFR 391.41(b)(10). Specifically, Advocates

objects to the agency's extension of the exemptions without any opportunity for public comment prior to the decision to renew, and reliance on a summary statement of evidence to make its decision to extend the exemption of each driver.

The issues raised by Advocates were addressed at length in 66 FR 17994 (April 4, 2001). The FMCSA continues to find its exemption process appropriate to the statutory and regulatory requirements.

Issued on: May 10, 2004.

Rose A. McMurray,

Associate Administrator, Policy and Program Development.

[FR Doc. 04–11004 Filed 5–13–04; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Finance Docket No. 34075]

Six County Association of Governments—Construction and Operation Exemption—Rail Line between Levan and Salina, UT

AGENCIES: Lead: Surface Transportation Board. Cooperating: U.S.D.I. Bureau of Land Management, DOT.

ACTION: Notice of availability of final scope of analysis for the Environmental Impact Statement (EIS).

SUMMARY: On July 30, 2001, the Six County Association of Governments (SCAOG), a regional association representing Juab, Millard, Sevier, Sanpete, Piute, and Wayne Counties in central Utah, filed a Petition for Exemption with the Surface Transportation Board (Board) pursuant to 49 U.S.C. 10502 for authority to construct and operate a new rail line between Levan and Salina, Utah. The Proposed Action, also referred to as the Central Utah Rail Project (CURP), would involve about 43 miles of new rail line and related facilities to serve shippers in central Utah, particularly the coal operations of the Southern Utah Fuels Company (SUFCO). Because constructing and operating this Proposed Action appears to have some potential to cause significant environmental impacts, the Board's Section of Environmental Analysis (SEA) has determined that preparing an Environmental Impact Statement (EIS) is appropriate.

To help determine the scope of the EIS, and as required by the Board's regulations at 49 CFR 1105.10(a), SEA published the Notice of Intent to prepare an EIS in the **Federal Register** on September 30, 2003, and served it on interested members of the public. On October 22 and 23, 2003, SEA held public scoping meetings in Salina and Gunnison, Utah, as part of the EIS scoping process as discussed in the Notice of Scoping Meetings and Request for Comments published by the Board on October 20, 2003.

Based on input received during the scoping process, SEA developed a Draft Scope for the EIS. On December 24, 2003, SEA published the Notice of Availability of Draft Scope for the EIS and Request for Comments in the **Federal Register** and made it available to the public. The scoping comment period concluded on January 26, 2004. After reviewing and considering all comments received, this notice sets forth the Final Scope of the EIS.

The Final Scope, which can be found at the end of this document, incorporates the provisions from the Draft Scope as appropriate, and includes changes made to the Draft Scope as a result of the comments. The Final Scope also summarizes and addresses the principal environmental concerns raised by the comments.

During the scoping comment period, SEA invited the U.S. Department of the Interior, Bureau of Land Management (BLM) to participate as a cooperating agency in the preparation of the EIS because the Proposed Action could affect lands administered by BLM. In a letter to the Board dated January 21, 2004, BLM accepted SEA's invitation to participate as a cooperating agency on this Proposed Action. Future references in this document to SEA include BLM.

In addition to issuing the Final Scope of the EIS, SEA is providing a 30-day comment period for interested parties to submit comments on a new proposed alternative. The new proposed alternative will be referred to as Alternative C. Citizens attending scoping meetings on October 22 and 23, 2003, proposed Alternative C as a modification to applicant's proposed alignment. SEA is seeking public comment on Alternative C in order to ensure public input in the assessment of the potential feasibility of this proposed alternative. Alternative C is discussed in detail in the supplementary information provided below. SEA will prepare a Draft EIS (DEIS) for the Proposed Action. The 30-day comment period on Alternative C is in addition to the comment period that will be provided on all aspects of the DEIS when that document is made available to the public.

Filing Environmental Comments on Alternative C: Interested persons and agencies are invited to comment on Alternative C. Written comments are due on June 14, 2004. A signed original and one copy of comments should be submitted to Surface Transportation Board, Case Control Unit, STB Finance Docket No. 34075, 1925 K Street, NW., Washington, DC 20423–001. Mark in the lower left corner of the envelope: Attention: Phillis Johnson-Ball, Environmental Filing.

FOR FURTHER INFORMATION, CONTACT: Ms. Phillis Johnson-Ball, SEA Project Manager, Section of Environmental Analysis, Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. Ms. Johnson-Ball may also be reached at (202) 565–1530 (Hearing Impaired 1–800–877–8339) or e-mail: *johnson-ballp@stb.dot.gov.* The Web site for the Surface Transportation Board is *www.stb.dot.gov.*

Ms. Nancy DeMille, BLM Project Manager, Realty Specialist, Richfield Field Office, Bureau of Land Management, 150 East 900 North, Richfield, UT 84701. Ms. DeMille may also be reached at (435) 896–1515 or e-mail: *Nancy_Demille@ut.blm.gov.*

The Final Scope is available for review at the following locations: Salina Public Library, 90 W. Main Street, Salina, UT 84654–1353, Gunnison Public Library, 38 W. Center Street, Gunnison, UT 84634.

SUPPLEMENTARY INFORMATION:

Background

The Proposed Action, known as the CURP, would involve about 43 miles of new rail line and related facilities to serve shippers in central Utah, particularly the coal operations of the SUFCO. SCAOG would operate on average one to two loaded trains per day comprising 100 to 110 rail cars each, totaling approximately 42,000 to 44,000 loaded rail cars per year. SCAOG plans to transport coal as its principal commodity. Depending on the success of marketing the new rail service, other miscellaneous commodities could be transported. None of these commodities are expected to be hazardous.

The purpose of the Proposed Action, as set forth by SCAOG in its petition filed with Board, is to access a number of industries, primarily coal mines owned by SUFCO located 30 miles east of Salina. Due to an absence of rail access, these industries currently move all goods by truck. SCAOG believes that the Proposed Action would reduce the number of coal trucks using portions of five highways: I–70, SR–50, I–15, SR–28 and SR–10. Most segments of these roads currently carry 750 trucks per day, with 1500 trucks passing through downtown Salina each day at a rate of

one truck per minute. SCAOG states that reducing the number of trucks on these roads would decrease roadway congestion, increase the quality of life through towns such as Salina, Centerfield, Gunnison and Fayette, and reduce wear and tear on state roads and interstates.

By decision served October 26, 2001, the Board issued a decision finding that, from a transportation perspective, the proposed construction and operation meet the standards in 49 U.S.C. 10502 for an exemption from the formal application procedures of 49 U.S.C. 10901. The Board will issue a final decision after completion of the environmental review process, as to whether the exemption authority should be allowed to go into effect.

Environmental Review Process

The Board is the lead agency for this EIS process, pursuant to 40 CFR 1501.5. SEA is responsible for ensuring that the Board complies with the National Environmental Policy Act (NEPA), 42 U.S.C. 4321–4335, and related environmental statutes. SEA is the office within the Board responsible for conducting the environmental review process.

The NEPA environmental review process is intended to assist the Board, the BLM and the public in identifying and assessing the potential environmental consequences of a Proposed Action and Alternatives before a decision on the Proposed Action is taken. The NEPA regulations require the Board and the BLM to consider a reasonable range of reasonable and feasible alternatives to the Proposed Action. The President's Council on Environmental Quality (CEQ), which oversees the implementation of NEPA, has stated in *Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations* that ''[R]easonable alternatives include those that are practical or feasible from the technical and economic standpoint and using common sense * * *''

In the DEIS, SEA is considering a full range of alternatives that meet the purpose and need of the Proposed Action, as well as the No-Action Alternative. Some alternatives have been dismissed from further analysis because they have been determined to be infeasible or not reasonable. The DEIS will include a brief discussion of the reasons for eliminating certain alternatives from detailed analysis and will contain an appropriate discussion of Alternative C.

In addition, the DEIS will address those environmental issues and concerns identified during the scoping process and detailed in the Draft Scope served December 24, 2003, and this Final Scope. The DEIS will also contain recommended environmental mitigation measures, as appropriate. After the DEIS is complete, SEA will make it available for public review and comment. SEA will then prepare a Final EIS (FEIS) that reflects SEA's further analysis, as appropriate, and the comments on the DEIS.

BLM as a cooperating agency pursuant to 40 CFR 1501.6 will participate during all phases of the DEIS and FEIS development and intends to adopt the EIS for BLM's decision-making purposes, as it pertains to the described public lands. Upon filing of an official right-of-way application with the BLM regarding the potentially impacted public lands, the application would be processed in accordance with BLM policies, procedures and guidelines, which would include an internal interdisciplinary team review for approval and adoption of the EIS analysis of the pertinent environmental resource issues, analysis, monitoring and mitigation (if appropriate). BLM's participation as a cooperating agency is expected to streamline the environmental review process associated with obtaining right-of-way on BLM lands.

In reaching its final future decisions on this case, the Board will take into account the full environmental record, including the DEIS, the FEIS, and all public and agency comments received.

Proposed Action and Alternatives

Based on analysis conducted to date and comments received during the scoping process, SEA has determined that the reasonable and feasible alternatives [1] that will be discussed in the EIS are:

(1) The ''No-Action Alternative,'' referred to as Alternative A. This alternative is the no build alternative, in which case there would be no new rail line construction and no application to BLM involving federal lands.

(2) Alternatives B and B1. These alternatives include constructing and operating the SCAOG preferred alternative as identified in its petition (Alternative B) to the Board and Alternative B1, a modification to Alternative B developed during scoping. Alternative B and Alternative B1 are shown in Figure 1, attached, as well as on a large-scale map available for viewing at the Salina Public Library, and the Gunnison Public Library (addresses listed above).

(3) As noted above, another alternative, referred to as Alternative C, was identified during the public scoping process by local landowners. According to local landowners, Alternative C was developed to minimize potential impacts to landowners' property. Because Alternative C was not considered in the Draft Scope, SEA is seeking additional information from the public to assist in determining whether Alternative C is a reasonable and feasible alternative that would meet the purpose and need of the petitioner's Proposed Action, and therefore should be analyzed in detail in the DEIS. A general description of the alignment is set forth below. Alternative C is also shown on Figure 1, attached, and on a large-scale map available for viewing at the Salina Public Library, and the Gunnison Public Library (addresses listed above). Based on the comments and its own independent investigation SEA will determine whether Alternative C is a reasonable and feasible alternative and will set forth its position in the DEIS.

Alternative A—No-Action Alternative

Consistent with the CEQ regulations implementing NEPA (40 CFR 1502.14(d)), the EIS will consider the No-Action Alternative. Under the No-Action Alternative, no new rail line or terminal facilities would be constructed. No new train operations through the Sevier Valley would be conducted, and rail operations on the UPRR line would not change. Trucks would continue to move coal from central Utah via the highways in the Sevier Valley. There would also be no application to BLM involving federal land.

Alternative B—Applicant's Proposed Action

Alternative B would involve construction of approximately 43 miles of new rail line. Alternative B would be generally north-south and would pass to the east of Chicken Creek Reservoir and through the Juab Plain, a valley between mountains to the east and west. Alternative B begins with a connection with Union Pacific Railway's mainline near Levan, Utah. The connection at UPRR would be a wye between the Juab and Sharp Sidings. The alignment would move southward and east of an irrigation pond called Chicken Creek Reservoir. The line would generally follow a path near an existing power transmission line that moves through the center of an area known as the Juab

[1] Under NEPA, an applicant's goals are important in defining the range of feasible alternatives. NEPA does not require discussion of an alternative that is not reasonably related to the purpose of the proposal considered by the agencies. *Citizens Against Burlington, Inc.* v. *Busey,* 938 F.2d 190 (D.C. Cir. 1991).

Plain. The Plain consists of the valley between two foothill and mountainous areas on the east and west. The alignment would run parallel with the eastern boundary of Yuba Reservoir, a man-made irrigation facility.

The alignment continues along the eastern shore area until it reaches the middle of Yuba where the reservoir significantly narrows at a point south of Yuba State Park. There the alignment would cross Yuba Lake. This crossing would be adjacent to a location where a high-voltage transmission line currently crosses the reservoir.

From this point, the alignment would continue southward along the western marshy boundary of Yuba. Where the alignment leaves the southern end of Yuba, it would continued southward along the western side of the Sevier Valley near points where the foothills intersect with irrigated farmlands. The alignment would continue southward on the valley's western side, passing on the west side of the town of Redmond and roughly paralleling the existing high-voltage transmission line. After passing Redmond, the alignment would move eastward towards the center of the valley. The line would cross State Highway 50 on the west side of Salina City and continues southward crossing State Highway 118 (Old Highway 89) and the Sevier River. The alignment would move along the western side of some hills near the Salina industrial park and would terminate just before reaching Interstate 70 in an area known as Lost Creek, near Salina, Utah.

Alternative B1

Alternative B1 would also involve construction of approximately 43 miles of new rail line. Alternative B1 would follow the same alignment as Alternative B to a point north of the Redmond salt mines, where it would be located to the south-southwest of Alternative B. Alternative B1 would roughly run parallel to the Paiute Canal on the east side of the canal until a point just north of Route 50 where it would gradually curve eastward, crossing Route 50 and terminating at the proposed loading facility near the Salina industrial park.

Alternative C

Alternative C, the alternative suggested by landowners during the public scoping process, which may or may not be deemed a reasonable and feasible alternative would follow the same alignment as Alternatives B and B1 until a point about 4.5 miles north of the county line between Sanpete and Sevier Counties. Alternative C would diverge from the other alignments and run south on the west side of the Piute Canal about 0.5 to 1.0 mile west of Alternative B1. It would remain east of the existing high-voltage transmission line. Alternative C would then continue south, essentially parallel to and west of Alternative B1 and the Piute Canal, and would cross the Sanpete/Sevier County border. It would reconverge with Alternative B1 about 0.5 mile north of where Alternate B crosses Route 50, about 3 miles west of Salina.

An option proposed with Alternative C would be to locate the coal-loading facility on the north side of Route 50 near its intersection with State Route 256.

Participation

Public Participation

As discussed above, SEA served a Notice of Intent in the **Federal Register** on September 30, 2003, announcing the start of the scoping process and the dates and times of public meetings. Additional methods used to notify the public of the scoping meetings included the following:

SEA placed paid legal advertisements in the following newspapers:

- *The Salt Lake Tribune* and *Deseret News* (statewide circulation) on October 16, 2003.
- *Sanpete Messenger* (Manti) on October 16, 2003.
- *The Pyramid* (Mt. Pleasant) on October 16, 2003.
- *The Richfield Reaper* (Richfield) on October 16, 2003.
- *Salina Sun* and *Gunnison Valley News* (Gunnison) on October 15, 2003.
- *The Times-News* (Nephi) on October 15, 2003.

SEA prepared a media release and sent it out to the media on October 20, 2003. SEA distributed about 70 newsletters to individuals on the SEA's environmental mailing list on October 14, 2003. Several media outlets ran stories about the Proposed Action before and after the public meetings. The dates and publications of those articles are listed below:

- October 8, 2003—*The Richfield Reaper* (Richfield).
- October 8, 2003—*Gunnison Valley News* and *Salina Sun* (Gunnison).
- October 8, 2003—*The Times-News* (Nephi).
- October 29, 2003—*Gunnison Valley News* and *Salina Sun* (Gunnison).
- October 29, 2003—*The Richfield Reaper* (Richfield).
- November 5, 2003—*The Richfield Reaper* (Richfield).

In October 2003, SEA held two open-house-format public scoping meetings. Below are the dates and locations of the public scoping open houses:

Wednesday, October 22, 2003

North Sevier High School, Salina, Utah.

Thursday, October 23, 2003

Gunnison City Hall, Gunnison, Utah.

Thirty-six individual comments were received at the two meetings and there were a total of 107 signatures on the attendance sheets. Following the meetings, an additional 34 written comments were received.

Agency Participation

Before the beginning of the public scoping period, SEA began inviting appropriate agencies with interests in the corridor to participate in the environmental review process. Their comments helped SEA determine what level of study was environmentally warranted for the proposed rail line. The agencies were asked to help identify potential environmental issues and concerns in the corridor. An agency scoping meeting was held on May 21, 2003, to solicit additional agency comments regarding the Proposed Action.

Letters of notification for the meeting were mailed on April 1, 2003, to about 44 agencies. These letters invited the agencies to attend the agency scoping meeting and provide comments on the Proposed Action. Project representatives made follow-up phone calls to the invitees on April 24 through April 25, 2003, and again on May 15, 2003, to ensure that the agencies received notice of the May 21, 2003, meeting. There were 29 attendees at this meeting representing 19 agencies.

These agencies were also invited to submit comments during SEA's public scoping period. A letter with project information, a request for their comments, and an invitation to the public scoping meetings was mailed to these agencies on October 14, 2003.

The comments collected from the agencies both before and during the public scoping period were used to help identify issues that need further review in the EIS process. A total of 37 agency comments were received before and during the public scoping period.

Native American Consultation

SEA initiated and followed a Tribal Consultation Plan involving federally recognized Native American tribes. The federally recognized Native American tribes represented in Utah were included in all public and agency scoping efforts. Additional outreach attempts were made to involve the tribes in the EIS process.

Utah is home to seven federally recognized Native American tribes: the

Confederated Tribes of the Goshute Reservation; the Navajo Nation; the Northwestern Band of Shoshone Nation of Utah (Washakie); the Skull Valley band of Goshute of Utah, the Ute Indian Tribe of the Unitah and Ouray Reservation; the Utah Mountain Tribe of the Ute Mountain Reservation and the Paiute Indian Tribe of Utah (consisting of the Cedar City, Kanosh, Koosharen, Indian Peaks and Shivkits bands). Other federally recognized tribes have an ancestral connection to the State of Utah and have been considered in the consultation process. Below is a detailed list of coordination efforts used to involve the tribes in the EIS process.

- Tribal contacts were mailed letters of invitation to attend the agency scoping meeting on May 21, 2003.
- Invitations were mailed on May 7, 2003.
- Project representatives invited the tribes to attend a drive-through of potential rail corridor alignments on May 20, 2003.
- Phone calls were made to the tribal points-of-contact the week of May 12, 2003, inviting them to the drive-through and reminding them about the agency scoping meeting.
- Follow-up letters and a tour itinerary were sent to the tribes on May 14, 2003.
- The tribes were sent individual letters as well as project newsletters inviting them to the public scoping meetings and requesting their input on identifying sensitive environmental and cultural areas in the Central Utah Rail corridor.
- Letters were sent on October 8, 2003.
- Newsletters were sent on October 14, 2003.
- Follow-up phone calls to the tribes were made on October 14, 2003, to make sure the tribes were aware of the public scoping meetings and again requesting their comments regarding the project.
- A letter and maps were sent on request to the Skull Valley Band of Goshute Indians on January 7, 2004.
- Follow-up calls were made to the Skull Valley Band of Goshute Indians between January 8 and January 14, 2004.

In short, as part of the environmental review process to date, SEA has conducted broad public outreach activities to inform the public, agencies and federally recognized Native American tribes about the Proposed Action and alternatives and to facilitate public participation. SEA has and will continue to consult with federal, state, and local agencies, affected communities, federally recognized Native American Tribes and all interested parties to gather and disseminate information about the proposal.

Response to Comments

SEA reviewed and considered approximately 113 comments detailing 622 individual issues to prepare this Final Scope for the EIS. The Final Scope incorporates provisions of the Draft Scope with changes made as a result of these comments and SEA's further analysis. The discussion below summarizes and addresses the principal environmental concerns raised by the comments and presents additional discussion to further clarify the Final Scope.

The Draft Scope included the following impact categories: Land Use, Biological Resources, Water Resources, Geology and Soils, Air Quality, Noise, Energy Resources, Socioeconomics, Safety, Transportation Systems, Cultural and Historical Resources, Recreation, Aesthetics, Environmental Justice, and Cumulative Impacts. This Final Scope includes additional and more detailed information on these environmental issue areas based on agency and public comments.

1. Rail Operations and Safety

Comments regarding safety near the rail line and at crossings for people and animals. Several landowners expressed a concern regarding safety near the proposed new rail line. Other landowners pointed to alleged safety impacts to homes in close proximity to the rails, children living near the rails, livestock/rail collisions grazing near the rails, wildlife crossings and potential bus/rail conflict. The comments stressed the need for appropriate safety measures near proposed crossings. Several comments requested fencing along the rail line to prevent livestock from being hit on the tracks. Comments supported grade separation at all rail crossings. Utah Department of Natural Resource (UDNR) stated that the EIS should include reference to the Yuba Lake State Park entrance road.

Response. The EIS will assess potential safety impacts at at-grade crossings and the area near the proposed new line, including any crossings of the entrance road to Yuba Lake State Park. The EIS will consider mitigation measures (where appropriate) to minimize or eliminate project impacts.

Comments on daily train operations. Comments indicated a need for more information about the operation of the proposed rail line, specifically hours of operations and frequency of trains. BLM also questioned the status of contract assurances for transported goods, licensing requirements for the rail line, construction and maintenance requirements for the rail line, and impacts to existing utility rights-of-way.

Response. The EIS will address rail operations including hours of operation, frequency of trains, and any potential safety impacts related to construction and operation of the proposed rail line. The EIS will also describe the Federal Railroad Administration's regulatory framework for rail safety. The EIS will explain the Board's licensing authority as it applies to the introduction of new rail service.

Comments regarding hazardous materials transportation safety and water contamination. The Utah Department of Environmental Quality, the town of Redmond, and one landowner stated that cargo spills could contaminate local water supplies. Comments from The United States Environmental Protection Agency (EPA) requested that the EIS present information comparing the risk of spills and releases of the No-Action Alternative (transporting the coal by truck) and the feasible build alternatives.

Response. At this time, no hazardous materials are proposed to be transported over the new line. The EIS will discuss the safety risks of transport of the coal by truck and by rail, including the potential for cargo spills.

2. Land Use

General comments regarding land use. Comments questioned the potential impacts that the proposed rail line could have on public lands and grazing allotments. BLM comments stated that the EIS should address consistency with federal, state, local, and tribal land use plans.

Response. The EIS will describe existing land use patterns within the project area and identify those uses that would be affected by the proposed rail line construction and operation. Additionally, the EIS will describe potential impacts to farming, ranching and public lands. A discussion of the Proposed Action's and alternatives consistency with federal, state, local, and tribal land use plans will be included in the EIS. The EIS will reflect the input of BLM, a cooperating agency, and consultations with other agencies and organizations. The EIS will use the best available information to analyze any potential impacts in the area affected by the Proposed Action and alternatives.

Comments regarding farmland and property values. The majority of comments regarding land use stated that the proposed rail line would adversely affect existing farmland and property

values. Landowners noted the potential adverse impacts to individual family farms, particularly impacts to irrigation and access on divided properties. Some commenters proposed private rail crossings as mitigation for loss of access and steel piping as mitigation for irrigation impacts.

Response. The EIS will analyze the potential effects on properties divided by the Proposed Action and any potential impacts on irrigation and mitigation (where appropriate). The social and economic effects that are reasonably foreseeable and that may result from the Proposed Action and alternatives will be analyzed.

3. Biological Resources

Comments regarding large game animals. Some comments support the proposed rail line due to the potential reduction in the number of animals killed by trucks on the highway. Other comments express concern for large game animals being killed by trains. Because the potential alignments cross large-game winter habitat along the routes, UDNR requested that wildlife surveys should be completed through the corridor.

Response. The EIS will identify wildlife corridors in the project area and describe potential impacts to large game that may be affected by operation of the proposed rail line and alternatives.

Comments regarding best management practices. Comments supported the use of best management practices to protect fish and wildlife in the corridor.

Response. The EIS will use the best available information to analyze impacts on fish and wildlife in the corridors including best management practices. The EIS will consider and evaluate the existing plant and animal communities and aquatic resources within the project area and the potential impacts on biological and aquatic resources from construction and operation of the Proposed Action and alternatives.

Comments regarding threatened and endangered species. Comments identified several threatened, endangered, and sensitive species in the corridor as well as several conservation species. The U.S. Fish and Wildlife Service noted that the peregrine falcon is no longer on the Federal Threatened and Endangered Species List. Comments requested coordination with the applicable biological resource agencies. Additional comments from landowners raised concerns about the impacts that construction would have on the neighboring ecosystems.

Response. SEA will coordinate with applicable biological resource agencies while preparing the EIS. The EIS will describe existing biological resources within the project area, including vegetative communities, wildlife and fisheries, federal and state threatened or endangered species, and the potential impacts on those resources. The EIS will address the impacts of the Proposed Action on these resources, including avoidance, minimization, and mitigation (where appropriate), depending on the potential effects identified in the EIS.

Comments regarding the Utah Division of Wildlife Resources, Redmond Wildlife Management Area. The Utah Division of Wildlife Resources (UDWR) stated that the EIS should address impacts to the Redmond Wildlife Management Area (WMA), which is protected under the Redmond Wetlands Conservation Easement. In addition, the UDNR stressed the importance of considering in the EIS impacts to wetland and upland habitats, wildlife species that rely on the WMA, public access to the WMA, and the source of water for the wetlands in the WMA. UDNR's comments also indicated that the EIS should reference Yuba Lake State Park.

Response. The EIS will consider potential impacts to the Redmond WMA and the Yuba Lake State Park and evaluate potential impacts to wetlands, plant and animal communities, scenic resources and recreational uses. The EIS will address the impacts of the Proposed Action and alternatives on these resources, including avoidance, minimization, and mitigation (where appropriate), depending on the potential effects identified in the EIS.

Comments regarding invasive species. BLM requested that the EIS address invasive and non-native species.

Response. The EIS will address the potential for the spread of invasive and non-native species as a result of the Proposed Action and alternatives.

4. Water Resources

Comments regarding interruption in water services and drainage. Landowners stated that the proposed rail line would cut irrigation canals and pipelines and interrupt the flow of irrigation water to crops and livestock. Comments requested that measures be taken to avoid existing canals and ditches. Other comments proposed relocating affected culverts, ditches, and wells as mitigation for the potential impacts of the Proposed Action. EPA and landowners also stated that the rail line would block underground field drains, sprinkler system ponds, water diversion systems, and culinary water supplies for homes and animals. BLM requested that the EIS address water uses, water availability, and water rights.

Response. The EIS will address potential impacts to existing surface water and groundwater resources, the uses of those waters, and the availability and water rights associated with those waters. Water resources will include lakes, rivers, streams, wetlands, floodplains, irrigation canals, pipelines, ditches, culverts, field drains, sprinkler system ponds, water diversion systems, groundwater wells, and culinary water supplies. The EIS will consider mitigation, as appropriate.

Comments regarding wetland areas. Comments identified wetlands areas near Chicken Creek Reservoir and Yuba Lake. Comments also stressed concerns about disrupting wetlands along the proposed rail corridor. Other comments advise that Alternative B (the Proposed Action) would cross the western point of the Redmond Wetlands Conservation Area easement, and urge the Board to avoid this easement if possible. EPA asked that the EIS include an analysis of wetland impacts sufficient to meet the requirements of the section 404 (b)(1) Guidelines found in 40 CFR part 230. EPA requested a copy of the wetland determination, and raised concerns about potential impacts to water quality from either highway or rail line petrochemical spills is another area of concern expressed by EPA. In this regard, EPA requested that comparative information be developed on the risk of petroleum product spills, coal spills, and construction sediment sediment under the No-Action Alternative, where the rail hauls that would result if this project where approved and implemented would be compared to the exiting truck hauls.

Response. The EIS will include a discussion of the potential impacts to wetlands and wetland conservation areas. The approximate acreage of impact will be calculated. The EIS will provide the approximate area of impact to wetlands along each feasible alignment. A wetlands analysis under the Clean Water Act (CWA) section 404(b)(1) is part of a permitting process that involves the petitioner and the United States Corps of Engineers (USACE). The EIS will include a discussion of the CWA section 404 permitting process. The USACE will make the jurisdictional determination regarding wetlands. The EIS will include the results of the determination, if available. The EIS will discuss the safety risks of the transport of the coal by truck and by rail, including the potential for cargo spills. Information regarding environmental impacts

associated with the Proposed Action and alternatives, including the No-Action Alternative will be presented in comparative format.

Comments regarding water quality and vibration impacts. Landowners raised concerns about rail vibrations adversely affecting groundwater by suspending sediment in the water and reducing the quality of domestic and irrigation water supplies. UDWR identified the Yuba Lake as a Class 3 warm-water fishery and asked what impacts vibration from the proposed rail line would have on the lake's water quality.

Response. The EIS will consider the existing groundwater resources within the project area and the potential impacts on these resources from construction and operation, including vibration, associated with the Proposed Action and alternatives. The EIS will address potential impacts to the water quality of Yuba Lake.

Comments regarding source protection zones. The City of Redmond and local landowners stated that the proposed rail line would cross the drinking water source protection zones for their culinary water supply.

Response. The EIS will describe potential impacts to drinking water source protection zones.

5. Geology and Soils

General topographical, geological, and soil comments. Comments requested a geological survey and a soils survey near the Proposed Action. Additional comments identified landslides, rock falls, and problem soils as geological hazards along the route. A few comments questioned if blowing dust from the coal could result in soil sterilization. One comment indicated that the topography associated with Alignment C could result in higher costs than constructing and operating the B Alternative, but that ways should be considered to pass that cost on to the users of the proposed rail line. UDNR stated that the EIS should address paleontological and mineral resources.

Response. The EIS will describe the geology and soils in the project area, including unique formations, problematic/hazardous geology or soils, prime or unique farmland soils, hydric soils, mineral resources, and the potential impacts on these resources resulting from the project and all feasible build alternatives. The EIS will address potential impacts to cultural resources and will describe the results of archeological surveys conducted as part of consultations with the Utah State Historic Preservation Office.

6. Air Quality

Comments stated that the rail line would reduce air pollution by reducing the number of coal trucks on the roads. Other comments stated that the location of the proposed coal loadout near the new industrial park would contaminate the air in Salina. One comment said that there was already a high incidence of lung disease and cancer in the area due to the coal dust from the truck loadout in Salina.

EPA suggests that the EIS document current air quality conditions, using suitable data sets from ambient air monitoring programs. EPA also suggested that the EIS consider the potential cumulative impacts of this project on coal mining and other energy development in the area.

Morever, EPA indicated that the EIS should include a comprehensive air quality evaluation of effects on pollutants with regulatory standards and pollutants for which regulatory standards have not been set. EPA also requested that the EIS address all of EPA's categories of emissions and consider other air quality related values such as visibility, ozone, and particulate deposition in Class 1 areas. EPA suggested that the EIS compare the decrease in emissions from reducing truck traffic in the Sevier Valley of Utah with the expected increase in emissions that could arise from increased rail traffic. The potential for increased commercial rail transport along the proposed rail line for commodities other than coal was also mentioned by EPA as an issue area that could warrant consideration in the EIS.

Response. The Board's environmental rules, 49 CFR part 1105, establish the threshold that SEA uses to determine if a detailed air quality evaluation of the proposed construction and operation is required. The Board typically analyzes air impacts where there is an increase of at least eight trains per day, an increase in rail traffic of at least 100 percent (measured in gross ton miles annually), or an increase in rail yard activity of at least 100 percent (measured by carload activity). The Proposed Action is located in an attainment area. The Proposed Action anticipates one or two trains per day, and would not trigger the Board's environmental thresholds requiring air quality impacts analysis.

Available information obtained in consultation with SCAOG suggests that the economic feasibility of the Proposed Action is based on coal shipments from the SUFCO Mine. Based on representations by SUFCO, the volume of coal produced by the mine and subsequently shipped by train or truck should remain stable for at least 25 years (the life of the mine reserves). Thus, the available information does not suggest that any appreciable increased production at the SUFCO mine is likely if the proposed new rail line is completed. Morever, the amount of any increase that there could be is speculative. Although production at the SUFCO mine is unlikely to increase, the area does have sizeable coal reserves. For example, the Emery Mine is projected to reopen this year. Other mines in proximity to the proposed rail line could also seek permits to open and begin production. The Utah Division of Oil, Gas and Mining has advised SEA that there has been a few inquiries about possible start up of other mines in the area, but there are no pending applications.

Non-coal businesses could also use the proposed railroad. The proposed line could provide existing and future non-coal businesses that would benefit from using rail transportation with the opportunity for new marketing opportunities, which currently appear to be constrained by the trucking cost to reach a rail loading point.

In short, the potential for increased coal movements and non-coal movements exists, if the proposed new rail line is approved and becomes operational. However, the extent of the potential for increased coal production and the likelihood of new or existing non-coal businesses using the line is speculative and not reasonably foreseeable at this time. For that reason and because the proposed line is in an attainment areas, will handle only one or two trains a day, and will decrease emissions in the Sevier Valley from reduced truck traffic, a comprehensive air quality analysis would be inappropriate and will not be undertaken.

7. Cumulative and Indirect Impacts Associated With Coal Mining

EPA suggested that the EIS address indirect and cumulative impacts of the proposed rail line on coal mining, including the possibility that the SUFCO mine or other mines would expand or be altered. EPA advises that the scope of an EIS should address the requirements of 40 CFR 1508.25. EPA suggests that the Board contact the Office of Surface Mining and Utah's Division of Oil, Gas and Mining to discuss the relationship between this proposed action and the ongoing coal mining that this proposed rail line would serve.

Response. SEA contacted the Utah Energy Office and Utah Division of Oil, Gas and Mining as suggested by EPA.

Both offices advised that the only mine in operation near the proposed line that would likely ship coal, at this time, is SUFCO. Given SUFCO's production projections for coal movements (2003 production was 7,125,797 short tons and 2004 projection is 7,400,000 short tons), the indirect and cumulative impacts of the project on coal mining are likely to be very small. Based on information available to SEA at this time, SEA does not believe that the proposed new rail line would significantly impact coal mining in the area or the state. Morever, available information suggests that any potential expansion or altering of coal production related to the proposed line is entirely speculative at this time.

8. Vibrations

Comments on impacts due to vibrations. Landowners expressed concerns that vibrations from trains would damage homes and personal property near the rail lines. Additional comments from landowners stated that vibrations would damage existing water wells and affect water quality by stirring sediments into the water. EPA pointed out that the change in ground vibration due to the passing trains could affect nearby residents if there are any residences adjacent to the proposed rail line.

Response. The EIS will discuss operational and construction-induced vibration. The EIS will address potential impacts to homes and water wells from vibrations resulting from train operations.

9. Noise

Comments regarding noise impacts. Comments stated that the Proposed Action would disrupt the quiet of the farming communities near the alignment. Additional concerns were raised about the effects that the noise from the Proposed Action would have on livestock due to higher background noise. UDWR stated that Yuba Lake State Park Painted Rocks Campground and Day-Use Beach should be included in the EIS as a sensitive receptor. BLM asked that impacts of noise on recreation and wildlife are potential issues that should be addressed. EPA recommended that the EIS describe the potential 55 dBA L_{dn} noise contour since there is potential in that contour for sensitive individuals to be affected through sleep interference or sleep depredation.

Response. Typically, SEA's approach is to analyze noise impacts that would meet or exceed the Board's thresholds (an increase in train traffic of at least eight trains per day or an increase in rail traffic of a least 100 percent measured in gross ton miles annually (see 49 CFR 1105.7e(6)) for environmental analysis as a result of the Proposed Action. Here, the petitioner maintains that it would operate on average one to two loaded trains per day. Thus, the thresholds for noise analysis are not met in this case. However, in response to concerns raised by EPA and other commenters, the EIS will briefly discuss existing noise levels and describe the potential noise impacts from constructing and operating the proposed new rail line on sensitive receptors (houses, schools, campgrounds, and parks) where the noise increase could exceed 3 dBA L_{dn} or where noise levels would increase to a noise level of 65 dBA L_{dn} or greater. The Board's regulations use an incremental increase in noise levels of three decibels L_{dn} or more, or an increase to a noise level of 65 L_{dn} or greater as noise impact analysis thresholds. Sixty-five L_{dn} is the standard consistently used by the Board in all of its environmental review analysis. SEA does not find that there is sufficient evidence to depart from its general practices in this case.

10. Energy Resources

General comments regarding energy. Comments regarding energy stated that local businesses would use less diesel fuel if they could replace trucks with rail service. BLM's comments noted that the U.S. Geological Survey (USGS) could be a valuable resource for mineral and energy information.

Response. The EIS will describe the potential impacts of the proposed new rail line on the distribution of energy resources in the project area, including petroleum, gas pipelines and overhead electric transmission lines.

Comments regarding mineral resources. BLM requested that the EIS address mineral resources, including mineral rights, mining claims, and known sources of saleable, leasable, and locatable minerals.

Response. The EIS will address mineral resources under Geology and Soils.

11. Socioeconomics

Comments regarding socioeconomic impacts to businesses. Comments stated that the proposed rail line would improve the area's economy by helping existing businesses remain competitive and by offering new businesses an incentive to locate in the area. Some landowners stated that the rail line would affect local farming operations and requested mitigation for those impacts. Other landowners stated that changes in the livestock environment could reduce the quality of the beef, which would translate into a loss of income. Comments expressed concern that Alternative B would result in higher costs to farmers for farm improvements due to vibrations and the impacts of the trains.

Response. The EIS will examine economic and social effects that are reasonably foreseeable and that may result from the Proposed Action and alternatives. As part of the EIS socioeconomic analysis, the EIS will analyze economic impacts, including effects on income associated with the Proposed Action and alternatives.

Comments regarding socioeconomic impacts due to property acquisitions. One landowner stated that the proposed rail line would cut through a proposed subdivision and the landowner requested that the alignment be modified to minimize this impact. Other comments asked to modify the alignment to bypass individual properties. Several property owners requested more information about individual property impacts and proposed mitigation for those impacts.

Response. The EIS will describe the potential environmental impacts on residences, residential areas, and communities in the project area. Mitigation measures (where appropriate) will be proposed to minimize or eliminate impacts associated with significant effects on the natural or physical environment.

Comments regarding loss of jobs. Two comments stated that the number of trucking jobs in the area could be reduced if fewer trucks are required to haul coal as a result of this proposal.

Response. The EIS will discuss the potential economic impacts of the Proposed Action and alternatives including effects on jobs and employment in the project area.

12. Cultural and Historical Resources

General comments regarding cultural resources. Comments stated that there are several cultural and archeological sites in the area and requested consultation with the local Native American tribal organizations. Several tribal contacts requested copies of the Cultural Resource Survey has been prepared for the area. UDNR, BLM, and the Utah State Historic Preservation Office expressed concern regarding the impacts the Proposed Action would have on cultural resources in the area.

Response. The EIS will examine the potential impacts on cultural resources and will describe the result of archaeological surveys conducted in the project area as part of consultations with the Utah State Historic Preservation

Officer. SEA will continue to consult with federally recognized Native American tribal organizations.

13. Recreation

Comments regarding Painted Rocks Campground and Yuba Lake. Comments expressed concerns about impacts to the Painted Rocks Campground and Recreation Area. Alternative B would cross the reservoir at Painted Rocks. Comments expressed concern regarding the potential impacts that the proposed rail line could have on recreation facilities and boat navigational hazards because Alternative B crosses the entrance to the campground. Comments expressed concern about restricting public access and emergency response access to public facilities. UDNR stated that the EIS should discuss Yuba Lake and potential impacts to water related recreationalists and their ability to freely traverse the lake.

Response. The EIS will describe the potential impacts of the proposed project and alternatives on recreation opportunities in the project area.

Comments regarding off highway vehicles (OHVs). BLM commented that there may be a need to discuss impacts to OHV-based recreation and Special Recreation Management Areas.

Response. The EIS will address potential impacts to OHV-based recreation and Special Recreation Management Areas.

14. Aesthetics

Comments requested that the EIS describe conformance with BLM Visual Resource Management class objectives.

Response. The EIS will include a discussion of conformance with BLM VRM class objectives.

15. Environmental Justice

General comment regarding environmental justice. A landowner stated that the Proposed Action would be 100 feet from a residence with two autistic children. This landowner requested that an environmental justice analysis be undertaken. EPA asked that the EIS identify any minority or low income communities along the proposed rail corridor.

Response. The EIS will address potential impacts of the Proposed Action on environmental justice communities. The most recent Census Bureau data that is available at the time the EIS is prepared will be used. The EIS also will describe the environmental justice outreach efforts undertaken during the scoping process and throughout the preparation of the document. The Web site for the Surface Transportation Board is *www.stb.dot.gov.*

Decided: April 28, 2004.

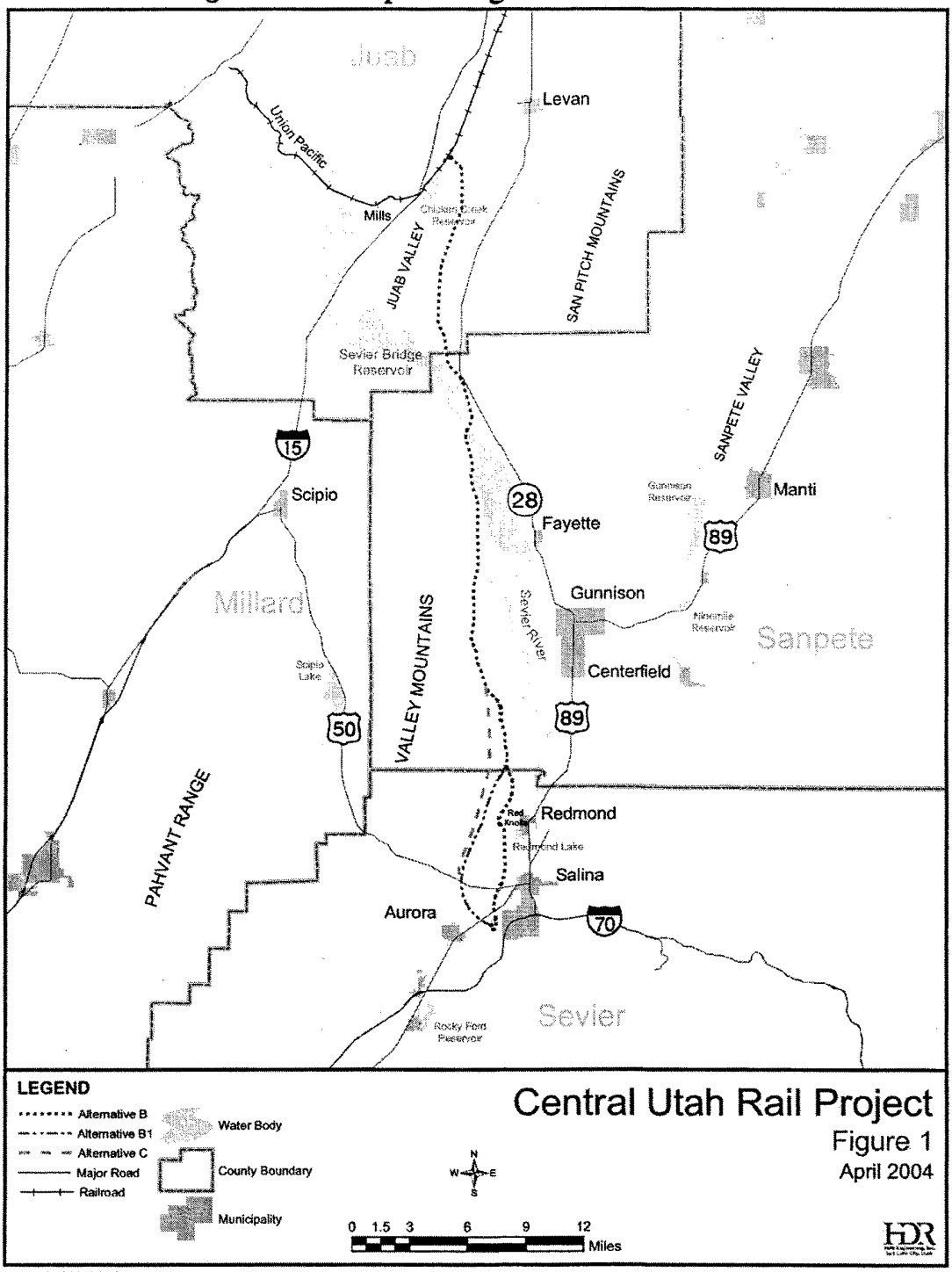
By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams,

Secretary.

BILLING CODE 4915–01–P

Figure 1 - The Proposed Alignment and Alternative C



BILLING CODE 4915–01–C

Notice of Availability of Draft Scope of Analysis for the Environmental Impact Statement

Decided: April 28, 2004.

SUMMARY: On July 30, 2001, the Six County Association of Governments (SCAOG), a regional association representing Juab, Millard, Sevier, Sanpete, Piute, and Wayne counties in central Utah, filed a Petition for Exemption with the Surface Transportation Board (Board) pursuant to 49 U.S.C. 10502 for authority for construction and operation of a proposed new rail line between Levan and Salina, Utah. The project would involve approximately 43 miles of new rail line and ancillary facilities to serve shippers in central Utah, particularly Southern Utah Fuels Company (SUFCO) coal operations. Because the construction and operation of this project has the potential to result in significant environmental impacts, the Board's Section of Environmental Analysis (SEA) has determined that the preparation of an Environmental Impact Statement (EIS) is appropriate. SEA held public scoping meetings as part of the EIS process, as discussed in the Notice of Scoping Meetings and Request for Comments published by the Board on October 20, 2003. As part of the scoping process, SEA has developed a draft Scope of Analysis for the EIS. SEA has made available for public comment the draft Scope of Analysis contained in this notice. SEA will issue a final Scope of Analysis shortly after the close of the comment period. Written comments on the Scope of Study are due January 26, 20004.

Filing Environmental Comments: Interested persons and agencies are invited to participate in the EIS scoping process. A signed original and 10 copies of comments should be submitted to: Surface Transportation Board, Case Control Unit, STB Finance Docket No. 34075, 1925 K Street, NW., Washington, DC 20423–0001 with the following designation written in the lower left-hand corner of the envelope: Attention: Phillis Johnson-Ball, Environmental Project Manager, Environmental Filing.

FOR FURTHER INFORMATION CONTACT: Ms. Phillis Johnson-Ball, Section of Environmental Analysis, Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. The Web site for the Surface Transportation Board is *www.stb.dot.gov.*

SUPPLEMENTARY INFORMATION:

Draft Scope of Analysis for the EIS

Proposed Action and Alternatives

The Proposed Action, known as the Central Utah Rail project, involves the construction and operation of approximately 43 miles of new rail line connecting the existing Union Pacific Railroad (UPRR) line near Levan, Utah, to a proposed coal transfer terminal facility near Salina, Utah. Implementation of the proposed project would restore rail service to the Sevier Valley, providing a more direct connection to rail service for the coal industry (primarily SUFCO), provide rail service to other shippers in the Sevier Valley, and reduce the number of trucks on highways in the Sevier Valley.

The reasonable and feasible alternatives that will be evaluated in the EIS are (1) construction and operation of the proposed project, (2) the no-action alternative, and (3) alternative alignments identified during the scoping process.

Environmental Impact Analysis

Proposed New Construction

Analysis in the EIS will address the proposed activities associated with the construction and operation of new rail facilities and their potential environmental impacts, as appropriate.

Impact Categories

The EIS will address potential impacts from the proposed construction and operation of new rail facilities on the human and natural environment. Impact areas addressed will include the categories of land use, biological resources, water resources, geology and soils, air quality, noise, energy resources, socioeconomics as they relate to physical changes in the environment, safety, transportation systems, cultural and historic resources, recreation, aesthetics, and environmental justice. The EIS will include a discussion of each of these categories as they currently exist in the project area and will address the potential impacts from the proposed project on each category as described below:

1. Land Use

The EIS will:

a. Describe existing land use patterns within the project area and identify those uses that would be potentially impacted by proposed rail line construction.

b. Describe the potential impacts associated with the proposed new rail line construction on land uses identified in the project area. Such impacts may include impacts on farming and ranching activities, incompatibility with existing land uses, and conversion of land to railroad uses.

c. Propose mitigative measures to minimize or eliminate potential project impacts on land use, as appropriate.

d. Reflect the input of BLM, a cooperating agency, and consultations with other agencies and organizations.

e. Use the best available information to analyze any potential impacts in the project area.

2. Biological Resources

The EIS will:

a. Describe existing biological resources within the project area, including vegetative communities, wildlife and fisheries, and federal and state threatened or endangered species, and the potential impacts on those resources resulting from construction and operation of proposed rail facilities.

b. Describe any wildlife sanctuaries, refuges, and national or state parks, forests, or grasslands within the project area and potential impacts on these resources resulting from construction and operation of the proposed rail line and ancillary facilities.

c. Identify wildlife corridors in the project area and describe potential impacts to large game that may be affected by construction and operation of the proposed new rail line.

d. Use best management practices to protect fish and wildlife in the corridor.

e. Propose mitigative measures to minimize or eliminate potential project impacts on biological resources, as appropriate.

3. Water Resources

The EIS will:

a. Describe the existing surface and groundwater resources within the project area, including lakes, rivers, streams, ponds, wetlands, and floodplains, and the potential impacts on these resources resulting from construction and operation of the proposed rail line and ancillary facilities.

b. Describe the permitting requirements for the proposed new rail line construction regarding wetlands, stream and river crossings, water quality, and erosion and sedimentation control.

c. Describe the existing private water wells located within the project area and potential impacts, if any, to water quality due to vibration from haul trains.

d. Describe current access to irrigation water within the project area and potential impacts due to alignment location.

e. Propose mitigative measures to minimize or eliminate potential project

impacts on water resources, as appropriate.

4. Geology and Soils

The EIS will:

a. Describe the geology and soils within the project area, including unique formations, problematic/hazardous geology or soils, prime or unique farmland soils, hydric soils, and the potential impacts on these resources resulting from the construction and operation of the proposed rail line.

b. Address any potential impacts associated with fugitive dust on soils.

c. Propose mitigative measures to minimize or eliminate potential project impacts on geological resources and/or soils, as appropriate.

5. Air Quality

The EIS will:

a. Describe the attainment status of the project area, including proximity to any Class I or non-attainment area as designated under the Clean Air Act. Estimates of air emissions related to the construction and operation of the proposed new rail line will be prepared.

b. Reflect the fact that the potential for increased coal movements and non-coal movements exists; but that the potential for increased coal production and the likelihood of new or existing non-coal business is speculative and not reasonably foreseeable at this time.

c. Discuss and evaluate the potential air emissions changes from diversion of existing truck emissions to rail.

d. Propose mitigative measures to minimize or eliminate potential air quality impacts related to the construction and operation of the proposed rail line.

6. Cumulative and Indirect Impacts

a. The EIS will address the cumulative impacts on the environment that may result from the Proposed Action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency or individuals undertake such actions.

b. Reasonably foreseeable indirect impacts also will be addressed.

7. Noise

The EIS will:

a. Describe the potential noise impacts of the proposed new rail line construction and operation for those sensitive receptors (houses, schools, *etc.*) where the increase may exceed 3 dbA Ldn or exceed a total of 65 dbA Ldn.

b. Discuss existing noise levels.

c. Propose mitigative measures to minimize or eliminate potential project impacts on noise receptors, as appropriate.

8. Energy Resources

The EIS will:

a. Describe the potential impact of the proposed new rail line on the distribution of energy resources in the project area, including petroleum and gas pipelines and overhead electric transmission lines.

b. Propose mitigative measures to minimize or eliminate potential project impacts on energy resources, as appropriate.

9. Socioeconomics

The EIS will:

a. Describe the potential environmental impacts on residences, residential areas, and communities within the project area as a result of new rail line construction and operation activities.

b. Discuss economic impacts, including impacts on income associated with the proposed project.

c. Describe the potential environmental impacts on commercial and industrial activities and development in the project area as a result of new rail line construction and operation activities.

d. Propose mitigative measures to minimize or eliminate potential project impacts on socioeconomic resources, as appropriate.

10. Safety

The EIS will:

a. Describe new at-grade rail crossings that would result from construction of the rail line and the potential for an increase in accidents related to the new rail line operations, as appropriate.

b. Describe rail operations and the potential for increased probability of train accidents, as appropriate.

c. Describe safety factors, as appropriate, for rail/pipeline crossings, if any exist in the project area.

d. Describe existing trucking operations for coal hauling and the potential for accidents from those operations.

e. Describe the potential for disruption and delays to the movement of emergency vehicles due to new rail line construction and operations.

f. Propose mitigative measures to minimize or eliminate potential project impacts on safety, as appropriate.

11. Transportation Systems

The EIS will:

a. Describe the potential impacts of new rail line construction and operation on the existing transportation network in the project area, including vehicular delays at at-grade road/rail crossings.

b. Describe potential impacts on navigation associated with the construction and operation of any proposed bridges.

c. Describe effects of current coal trucking operations on the existing road network and communities.

d. Describe current access to recreation locations within the project area and potential impacts from rail line construction and operation.

e. Propose mitigative measures to minimize or eliminate potential project impacts on transportation systems, as appropriate.

12. Cultural and Historic Resources

The EIS will:

a. Describe the potential impacts on historic structures or districts previously recorded and determined potentially eligible, eligible, or listed on the National Register of Historic Places (NRHP) that are within or immediately adjacent to the right-of-way for the proposed and alternative rail alignments.

b. Describe the potential impacts on archaeological sites previously recorded and either listed as unevaluated or determined potentially eligible, eligible, or listed on the NRHP that are within or immediately adjacent to the right-of-way for the proposed and alternative rail alignments.

c. Describe the potential impacts on historic structures or districts determined to be potentially eligible, eligible, or listed on the NRHP that are within the right-of-way for the proposed and alternative rail alignments.

d. Describe the likelihood for unrecorded, buried archaeological sites to exist within the right-of-way for the proposed and alternative rail alignments, the potential that the sites are eligible for listing on the NRHP, and the potential impact of the rail construction on the sites.

e. Describe the potential general impacts on paleontological resources in the project area due to project construction, if necessary.

f. Propose mitigative measures to minimize or eliminate potential project impacts on cultural and historic resources, as appropriate.

13. Recreation

The EIS will:

a. Describe potential impacts of the proposed new rail line construction and operation on recreational opportunities provided in the project area.

b. Propose mitigative measures to minimize or eliminate potential project impacts on recreation resources, as appropriate.

14. Aesthetics

The EIS will:

a. Describe the potential impacts of the proposed new rail line construction and operation on any areas determined to be of high visual quality.

b. Describe the potential impacts of the proposed new rail line construction and operation on any waterways designated or considered for designation as wild and scenic.

c. Discuss conformance with BLM Visual Resource Management class objectives. d.Propose mitigative measures to minimize or eliminate potential project impacts on aesthetics, as appropriate.

15. Environmental Justice

The EIS will:

a. Describe demographics in the project area and the immediate vicinity of the proposed new construction, including communities potentially impacted by the construction and operation of the proposed new rail line.

b. Evaluate whether proposed new rail line construction or operation would have a disproportionately high and adverse impact on minority or low-income groups.

c. Propose mitigative measures to minimize or eliminate potential project impacts on environmental justice communities, as appropriate.

d. Discuss any potential indirect and cumulative impacts of the proposed new rail line on coal mining in Utah.

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Dated:

Vernon A. Williams,

Secretary.

[FR Doc. 04–10970 Filed 5–13–04; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. MC–F–21006]

Stagecoach Group PLC and Coach USA, Inc., et al.—Acquisition and Consolidation of Assets—Rockford Coach Lines, L.L.C.

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice tentatively approving finance transaction.

SUMMARY: Stagecoach Group, PLC (Stagecoach), a noncarrier, and its noncarrier intermediate subsidiaries, SCUSI Limited, Coach Administration, Inc., and Coach USA, Inc. (Coach USA), and Sam Van Galder, Inc. (Van Galder), a motor passenger carrier (MC–112422) controlled by Coach USA (collectively, applicants), have filed an application under 49 U.S.C. 14303 for acquisition and operation of certain assets of Rockford Coach Lines, L.L.C. (Rockford), a motor passenger carrier (MC–66810) and subsidiary of Greyhound Lines, Inc. (Greyhound). The transaction was approved on an interim basis under 49 U.S.C. 14303(i), and the Board is now tentatively granting permanent approval. Persons wishing to oppose the application must follow the rules under 49 CFR 1182.5 and 1182.8. If no opposing comments are timely filed, this notice will be the final Board action.

DATES: Comments are due June 28, 2004. Applicants may reply by July 13, 2004. If no comments are received by June 28, 2004, this notice is effective on that date.

ADDRESSES: Send an original and 10 copies of any comments referring to STB Docket No. MC–F–21006 to: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. In addition, send one copy of comments to applicants' representative: Betty Jo Christian, Steptoe & Johnson, LLP, 1330 Connecticut Ave., NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon (202) 565–1600. [Federal Information Relay Service (FIRS) for the hearing impaired: 1–800–877–8339.]

SUPPLEMENTARY INFORMATION: Stagecoach, headquartered in Scotland, is one of the world's largest providers of passenger transportation services. It operates in several countries, including the United States, through a series of operating divisions. One such operating division, Coach USA, is a Delaware corporation that currently controls numerous passenger carriers, including Van Galder, one of the subjects of this transaction.

Under the proposed transaction, applicants seek permission to acquire certain assets of Rockford, including Rockford's name, trademarks, service marks, telephone numbers, customer lists, sales records, charter contracts, an airport ticket booth and the federally issued interstate operating authorities of Rockford, as well as a variety of other assets. The Board recently granted interim approval in *Stagecoach Group PLC and Coach USA, Inc., et al.—Acquisition and Consolidation of Assets—Rockford Coach Lines, L.C.C.*, STB Docket No. MC–F–21006 TA (STB served Apr. 29, 2004). Rockford currently operates 19 motorcoaches, and provides regular route service between Rockford, IL, and O'Hare International Airport, charter and tour service in the Northern Illinois area, and charter operations between points in the Northern Illinois area and points in the United States. According to applicants, Rockford has been losing substantial sums of money in its operations and Greyhound, Rockford's parent, can no longer afford to absorb those losses. As a result, Rockford will cease operations in early May. However, applicants state that there will be a seamless continuation of services previously provided by Rockford through Van Galder.

Applicants have submitted information, as required by 49 CFR 1182.2(a)(7), to demonstrate that the proposed transaction is consistent with the public interest under 49 U.S.C. 14303(b). Applicants state that the proposed transaction will have no impact on the adequacy of transportation services available to the public, that the operations of the carrier involved will remain unchanged, that fixed charges associated with the proposed transaction will not be adversely impacted. Although, applicants may offer employment to some, all or none of the Rockford employees, applicants anticipate that in the absence of this transaction Rockford will cease operations with the loss of employment for all employees. In addition, Applicants have submitted all of the other statements and certifications required by 49 CFR 1182.2. Additional information, including a copy of the application, may be obtained from the applicants' representative.

Under 49 U.S.C. 14303, the Board must approve and authorize a transaction it finds consistent with the public interest, taking into consideration at least: (1) The effect of the transaction on the adequacy of transportation to the public; (2) the total fixed charges that result; and (3) the interest of affected carrier employees.

On the basis of the application, the Board finds that the proposed acquisition of assets is consistent with the public interest and should be authorized. If any opposing comments are timely filed, this finding will be deemed vacated and, unless a final decision can be made on the record as developed, a procedural schedule will be adopted to reconsider the application. *See* 49 CFR 1182.6(c). If no opposing comments are filed by the expiration of the comment period, this decision will take effect automatically and will be the final Board action.

Board decisions and notices are available on the Board's Web site at *www.stb.dot.gov.*

This decision will not significantly affect either the quality of the human

environment or the conservation of energy resources.

It is ordered:

1. The proposed acquisition and operation of certain assets of Rockford by applicants is approved and authorized, subject to the filing of opposing comments.

2. If timely opposing comments are filed, the findings made in this decision will be deemed as having been vacated.

3. This decision will be effective on June 28, 2004, unless timely opposing comments are filed.

4. A copy of this decision will be served on: (1) U.S. Department of Transportation, Federal Motor Carrier Safety Administration, 400 7th Street, SW., Room 8214, Washington, DC 20590; (2) the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue, NW., Washington, DC 20530; and (3) the U.S. Department of Transportation, Office of the General Counsel, 400 7th Street, SW., Washington, DC 20590.

Decided: May 10, 2004.

By the Board, Chairman Nober.

Vernon A. Williams,

Secretary.

[FR Doc. 04–10971 Filed 5–13–04; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

May 3, 2004.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before June 14, 2004 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0954.

Form Number: IRS Form 1120–ND.

Type of Review: Extension.

Title: Return for Nuclear Decommissioning Funds and Certain Related Persons.

Description: A nuclear utility files Form 1120–ND to report the income and taxes of a fund set up by the public utility to provide cash for the dismantling of the nuclear power plant. The IRS uses Form 1120–ND to determine if the fund income taxes are correctly computed and if a person related to the fund or the nuclear utility must pay taxes on self-dealing.

Respondents: Business or other for-profit.

Estimated Number of Respondents/Recordkeepers: 100.

Estimated Burden Hours Respondent/Recordkeeper:

Recordkeeping—23 hr., 26 min.

Learning about the law or the form—3 hr., 7 min.

Preparing the form.—5 hr., 30 min.

Copying, assembling, and sending the form to the IRS—32 min.

Frequency of response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 3,259 hours.

OMB Number: 1545–1722.

Form Number: IRS Form 8873.

Type of Review: Extension.

Title: Extraterritorial Income Exclusion.

Description: A taxpayer uses Form 8873 to claim the gross income exclusion provided for by section 114 of the Internal Revenue Code.

Respondents: Business or other for-profit, Individuals or households.

Estimated Number of Respondents/Recordkeepers: 1,000,000.

Estimated Burden Hours Respondent/Recordkeeper:

Recordkeeping—21 hr., 3 min.

Learning about the law or the form—1 hr., 53 min.

Preparing, copying, assembling, and sending the form to the IRS—2 hr., 25 min.

Frequency of response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 25,450,000 hours.

Clearance Officer: Glenn P. Kirkland, (202) 622–3428, Internal Revenue Service, Room 6411–03, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Joseph F. Lackey, Jr., (202) 395–7316, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Treasury PRA Clearance Officer.

[FR Doc. 04–10914 Filed 5–13–04; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

May 6, 2004.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before June 14, 2004 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0773.

Regulation Project Number: TD 8172 Final.

Type of Review: Extension.

Title: Qualification of Trustee or Like Fiduciary in Bankruptcy.

Description: Internal Revenue Code (IRC) section 6036 requires executors or receivers to advise the district director of their appointment or authorization to act. This information is necessary so that IRS will know of the proceedings and who to contact for delinquent returns or taxes.

Respondents: Individuals or households.

Estimated Number of Respondents: 50,000.

Estimated Burden Hours Respondent: 15 minutes.

Frequency of response: Other (nonrecurring).

Estimated Total Reporting Burden: 12,500 hours.

OMB Number: 1545–0782.

Regulation Project Number: LR–7 (TD 6629) Final.

Type of Review: Extension.

Title: Limitation on Reduction in Income Tax Liability Incurred to the Virgin Islands.

Description: The Tax Reform Act of 1986 repealed the mandatory reporting and recordkeeping requirements of section 934(d) (1954 Code). The prior exception to the general rule of section 934 (1954 Code) to prevent the Government of the Virgin Islands from granting tax rebates with regard to taxes attributable to income derived from sources within the U.S. was contingent upon the taxpayers' compliance with

reporting requirements of section 934(d).

Respondents: Individuals or households, Business or other for-profit.

Estimated Number of Respondents/ Recordkeepers: 500.

Estimated Burden Hours Respondent/ Recordkeeper: 22 minutes.

Frequency of response: On occasion.

Estimated Total Reporting/ Recordkeeping Burden: 184 hours.

OMB Number: 1545–1138.

Regulation Project Number: INTL–955–86 Final.

Type of Review: Extension.

Title: Requirements for Investments to Qualify Under Section 936(d)(4) as Investments in Qualified Caribbean Basin Countries.

Description: The collection of information is required by the Internal Revenue Service to verify that an investment qualifies under IRC section 936(d)(4). The recordkeepers will be possession corporations, certain financial institutions located in Puerto Rico, and borrowers of funds covered by this regulation.

Respondents: Business or other for-profit.

Estimated Number of Recordkeepers: 50.

Estimated Burden Hours Recordkeeper: 30 hours.

Estimated Total Recordkeeping Burden: 1,500 hours.

OMB Number: 1545–1165.

Form Number: IRS Form 8821.

Type of Review: Extension.

Title: Tax Information Authorization.

Description: Form 8821 is used to appoint someone to receive or inspect certain tax information. Data is used to identify appointees and to ensure that confidential information is not divulged to unauthorized persons.

Respondents: Individuals or households, Business or other for-profit, Not-for-profit institutions, Farms.

Estimated Number of Respondents/ Recordkeepers: 200,000.

Estimated Burden Hours Respondent/ Recordkeeper:

Recordkeeping—6 min.

Learning about the law or the form—12 min.

Preparing the form—24 min.

Copying and sending the form to the IRS—20 min.

Frequency of response: On occasion.

Estimated Total Reporting/ Recordkeeping Burden: 210,450 hours.

OMB Number: 1545–1255.

Regulation Project Number: INTL–870–89 NPRM.

Type of Review: Extension.

Title: Earnings Stripping (Section 163(j)).

Description: Certain taxpayers are allowed to write off the fixed basis of the stock of an acquired corporation rather than the adjusted basis of the assets of the acquired corporation to elect special treatment under section 163(j).

Respondents: Business or other for-profit.

Estimated Number of Respondents/ Recordkeepers: 2,300.

Estimated Burden Hours Respondent/ Recordkeeper: 31 minutes.

Frequency of response: Annually.

Estimated Total Reporting/ Recordkeeping Burden: 1,196 hours.

OMB Number: 1545–1351.

Form Number: IRS Form 8833.

Type of Review: Extension.

Title: Treaty-Based Return Position Disclosure under Section 6114 or 7701(b).

Description: Form 8833 is used by taxpayers that are required by section 6114 to disclose a treaty-based return position to disclose that position. The form may also be used to make the treaty-based position disclosure required by regulations section 301.7701(b)–7(b) for ''dual resident'' taxpayers.

Respondents: Business or other for-profit, Individuals or households.

Estimated Number of Respondents/ Recordkeepers: 6,000.

Estimated Burden Hours Respondent/ Recordkeeper:

Recordkeeping—3 hr., 6 min.

Learning about the law or the form—1 hr., 35 min.

Preparing and sending the form to the IRS—1 hr., 42 min.

Frequency of response: Annually.

Estimated Total Reporting/ Recordkeeping Burden: 38,460 hours.

OMB Number: 1545–1433.

Regulation Project Numbers: CO–11–91 Final and CO–24–95 Final.

Type of Review: Extension.

Title: CO–11–91 Final: Consolidated Groups and Controlled Groups—Inter-company Transactions and Related Rules; and *CO–24–95 Final:* Consolidated Groups—Inter-company Transactions and Related Rules.

Description: The regulations require common parents that make elections under Section 1.1502–13 to provide certain information. The information will be used to identify and assure that the amount, location, timing and attributes of inter-company transactions and corresponding items are properly maintained.

Respondents: Business or other for-profit.

Estimated Number of Respondents/ Recordkeepers: 2,200.

Estimated Burden Hours Respondent/ Recordkeeper: 29 minutes.

Frequency of response: Occasionally.

Estimated Total Reporting/ Recordkeeping Burden: 1,050 hours.

OMB Number: 1545–1576.

Form Number: IRS Form 1098-E.

Type of Review: Extension.

Title: Student Loan Interest Statement.

Description: Section 6050S(b)(2) of the Internal Revenue Code requires persons (financial institutions, governmental units, etc.) to report $600 or more of interest paid on student loans to the IRS and the students.

Respondents: Individuals or households, Business or other for-profit, Not-for-profit institutions, State, Local or Tribal Government.

Estimated Number of Respondents/ Recordkeepers: 200,000.

Estimated Burden Hours Respondent/ Recordkeeper: 7 minutes.

Frequency of response: Annually.

Estimated Total Reporting/ Recordkeeping Burden: 1,051,357 hours.

OMB Number: 1545–1748.

Regulation Project Number: REG–106917–99 Final.

Type of Review: Extension.

Title: Changes in Accounting Periods.

Description: Section 1.441–2(b)(1) requires certain taxpayers to file statements on their federal income tax returns to notify the Commissioner of the taxpayers' election to adopt a 52–53-week taxable year. Section 1.442–1(b)(4) provides that certain taxpayers must establish books and records that clearly reflect income for the short period involved when changing their taxable year to a fiscal taxable year. Section 1.442–1(d) requires a newly married husband or wife to file a statement with their short period return when changing to the other spouse's taxable year.

Respondents: Business or other for-profit, Individuals or households.

Estimated Number of Respondents/ Recordkeepers: 1,000.

Estimated Burden Hours Respondent/ Recordkeeper: 30 minutes.

Frequency of response: On occasion.

Estimated Total Reporting/ Recordkeeping Burden: 500 hours.

OMB Number: 1545–1878.

Form Number: IRS Form 8879–EO.

Type of Review: Extension.

Title: IRS *e-file* Signature Authorization for an Exempt Organization.

Description: Form 8879–EO authorizes an officer of an exempt organization and electronic return originator (ERO) to sue a personal identification number (PIN) to electronically sign an organization's electronic income tax return and, if applicable, Electronic Funds Withdrawal Consent.

Respondents: Not-for-profit institutions.

Estimated Number of Respondents/ Recordkeepers: 800.

Estimated Burden Hours Respondent/ Recordkeeper:

Recordkeeping—3 hr., 35 min.

Learning about the law or the form—12 min.

Preparing the form—15 min.

Frequency of response: Annually.

Estimated Total Reporting/ Recordkeeping Burden: 3,240 hours.

OMB Number: 1545–1879.

Form Number: IRS Form 8453–EO.

Type of Review: Extension.

Title: Exempt Organization Declaration ad Signature for Electronic Filing.

Description: Form 8453–EO is used to enable the electronic filing of Forms 990, 990–EZ, or 1120–POL.

Respondents: Not-for-profit institutions.

Estimated Number of Respondents/ Recordkeepers: 200.

Estimated Burden Hours Respondent/ Recordkeeper:

Recordkeeping—4 hr., 18 min.

Learning about the law or the form—12 min.

Preparing, copying, assembling, and sending the form to the IRS—16 min.

Frequency of response: Annually.

Estimated Total Reporting/ Recordkeeping Burden: 956 hours.

Clearance Officer: Glenn P. Kirkland, (202) 622–3428, Internal Revenue Service, Room 6411–03, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Joseph F. Lackey, Jr., (202) 395–7316, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Treasury PRA Clearance Officer.

[FR Doc. 04–10915 Filed 5–13–04; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8736

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8736, Application for Automatic Extension of Time To File U.S. Return for a Partnership, REMIC, or for Certain Trusts.

DATES: Written comments should be received on or before July 13, 2004 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6411, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to R. Joseph Durbala at Internal Revenue Service, room 6407, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622–3634, or through the Internet at *RJoseph.Durbala@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Application for Automatic Extension of Time To File U.S. Return for a Partnership, REMIC, or for Certain Trusts.

OMB Number: 1545–1054.

Form Number: Form 8736.

Abstract: Form 8736 is used by partnerships, REMICs, and by certain trusts to request an automatic 3–month extension of time to file Form 1065, Form 1066 or Form 1041. Form 8736 contains data needed by the IRS to determine whether or not a taxpayer qualifies for such an extension.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 36,000.

Estimated Time Per Respondent: 3 hours, 41 minutes.

Estimated Total Annual Burden Hours: 132,840.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the 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 collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) 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; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: May 10, 2004.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 04–11017 Filed 5–13–04; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Announcement 2004–43

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Announcement 2004–43, Election of Alternative Deficit Reduction Contribution.

DATES: Written comments should be received on or before July 13, 2004 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6411, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the announcement should be directed to Carol Savage at Internal Revenue Service, room 6407, 1111

Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–3945, or through the Internet at *CAROL.A.SAVAGE@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Election of Alternative Deficit Reduction Contribution.

OMB Number: 1545–1884.

Announcement Number: Announcement 2004–43.

Abstract: Announcement 2004–43 describes the notice that must be given by an employer to plan participants and beneficiaries and to the Pension Benefit Guaranty Corporation within 30 days of making an election to take advantage of the alternative deficit reduction contribution described in Pub. L., 108–18, and gives a special transition rule for the 1st quarter.

Current Actions: There are no changes being made to the announcement at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, and not-for-profit institutions.

Estimated Number of Respondents: 200.

Estimated Time Per Respondent: 60 hours.

Estimated Total Annual Burden Hours: 12,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the 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 collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) 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; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: May 10, 2004.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 04–11018 Filed 5–13–04; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 4 Taxpayer Advocacy Panel (Including the States of Illinois, Indiana, Kentucky, Michigan, Ohio, West Virginia, and Wisconsin)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Area 4 Taxpayer Advocacy Panel will be conducted (via teleconference). The Taxpayer Advocacy Panel is soliciting public comment, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, June 16, 2004, at 8 a.m., Central Daylight Time.

FOR FURTHER INFORMATION CONTACT: Mary Ann Delzer at 1–888–912–1227, or (414) 297–1604.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Area 4 Taxpayer Advocacy Panel will be held Wednesday, June 16, 2004, at 8 a.m., Central daylight time via a telephone conference call. You can submit written comments to the panel by faxing the comments to (414) 297–1623, or by mail to Taxpayer Advocacy Panel, Stop1006MIL, 310 West Wisconsin Avenue, Milwaukee, WI 53203–2221, or you can contact us at *www.improveirs.org*. This meeting is not required to be open to the public, but because we are always interested in community input, we will accept public comments. Please contact Mary Ann Delzer at 1–888–912–1227 or (414) 297–1604 for dial-in information.

The agenda will include the following: Various IRS issues.

Dated: May 10, 2004.

Bernard Coston,

Director, Taxpayer Advocacy Panel.

[FR Doc. 04–11019 Filed 5–13–04; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 2 Taxpayer Advocacy Panel (Including the States of Delaware, North Carolina, South Carolina, New Jersey, Maryland, Pennsylvania, Virginia and the District of Columbia)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Area 2 Taxpayer Advocacy Panel will be conducted in Washington, DC. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Friday, June 11, 2004, and Saturday, June 12, 2004.

FOR FURTHER INFORMATION CONTACT: Inez E. De Jesus at 1–888–912–1227 (toll-free), or 954–423–7977 (non toll-free).

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10 (a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Area 2 Taxpayer Advocacy Panel will be held Friday, June 11, 2004 from 8 a.m. to 12 p.m. and from 1 p.m. to 5 p.m. EDT and Saturday, June 12, 2004 from 8 a.m. to 12 p.m. EDT in Washington, DC at One Washington Circle Hotel, One Washington Circle NW, Washington, DC 20037. For information or to confirm attendance, notification of intent to attend the meeting must be made with Inez De Jesus. Ms. De Jesus may be reached at 1–888–912–1227 or 954–423–7977, or write Inez E. De Jesus, TAP Office, 1000 South Pine Island Rd., Suite 340, Plantation, FL 33324, or post comments to the Web site: *http://www.improveirs.org.*

The agenda will include the following: Various IRS issues.

Dated: May 10, 2004.

Bernard Coston,

Director, Taxpayer Advocacy Panel.

[FR Doc. 04–11020 Filed 5–13–04; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Joint Committee of the Taxpayer Advocacy Panel

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Joint Committee of the Taxpayer Advocacy Panel will be conducted via teleconference. The Taxpayer Advocacy Panel is soliciting public comment, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, June 15, 2004, at 1:30 p.m., Eastern Daylight Time.

FOR FURTHER INFORMATION CONTACT: Barbara Toy at 1–888–912–1227, or 414–297–1611.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Joint Committee of the Taxpayer Advocacy Panel (TAP) will be held Tuesday, June 15, 2004, from 1:30 to 3 pm Eastern daylight time via a telephone conference call. If you would like to have the Joint Committee of TAP consider a written statement, please call 1–888–912–1227 or 414–297–1611, or write Barbara Toy, TAP Office, MS–1006–MIL, 310 West Wisconsin Avenue, Milwaukee, WI 53203–2221, or FAX to 414–297–1623, or you can contact us at *www.improveirs.org.* Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made with Barbara Toy. Ms. Toy can be reached at 1–888–912–1227 or 414–297–1611, or FAX 414–297–1623.

The agenda will include the following: Monthly committee summary report, discussion of issues brought to the joint committee, office report, and discussion of next meeting.

Dated: May 10, 2004.

Bernard Coston,

Director, Taxpayer Advocacy Panel.

[FR Doc. 04–11021 Filed 5–13–04; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 5 Taxpayer Advocacy Panel (Including the States of Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Area 5 Taxpayer Advocacy Panel will be conducted (via teleconference). The Taxpayer Advocacy Panel is soliciting public comment, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Monday, June 14, 2004, at 3 p.m., Central Daylight Time.

FOR FURTHER INFORMATION CONTACT: Audrey Jenkins at 1–888–912–1227, or (718) 488–2085.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Area 5 Taxpayer Advocacy Panel will be held Monday, June 14, 2004, at 3 p.m., Central daylight time via a telephone conference call. You can submit written comments to the panel by faxing the comments to (718) 488–2062, or by mail to Taxpayer Advocacy Panel, 10 Metro Tech Center, 625 West Fulton Street, Brooklyn, NY 11201, or you can contact us at *www.improveirs.org.* This meeting is not required to be open to the public, but because we are always interested in community input, we will accept public comments. Please contact Audrey Jenkins at 1–888–912–1227 or (718) 488–2085 for dial-in information.

The agenda will include the following: Various IRS issues.

Dated: May 10, 2004.

Bernard Coston,

Director, Taxpayer Advocacy Panel.

[FR Doc. 04–11022 Filed 5–13–04; 8:45 am]

BILLING CODE 4830–01–P

UTAH RECLAMATION MITIGATION AND CONSERVATION COMMISSION

Notice of Availability of the Decision Notice and Finding of No Significant Impact for Reconstruction of the Whiterocks State Fish Hatchery in Utah

AGENCY: Utah Reclamation Mitigation and Conservation Commission.

ACTION: Notice of availability.

SUMMARY: The Utah Reclamation Mitigation and Conservation Commission (Mitigation Commission) and the Utah Division of Wildlife Resources (Division) have jointly prepared an Environmental Assessment (EA) to determine the effects of a partial reconstruction of the existing Whiterocks State Fish Hatchery located near Whiterocks, Uinta County, Utah. After considering public comments and analyzing environmental effects, the proposed action was selected, which provides for partial reconstruction, operation and maintenance of the Whiterocks Hatchery.

The Proposed Action consists of: rehabilitating existing water supply and internal water delivery systems, installing an oxygen injection system, constructing a new hatchery/lab/office building, constructing a truck disinfection station and associated site paving. The facility is located on approximately 14 acres of State-owned lands. Partial reconstruction of the Whiterocks State Fish Hatchery helps meet the State of Utah's fishery long-term stocking needs and management objectives for providing cold-water sport fishing opportunities. Under the Proposed Action, annual production of the facility would increase by approximately 147%, from 35,500 to 87,700 pounds, at a total estimated cost of $2.43 million.

Based on information contained in the EA and supporting documentation, a Finding of No Significant Impact was made on the Proposed Action, as it would not significantly affect the quality of human environment, within the meaning of the National Environment Policy Act. In addition, specific issues would be addressed as follows: water quality issues will be addressed through compliance with the existing pertinent discharge permit; a wetland mitigation plan, coordinated with the U.S. Army Corps of Engineers, has been initiated for estimated wetland impacts; appropriate measures designed to avoid adverse impacts to raptors will be implemented; and, commonly accepted mitigative practices to control noxious weeds will be implemented.

ADDRESSES: Copies of the FONSI can be obtained at the Utah Reclamation Mitigation and Conservation Commission, 102 W 500 S, Suite 315, Salt Lake City, Utah, 84101. It may also be viewed on the internet at: *http://www.mitigationcommission.gov/news.html.*

FOR FURTHER INFORMATION CONTACT: Maureen Wilson, 801–524–3146.

Dated: May 4, 2004.

Michael C. Weland,

Executive Director, Utah Reclamation Mitigation and Conservation Commission.

[FR Doc. 04–10994 Filed 5–13–04; 8:45 am]

BILLING CODE 4310–05–P

Federal Register

Friday,
May 14, 2004

Part II

Department of Housing and Urban Development

Notice of HUD's Fiscal Year (FY) 2004, Notice of Funding Availability (NOFA), Policy Requirements and General Section to the SuperNOFA for HUD's Discretionary Programs; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4900–N–01]

Notice of HUD's Fiscal Year (FY) 2004, Notice of Funding Availability (NOFA), Policy Requirements and General Section to the SuperNOFA for HUD's Discretionary Programs

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of HUD's FY2004 NOFA Policy Requirements and General Section to the FY2004 SuperNOFA for HUD's Discretionary Programs (Notice).

Overview Information

A. *Federal Agency Name:* Department of Housing and Urban Development (HUD), Office of the Secretary.

B. *Funding Opportunity Title:* Policy requirements applicable to all HUD federal financial assistance programs issued through a NOFA during FY2004.

C. *Announcement Type:* Initial announcement of the general policy requirements that apply to all HUD federal financial assistance NOFAs for FY2004 issued simultaneously with and after the publication of this Notice.

D. *Funding Opportunity Number:* FR 4900–N–01.

E. *Catalog of Federal Domestic Assistance (CFDA) Number:* A CFDA number is provided for each HUD federal financial assistance program. When using the *www.Grants.gov* Web site you will be asked for the CFDA number. Please refer to the Program NOFA for the CFDA number assigned to the program.

F. *Dates:* The key dates that apply to all HUD federal financial assistance made available through HUD's FY2004 NOFAs are found in each individual Program NOFA.

G. *Optional, Additional Overview Content Information:* HUD's general policy requirements set forth in this Notice apply to all HUD federal financial assistance made available through HUD's FY2004 NOFAs. These policies cover those NOFAs issued through this SuperNOFA as well as those issued after publication of the SuperNOFA in the **Federal Register.**

Full Text of Announcement

I. Funding Opportunity Description

This Notice provides information regarding the Department of Housing and Urban Development's (HUD's) FY2004 policy requirements applicable to all of HUD's federal financial assistance programs announced through NOFAs published along with this Notice and any subsequent NOFAs published for FY2004. Each Program NOFA that is part of this SuperNOFA will provide a description of the specific requirements for the program for which funding is made available and each will refer to applicable policies contained in this Notice. Each Program NOFA will also describe any additional procedures and requirements that apply to the individual Program NOFA, including a description of the eligible applicants, eligible activities, threshold requirements, factors for award, and any additional program requirements or limitations. To ensure that you are able to adequately address all of the application requirements for any program for which you intend to apply, please be sure you carefully read both this Notice of HUD's NOFA policy requirements and the individual Program NOFAs to ensure you respond to all the requirements for all programs for which you will be seeking funding.

II. Award Information

Funding Available. Each Program NOFA will identify the amount and source of funds available in FY2004, as provided by HUD appropriations and other relevant authority. The FY2004 SuperNOFA contains 50 funding opportunities composed of programs and program components totaling approximately $2.3 billion. As a service to our customers, Attachment A of this notice contains a chart of the funds being made available in HUD's SuperNOFA for FY2004. If HUD recaptures funds in any program, HUD reserves the right to increase the available funding for the applicable program by those amounts. Note that additional NOFAs may be issued separately from the issuance of the FY2004 SuperNOFA.

III. Eligibility Information

A. *Eligible Applicants:* The individual Program NOFAs describe the eligible applicants and eligible activities for each program.

B. *Cost Sharing or Matching:* The individual Program NOFAs describe the applicable cost sharing, matching requirements, or leveraging requirements related to each program, if any.

C. *Other:*

Requirements and Procedures Applicable to All Programs

Except as may be modified in the individual Program NOFAs in FY2004, the requirements, procedures and principles listed below apply to all programs in FY2004 for which funding is announced via NOFA and published in the **Federal Register** simultaneously with or after the publication of this Notice. Please read the individual Program NOFAs for additional requirements or information.

1. *Statutory and Regulatory Requirements.* To be eligible for funding under HUD NOFAs issued during FY2004, you, the applicant, must meet all statutory and regulatory requirements applicable to the program or programs for which you seek funding. If you need copies of the program regulations, they are available from the NOFA Information Center or through the *www.hud.gov/grants/index.cfm* Web site. See the individual Program NOFAs for instructions on how HUD will respond to proposed activities that are ineligible. With the exception of the Section 202 Supportive Housing for the Elderly program and the Section 811 Supportive Housing for Persons with Disabilities program, HUD may also eliminate the ineligible activities from funding consideration and reduce funding amounts accordingly.

2. Threshold Requirements

a. *Ineligible Applicants.* HUD will not consider an application from an ineligible applicant.

b. *Dun and Bradstreet Data Universal Numbering System (DUNS) Number Requirement.* Beginning in federal FY2004, any applicant seeking funding directly from HUD or other federal agencies must obtain a DUNS number and include the number in its Application for Federal Assistance submission. Failure to provide a DUNS number will prevent you from obtaining an award. Individuals who personally apply for federal financial assistance, apart from any governmental, business or nonprofit organization they may represent, are excluded from the requirement to obtain a DUNS number. This policy is pursuant to the Office of Management and Budget (OMB) Policy issued in the **Federal Register** on June 27, 2003 (68 FR 38402). HUD's regulation implementing the DUNS Number requirement for its programs was issued in the **Federal Register** on March 26, 2004 (69 FR 15671). A copy of the OMB **Federal Register** notice and HUD's regulation implementing the DUNS number can be found on HUD's Web site at *http://www.hud.gov/offices/adm/grants/duns.cfm.* Failure to provide a DUNS number with the application submission will be treated as a technical deficiency to the application. If the DUNS number is not provided within the cure period (see Section V.B.4., Corrections to Deficient Applications), the application will not be funded. The *www.grants.gov* Web site URL at *http://www.grants.gov/GetStarted* provides step-by-step

instructions for obtaining a DUNS number as well as procedures for registering in the Central Contractor Registry and E-Authentication. The registration in the Central Contractor Registry and receiving credentials from the Grants.gov E-Authentication provider are not necessary for submitting a paper copy application to HUD; only the DUNS number is required. Central Contractor Registration and E-Authentication is required for submittal of electronic grant applications through the Grants.gov portal. For FY2004, HUD is maintaining its policy of accepting paper copies of the application sent directly to HUD. However, it is HUD's intent to move to electronic submission of all applications in FY2005.

c. Compliance with Fair Housing and Civil Rights Laws.

(1) Applicants must comply with all applicable fair housing and civil rights requirements in 24 CFR 5.105(a). In addition to these requirements, there may be program-specific threshold requirements identified in the individual Program NOFAs.

(2) If you, the applicant:

(a) Have been charged with an on-going systemic violation of the Fair Housing Act; or

(b) Are a defendant in a Fair Housing Act lawsuit filed by the Department of Justice alleging an on-going pattern or practice of discrimination; or

(c) Have received a letter of findings identifying ongoing systemic noncompliance 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; and

(d) The charge, lawsuit or letter of findings referenced in subpart (a), (b), or (c) above has not been resolved to HUD's satisfaction before the application deadline, then you are ineligible and HUD will not rate and rank your application. HUD will determine if actions to resolve the charge, lawsuit or letter of findings taken prior to the application deadline are sufficient to resolve the matter.

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

(i) A voluntary compliance agreement signed by all parties in response to a letter of findings;

(ii) A HUD-approved conciliation agreement signed by all parties;

(iii) A consent order or consent decree; or

(iv) An issuance of a judicial ruling or a HUD Administrative Law Judge's decision.

d. *Conducting Business in Accordance with Core Values and Ethical Standards.* Entities subject to 24 CFR parts 84 and 85 (most nonprofit organizations and state, local, and tribal governments or government agencies or instrumentalities that receive federal awards of financial assistance) are required to develop and maintain a written code of conduct (see 24 CFR 84.42 and 85.36(b)(3)). Consistent with regulations governing specific programs, your code of conduct must prohibit real and apparent conflicts of interest that may arise among officers, employees, or agents; prohibit the solicitation and acceptance of gifts or gratuities by your officers, employees, and agents for their personal benefit in excess of minimal value; and, outline administrative and disciplinary actions available to remedy violations of such standards. If awarded assistance under a HUD Program NOFA announced in FY2004, you will be required, prior to entering into an agreement with HUD, to submit a copy of your code of conduct and describe the methods you will use to ensure that all officers, employees, and agents of your organization are aware of your code of conduct. Failure to meet the requirement for a code of conduct will prohibit you from receiving an award of funds from HUD.

e. *Delinquent Federal Debts.* Consistent with the purpose and intent of 31 U.S.C. 3720B and 28 U.S.C. 3201(e), no award of federal funds will be made to an applicant that has an outstanding delinquent federal debt unless (1) the delinquent account is paid in full, (2) a negotiated repayment schedule is established and the repayment schedule is not delinquent, or (3) other arrangements satisfactory to HUD are made prior to the deadline submission date.

f. *Pre-Award Accounting System Surveys.* HUD may arrange for a pre-award survey of the applicant's financial management system in cases where the recommended applicant has no prior federal support, HUD's program officials have reason to question whether the applicant's financial management system meets federal financial management standards, or the applicant is considered a high risk based upon past performance or financial management findings. HUD will not disburse funds to any applicant that does not have a financial management system that meets federal standards.

g. *Name Check Review.* Recommended applicants are subject to a name check review process. Name checks are intended to reveal matters that significantly reflect on the applicant's management and financial integrity, or if any key individual has been convicted or is presently facing criminal charges. If the name check reveals significant adverse findings that reflect on the business integrity or responsibility of the applicant or key individual, HUD reserves the right to (1) deny funding or consider suspension or termination of an award immediately for cause, (2) require the removal of any key individual from association with management or implementation of the award, and (3) make appropriate provisions or revisions with respect to the method of payment or financial reporting requirements.

h. *False Statements.* A false statement in an application is grounds for denial or termination of an award and grounds for possible punishment as provided in 18 U.S.C. 1001.

i. *Prohibition Against Lobbying Activities.* You, the applicant, are subject to the provisions of Section 319 of Public Law 101–121 (approved October 23, 1989) (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. 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. Federally recognized Indian tribes and tribally designated housing entities (TDHEs) established by federally recognized Indian tribes as a result of the exercise of the tribe's sovereign power are excluded from coverage of the Byrd Amendment, but Indian tribes and TDHEs established under only state law must comply with this requirement.

j. *Debarment and Suspension.* In accordance with 24 CFR part 24, no award of federal funds may be made to applicants that are presently debarred or suspended, or proposed to be debarred or suspended, from doing business with the federal government. This requirement applies to all lower tier covered transactions and to all solicitations for lower tier covered transactions. The prohibition includes the following:

(1) Having principals who, within the previous three years, have 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, violation of federal or state anti-trust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property; and

(2) Charges or indictments by a governmental entity (federal, state and local) for commission of any of the above violations.

3. Other Threshold Requirements

The individual Program NOFAs for which you are applying may specify other threshold requirements. Additional threshold requirements may be identified in the discussion of ''eligibility'' requirements in the individual Program NOFAs. If a Program NOFA requires a certification of consistency with the Consolidated Plan and the applicant fails to provide a certification, or the certification provided identifies the proposed activities as inconsistent with the impacted area's consolidated plan, HUD, upon review of the facts, may deny funding for an application based upon the inconsistency.

4. Additional Non-discrimination and Other Requirements

You, the applicant, and your subrecipients must comply with:

a. *The Americans with Disabilities Act of 1990* (42 U.S.C. 1201 *et seq.*), the Age Discrimination Act of 1974 (42 U.S.C. 6101 *et seq.*), and Title IX of the Education Amendments Act of 1972 (20 U.S.C. 1681 *et seq.*).

b. *Affirmatively Furthering Fair Housing.* Under Section 808(e)(5) of the Fair Housing Act, HUD is obliged to affirmatively further fair housing. HUD requires the same of its funding recipients. If you are a successful applicant, you will have a duty to affirmatively further fair housing opportunities for classes protected under the Fair Housing Act. Protected classes include race, color, national origin, religion, sex, disability, and familial status. Unless otherwise instructed in the individual Program NOFA, your application must include specific steps to:

(1) Overcome the effects of impediments to fair housing choice 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 individual Program NOFA rating factors that address affirmatively furthering fair housing. These requirements apply to all HUD programs announced via a NOFA, unless specifically excluded in the individual Program NOFA.

c. *Economic Opportunities for Low- and Very Low-Income Persons (Section 3).* Certain programs to be issued during FY2004 require recipients of assistance to comply with Section 3 of the Housing and Urban Development Act of 1968 (Section 3), 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 at subpart E. Section 3 requires recipients to ensure that, to the greatest extent feasible, 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 that provide economic opportunities to low- and very low-income persons. Review the individual Program NOFAs to determine if Section 3 applies to the program for which you are seeking funding.

d. *Ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Women-Owned Businesses.* HUD is committed to ensuring that small businesses, small disadvantaged businesses, and women-owned businesses participate fully in HUD's direct contracting and in contracting opportunities generated by HUD financial assistance. Too often, these businesses still experience difficulty accessing information and successfully bidding on federal contracts. State, local, and tribal governments are required by 24 CFR 85.36(e) and nonprofit recipients of assistance (grantees and sub-grantees) by 24 CFR 84.44(b) to take all necessary affirmative steps in contracting for the purchase of goods or services to assure that minority firms, women's business enterprises, and labor surplus area firms are used whenever possible or as specified in the individual Program NOFAs.

e. *Relocation.* The relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and the implementing government-wide regulation at 49 CFR part 24 cover any person who moves permanently from real property or moves personal property from real property directly because of acquisition, rehabilitation, or demolition for an activity undertaken with HUD assistance. Some HUD program regulations also cover persons who are temporarily relocated. For example, 24 CFR 570.606(b)(2)(i)(D)(1), (2) and (3) provide guidance on temporary relocation for the CDBG program. Applicants should review the regulations for the programs for which they are applying when planning their project.

f. *Executive Order 13166, Improving Access to Services for Persons With Limited English Proficiency (LEP).* Executive Order 13166 seeks to improve access to federally assisted services, programs and benefits for individuals with limited English proficiency. Applicants obtaining an award from HUD must seek to provide access to program benefits and information to LEP individuals through translation and interpretive services in accordance with LEP Guidance published on December 19, 2003 (68 FR 70967). For assistance and information regarding your LEP obligation, go to *www.LEP.gov.*

g. *Executive Order 13279, Equal Protection of the Laws for Faith-Based and Community Organizations.* HUD is committed to full implementation of Executive Order 13279. The Executive Order established fundamental principles and policymaking criteria to guide federal agencies in formulating and developing policies that have implications for faith-based and community organizations to ensure the equal protection for these organizations in social services programs receiving federal financial assistance. Consistent with this order, HUD has undertaken a review of all policies and regulations that have implications for faith-based and community organizations and has established a policy priority to provide full and equal access to grassroots faith-based and other community-based organizations in HUD program implementation. In addition, on September 30, 2003 (68 FR 56396), HUD issued a final rule to remove barriers to the participation of faith-based organizations in the following HUD programs:

- HOME Investment Partnerships (24 CFR part 92);
- Community Development Block Grants (CDBG) (24 CFR part 570);
- HOPE for Homeownership of Single Family Homes (HOPE 3) (24 CFR part 572);
- Housing Opportunities for Persons With AIDS (HOPWA) (24 CFR part 574);
- Emergency Shelter Grants (ESG) (24 CFR part 576);
- Shelter Plus Care (24 CFR part 582);

• Supportive Housing (24 CFR part 583); and

• Youthbuild (24 CFR part 585).

Copies of the regulatory changes can be found at: *http://www.hud.gov/grants/index.cfm.*

h. *Accessible Technology.* The Rehabilitation Act Amendments of 1998 (the Act) applies to electronic information technology (EIT) used by HUD for transmitting, receiving, using, or storing information to carry out the responsibilities of any federal funds awarded. The Act's coverage includes, but is not limited to, computers (hardware, software, word-processing, email, and web pages), facsimile machines, copiers, and telephones. Consistent with the principles of the Act, HUD requires the same of its funding recipients. If you are a successful applicant, you will be required when developing, procuring, maintaining, or using EIT, to ensure that the EIT allows employees with disabilities and members of the public with disabilities to have access to and use of information and data that is comparable to the access and use of information and data by employees and members of the public who do not have disabilities. If these standards impose a hardship on a funding recipient, a recipient may provide an alternative means to allow the individual to use the information and data. However, no recipient will be required to provide information services to a person with disabilities at any location other than a location at which the information services are generally provided.

i. *Procurement of Recovered Materials.* State agencies and agencies of a political subdivision of a state that are using assistance under a HUD Program NOFA for procurement, and any person contracting with such an agency with respect to work performed under an assisted contract, must comply with the requirements of Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act.

In accordance with Section 6002, these agencies and persons must procure items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds $10,000 or the value of the quantity acquired in the preceding fiscal year exceeded $10,000; must procure solid waste management services in a manner that maximizes energy and resource recovery; and must have established an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

j. *Participation in HUD-Sponsored Program Evaluation.* As a condition of the receipt of financial assistance under a HUD Program NOFA, all successful applicants will be required to cooperate with all HUD staff or contractors performing HUD-funded research and evaluation studies.

k. *Executive Order 13202, Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects.* Compliance with HUD regulations at 24 CFR 5.108 that implement Executive Order 13202 is a condition of receipt of assistance under a HUD Program NOFA.

l. *Salary Limitation for Consultants.* FY2004 funds may not be used to pay or to provide reimbursement for payment of the salary of a consultant whether retained by the federal government or the grantee at more than the daily equivalent of the rate paid for level IV of the Executive Schedule, unless specifically authorized by law.

m. *OMB Circulars and Government-wide Regulations Applicable to Financial Assistance Programs.* Certain OMB circulars also apply to HUD programs in this SuperNOFA. The policies, guidance, and requirements of OMB Circular 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 A–122 (Cost Principles for Nonprofit Organizations), OMB Circular A–133 (Audits of States, Local Governments, and Non-Profit Organizations), and the regulations at 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 individual Program NOFAs of this SuperNOFA, and to the remedies for noncompliance, except when inconsistent with the provisions of the Consolidated Appropriations Act, 2004 (Public Law 108–199, approved January 23, 2004), other federal statutes or regulations, or the provisions of this SuperNOFA Notice. Compliance with additional OMB Circulars or government-wide regulations may be specified for a particular program in the Program Section of the Super NOFA. Copies of the OMB Circulars may be obtained from EOP Publications, Room 2200, New Executive Office Building, Washington, DC 20503, telephone (202) 395–3080 (this is not a toll-free number) or (800) 877–8339 (TTY Federal Information Relay Service); or, from the Web site, *http://www.whitehouse.gov/omb/circulars/index.html.*

n. *Environmental Requirements.* If you become a recipient under one of the FY2004 HUD programs in this SuperNOFA that assist physical development activities or property acquisition, you are generally prohibited from acquiring, rehabilitating, converting, demolishing, 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 recipient's Request for Release of Funds (Form HUD 7015.15) following a Responsible Entity's completion of an environmental review.

You, the applicant, should consult the individual Program NOFA for the program(s) for which you are interested in applying to determine the procedures for, timing of, and any exclusions from environmental review under a particular program. For applicants applying for funding under the Section 202 Supportive Housing for the Elderly program or Section 811 Supportive Housing for Persons with Disabilities program, please note the environmental review requirements for these programs.

o. *Conflicts of Interest.* If you are a consultant or expert who is assisting HUD in rating and ranking applicants for funding under this SuperNOFA or future NOFAs published in FY2004, 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 programs in this SuperNOFA or NOFAs published in FY2004, you may not serve on a selection panel and you may not serve as a technical advisor to HUD. All individuals involved in rating and ranking HUD FY2004 NOFAs either published simultaneously with this Notice or after the publication of this Notice, 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 a FY2004 this Super NOFA 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 a FY2004 NOFA published subsequent to the date of this Notice. 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.

p. *Drug-Free Workplace.* If you receive an award of funds from HUD, you are required to provide a drug-free workplace. Compliance with this requirement means that you will:

(1) Publish a statement notifying employees that it is unlawful to manufacture, distribute, dispense, possess, or use a controlled substance in the applicant's workplace and that such activities are prohibited. The statement must specify the actions that will be taken against employees for violation of this prohibition. The statement must also notify employees that as a condition of employment under the federal award that they are required to abide by the terms of the statement and that each employee must agree to notify the employer in writing of any violation of a criminal drug statute occurring in the workplace no later than five calendar days after such violation.

(2) Establish an on-going drug-free awareness program to inform employees about:

(a) The dangers of drug abuse in the workplace;

(b) The applicant's policy of maintaining a drug-free workplace; and

(c) Any available drug counseling, rehabilitation, or employee maintenance programs; and

(d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

(3) Notify the federal agency in writing within 10 calendar days after receiving notice from an employee of a drug abuse conviction or otherwise receiving actual notice of a drug abuse conviction. The notification must be provided in writing to HUD's Office of Departmental Grants Management and Oversight, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 3156, Washington DC 20410–3000, along with the following information:

(a) The program title and award number for each HUD award covered;

(b) The HUD staff contact name, phone, and fax number; and

(c) A grantee contact name, phone, and fax number.

(4) Require that each employee engaged in the performance of the federally funded award be given a copy of the drug-free workplace statement required in item (1) and notify the employee that one of the following actions will be taken against the employee within 30 calendar days of receiving notice of any drug abuse conviction:

(a) Institution of a personnel action against the employee, up to and including termination consistent with requirements of the Rehabilitation Act of 1973, as amended; or

(b) Requiring that the employee 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.

q. *Safeguarding Resident/Client Files.* In maintaining resident files, HUD funding recipients shall observe state and local laws concerning the disclosure of records that pertain to individuals. Further, recipients are required to adopt and take, reasonable measures to ensure that resident/client files are safeguarded.

IV. Application and Submission Information

A. Addresses to Request Application Package

This section describes how you may obtain application forms, additional information about the HUD Program NOFAs, and technical assistance. Copies of the published NOFAs and application forms for HUD programs announced through NOFA may be downloaded from the Grants.gov Web site at *http://www.grants.gov/FIND* or you may call HUD's NOFA Information Center at 800–HUD–8929. Persons with hearing or speech impairments may call 800–HUD–2209.

1. *Application Kits.* There are no application kits for HUD programs this year. All the information you need to apply will be in the NOFA and available on *http://www.grants.gov/Find.* In response to concerns about the length of time it takes for the publication and dissemination of application kits, HUD has made an effort to improve the readability of its NOFAs and publish all required forms and formats for application submission in the **Federal Register**. As a result of this effort, you will not have to wait for an application kit to begin to prepare your application for funding. HUD is continuing to streamline programs and application submission requirements and encourages the applicant community to offer additional suggestions. Please pay attention to the submission requirements and format for submission specified in each Program NOFA to ensure that you have submitted all required elements of your application.

The published **Federal Register** document is the official document that HUD uses to evaluate applications. Therefore, if there is a discrepancy between any materials published by HUD in its **Federal Register** publications and other information provided in paper copy or on *www.Grants.gov/Find,* the **Federal Register** publication prevails. Please be sure to review your application submission against the requirements in the **Federal Register** file of the NOFA or NOFAs to which you are responding by application. Paper copies of these documents can be obtained from the NOFA Information Center by calling 800–HUD–8929; persons with speech or hearing impairments may call 800–HUD–2209.

2. *Guidebook and Further Information.* A guidebook to HUD programs titled ''Connecting with Communities: A User's Guide to HUD Programs and the FY2004 NOFA Process'' is available from the NOFA Information Center and the HUD Web site at *www.hud.gov/grants/index.cfm.* The guidebook provides a brief description of all HUD programs, eligible applicants for the programs, and examples of how programs can work in combination to serve local community needs. You may also request general information, paper copies of this Notice of HUD NOFA policy requirements, any Program NOFA, and applications. This information may be obtained by calling the NOFA Information Center at 800–HUD–8929 or 800–HUD–2209 (TTY) between the hours of 9 a.m. and 8 p.m. (Eastern Time), Monday through Friday, except on federal holidays.

When requesting information, please refer to the name of the document or Program NOFA in which you are interested. Be sure to provide your name, address (including zip code), and telephone number (including area code). To ensure sufficient time to prepare your application, copies of this Notice of HUD NOFA policy requirements and individual Program NOFAs will be available immediately following publication of these documents. The NOFA Information Center opens for business simultaneously with the publication of this Notice of HUD NOFA

policy requirements. You can also obtain information on this Notice of HUD NOFA policy requirements and download application information for HUD programs issued through NOFAs during FY2004 through the *www.Grants.gov/find* Web site.

3. *For Technical Assistance.* Before the application due date, HUD staff will be available to provide you with general guidance and technical assistance about this Notice of HUD NOFA policy requirements or about individual Program NOFAs. However, HUD staff is not permitted to assist in preparing your application. Following selection of applicants, but before announcement of awards is made, HUD staff is 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.

B. Content and Form of Application Submission

Be sure to read and follow the application submission requirements published in the individual Program NOFA or NOFAs to which you are responding by application. Beginning FY2004, when you sign your application submission you are agreeing to assurances and certifications (HUD 424B).

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 individual Program NOFAs specify otherwise. In addition, the individual Program NOFAs may specify additional forms, certifications, assurances, or other information that may be required for a particular program. The HUD standard forms, certifications, and assurances are:

- Application for Federal Assistance (SF–424);
- Survey on Ensuring Equal Opportunity for Applicants (SF–424 Supplement);
- Assurances Non-Construction Programs (HUD–424B);
- Grant Application Detailed Budget (HUD–424–CB);
- Grant Application Detailed Budget Worksheet (HUD–424–CBW);
- Disclosure of Lobbying Activities (SF–LLL);
- Applicant/Recipient Disclosure/Update Report (HUD–2880);
- Certification of Consistency with RC/EZ/EC Strategic Plan (HUD–2990) if applicable;
- Certification of Consistency with the Consolidated Plan (HUD–2991) if applicable;
- Acknowledgment of Application Receipt (HUD–2993);
- Client Comments and Suggestions (HUD 2994) (Optional);
- Program Outcome Logic Model (HUD–96010).
- Form HUD 52515, Funding Application for the Housing Choice Voucher Program.
- Race and Ethnic Data Reporting Form (HUD–27061).
- America's Affordable Communities Initiative (HUD–27300).

Copies of these standard forms and the Funding Application for the Housing Choice Voucher Program (HUD–52515) are included in Appendix A to this General Section. Copies of program forms required to be submitted to meet specific program requirements will be included with each Program NOFA.

C. Submission Dates and Times

Each Program NOFA will identify a specific due date for application submission. You, the applicant, must submit a completed application to HUD on or before the respective program's established application due date. Application due dates can be found under the section labeled ''Submission Dates and Times'' of each HUD NOFA issued in FY2004. Appendix B also provides a funding chart which identifies the programs in HUD's SuperNOFA along with the application due dates.

D. Intergovernmental Review

Executive Order 12372, Intergovernmental Review of Federal Programs, was issued to foster intergovernmental partnership and strengthen federalism by relying on state and local processes for the coordination and review of federal financial assistance and direct federal development. HUD implementing regulations are published at 24 CFR part 52. The order allows each state to designate an entity to perform a state review function. The official listing of State Points of Contact (SPOC) for this review process can be found at *http://www.whitehouse.gov/omb/grants/spoc.html.* States not listed on the Web site have chosen not to participate in the intergovernmental review process and, therefore, do not have a SPOC. If your state has a SPOC, you should contact the SPOC to see if it is interested in reviewing your application prior to submission to HUD.

Please make sure that you allow ample time for this review process when developing and submitting your applications. If your state does not have a SPOC, send your applications directly to HUD.

E. Funding Restrictions

The individual Program NOFAs will describe any funding restrictions that apply to each program.

F. Other Submission Requirements

1. *Delivery and Receipt Procedures.* The following procedures apply to the delivery and receipt of applications in HUD Headquarters, the Grants Management Center (GMC), the University Partnerships Clearinghouse, and field offices. Please read the following instructions carefully and completely, as failure to comply with these procedures may disqualify your application. HUD's delivery and receipt policies are:

a. Hand deliveries will be permitted. Hand delivered packages must be received at HUD Headquarters, the Public and Indian Housing Grants Management Center (GMC), or the University Partnership Clearinghouse no later than 5 p.m. EST, Monday through Friday, except for federal holidays. Hand delivered packages to the HUD Field Offices must be received no later than 4 p.m. local time for the office receiving the application. However, if HUD staff is not available to accept your package or the courier service is not allowed to enter the building to deliver the package due to security or other reasons, the package will be determined not delivered and not accepted by HUD. In such instances, HUD recommends that, you, the applicant, or your agent take your package to the nearest post office and follow the mailing instructions for postal service timely delivery. HUD will not take responsibility for ensuring that staff is available to take your package and will not breach security measures in order to accept an undeliverable package.

b. HUD will not accept or consider any applications sent by facsimile.

c. HUD urges applicants sending packages by courier to the Robert C. Weaver Headquarters Building, the University Partnerships Clearinghouse, or the Public and Indian Housing Grants Management Center (GMC), to use the following courier services, as these services have unescorted access to these buildings: DHL, Falcon Carrier, Federal Express (FedEx), and United Parcel Service (UPS). Packages may be mailed using the United States Postal Service. Mailed applications will be accepted as being timely submitted if they are received at the designated HUD location (including the room number specified for receipt) not later than 15 days after the due date and time, and show a postmark of having been delivered to

the postal facility for mailing by 12:00 midnight local time on the application due date. If the Postal Service does not normally postmark large packages, the proof of timely submission shall be receipt within 15 days at the designated HUD facility and, upon request by a HUD official, proof of mailing using USPS Form 3817 (Certificate of Mailing) or a receipt from the Postal Service which contains the post office name, location, and date and time of mailing. For submission through the United States Postal Service, no other proof of timely submission will be accepted.

d. Applications mailed to a location or office that is not designated for receipt of the application, which results in the designated office not receiving your application in accordance with the requirements for timely submission, will cause your application to be considered late and ineligible to receive funding consideration. HUD will not be responsible for directing packages to the appropriate office.

Applicants should pay close attention to these submission and timely receipt instructions as they can make a difference in whether HUD will accept your application for funding consideration. Please remember that mail sent to federal facilities is screened prior to delivery, so please allow sufficient time for your package to be delivered. If an application is received late because of the processing time required for the screening, it will not be considered for funding.

2. *Proof of Timely Submission.* Proof of timely submission of an application is specified below.

a. In the case of packages sent to HUD via a delivery service, other than the United States Postal Service, timely submission shall be evidenced via a delivery service receipt indicating that the application was delivered to a carrier service at least 24 hours prior to the application deadline, and, if applicable, that through no fault of the applicant, the delivery could not be made on or before the application due date. Couriers turned away from a HUD facility due to security issues will not be considered as meeting the requirement of ''no fault of the applicant,'' because applicants have been advised that delivery delays can arise when using courier services, resulting in a late application submission.

b. For packages submitted via the United States Postal Service, proof of timely submission shall be a postmark not later than the application due date or receipt not later than five days after the application due date at the designated HUD facility and, upon request by a HUD official, proof of mailing using USPS Form 3817 (Certificate of Mailing) or a receipt from the Post Office which contains the post office name, location, and date and time of mailing. For submission through the United States Postal Service, no other proof of timely submission will be accepted. Applications not meeting the timely submission requirements will not be considered for funding.

3. *Addresses.* You, the applicant, must submit a complete application and the required number of copies to the locations identified in the Program NOFA or NOFAs to which you are responding by application. When submitting your application, you must refer to the name of the program for which you are applying and include the correct room number to ensure your application is properly directed. Addresses for deliveries to HUD's Robert C. Weaver Headquarters Building, the University Partnerships Clearinghouse, or the Public and Indian Housing Grants Management Center (GMC) are identified in each Program NOFA, as well as the consolidated chart of funding opportunities for programs in the SuperNOFA. Addresses for field office locations are contained in Appendix C of this General Section, ''List of HUD Field Offices.''

For applications directed to the Office of Native American Programs (ONAP), please be sure to use the addresses provided in Appendix D of this General Section, ''List of Office of Native American Programs Field Offices.'' For the Section 202 Supportive Housing for the Elderly, Section 811 Supportive Housing for Persons with Disabilities, Assisted Living Conversion for Eligible Multifamily Projects, and the Service Coordinators in Multifamily Housing programs, please see the Program NOFAs for the applicable field office listing.

Please be sure to include the Program NOFA name and room number on your submission package.

4. *Copies of Applications.* Each Program NOFA may specify, that to facilitate the review of your application, one or more copies of the application also must be sent to an additional HUD location (for example, the original application to HUD Headquarters and a copy to the HUD field office). If you are required to submit an application to HUD Headquarters, the University Partnerships Clearinghouse, or the GMC, as well as field offices, the determination that your application was received on time will be made solely on receipt of the application at HUD Headquarters, the University Partnerships Clearinghouse, or the GMC, as applicable. If an application received on time at HUD Headquarters, the University Partnerships Clearinghouse, or GMC is not complete, but a complete copy was submitted and received on time at a HUD field office, HUD may conduct its review using the field office copy. See the information in the, ''Mailing and Receipt Procedures'' and ''Proof of Timely Submission'' sections above for additional information. If you do not submit the required number of copies HUD may request that you provide the additional copies to the appropriate HUD office(s) in accordance with the procedures described in Section V.B.4 of this Notice, ''Corrections to Deficient Applications.'' In some Program NOFAs failure to submit the required number of copies may disqualify your application, so please read each NOFA carefully.

5. *Electronic Submission of Packages using Grants.gov.* For FY2005, HUD intends to have applications submitted via the federal government's new electronic application portal called Grants.gov. Applicants are urged to become familiar with the Grants.gov Web site and to follow the steps under ''Get Started'' so that you will be prepared to apply on line for HUD and other federal agency programs.

For FY2004, paper copy applications will be considered by HUD to be the official application submission. HUD urges all applicants to become familiar with the Grants.gov site (*www.grants.gov*) and register to receive funding opportunity notifications, as well as to apply on line for funding. Registration to apply on line via Grants.gov requires obtaining a DUNS number, as well as registering in the Central Contractor Registry. To apply on line, applicants will also need to follow the requirements for E–Authentication. The Grants.gov site provides instructions on how to get a DUNS number, as well as registration and E-Authentication procedures. The Grants.gov Web site provides a customer support line (800–518–GRANTS) to address Grants.gov technology issues. HUD will establish a help line to address questions on program issues. Individuals who personally apply for federal financial assistance, apart from any business or nonprofit organization they may operate, are excluded from the requirement to obtain a DUNS number.

Paper copy submission will not apply to two programs that HUD is piloting for electronic applications through Grants.gov/Find and Grants.gov/APPLY. The two programs are the Housing Counseling Training and FY2003 Capacity Building Grants. These are issued outside the SuperNOFA.

V. Application Review Information

A. Criteria

1. *Factors for Award Used to Evaluate and Rate Applications.* For each Program NOFA, the points awarded for the rating factors total 100. Depending upon the program for which you, the applicant, are seeking funding, the funding opportunity may provide for up to four bonus points as provided below:

a. *RC/EZ/EC.* HUD's FY2004 NOFAs provide for the award of two bonus points for eligible activities/projects that the applicant proposes to located in federally designated Empowerment Zones (EZs), Enterprise Communities (ECs), Urban Enhanced Enterprise Communities (EECs), or Renewal Communities (RCs), are intended to serve the residents of these areas, and are certified to be consistent with the area's strategic plan. (For ease of reference in this Notice, all of the federally designated areas are collectively referred to as ''RC/EZ/ECs'' and residents of any of these federally designated areas as ''RC/EZ/EC residents.'') The individual funding announcements will indicate if the bonus points are available under the program. This Notice contains a certification that must be completed for the applicant to be considered for RC/EZ/EC bonus points. A list of RC/EZ/ECs is available is included in this Notice as Appendix E and can also be obtained from the NOFA Information Center, and at *www.grants.gov \Find* under the program you are seeking funding. Applicants can determine if their program/project activities are located in one of these designated areas by using the locator on HUD's Web site at *http://hud.esri.com/egis/cpd/rcezec/welcom.htm#.*

b. *Brownfields Showcase Communities.* In the Brownfields Economic Development Initiative (BEDI) competition, two bonus points are available for federally designated Brownfields Showcase Communities. (Please see the FY2004 BEDI program NOFA for additional information.) The designation of Brownfields Showcase Communities is a federal agency initiative sponsored by twenty federal agencies including HUD. A list of the federally designated RC/EZ/ECs, Enhanced ECs, and Brownfields Showcase Communities is available from the NOFA Information Center or through HUD's Web site at *http://www.hud.gov.*

2. *The Five Standard Rating Factors for FY2004.* HUD has established the following five factors as the standard factors for awarding the majority of its FY2004 Program NOFAs. Additional details about the five rating factors and the maximum points for each factor are provided in the Program NOFAs. For a specific funding opportunity, HUD may modify these factors to take into account explicit program needs or statutory or regulatory limitations. You, the applicant, should carefully read the factors for award as described in the Program NOFA to which you responding by application. The standard factors for award, except as modified in the Program NOFAs, 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: Achieving Results and Program Evaluation.

The Continuum of Care Homeless Assistance Programs have only two factors that receive points: Need and Continuum of Care.

B. Reviews and Selection Process

1. HUD's Strategic Goals

Implementing HUD's Strategic Framework and Demonstrating Results. HUD is committed to ensuring that programs result in the achievement of HUD's strategic mission. To support this effort, grant applications submitted for HUD programs will be rated on how well they tie proposed outcomes to HUD's policy priorities and Annual Goals and Objectives, as well as the quality of the applicant's proposed Evaluation and Monitoring Plans. HUD's Strategic Framework establishes the following Goals and Objectives for the Department:

a. *Increase Homeownership Opportunities:*

(1) Expand national homeownership opportunities.

(2) Increase minority homeownership.

(3) Make the home buying process less complicated and less expensive.

(4) Fight practices that permit predatory lending.

(5) Help HUD-assisted renters become homeowners.

(6) Keep existing homeowners from losing their homes.

b. *Promote Decent Affordable Housing:*

(1) Expand access to affordable rental housing.

(2) Improve the physical quality and management accountability of public and assisted housing.

(3) Increase housing opportunities for the elderly and persons with disabilities.

(4) Help HUD-assisted renters make progress toward self-sufficiency.

c. *Strengthen Communities:*

(1) Improve economic conditions in distressed communities.

(2) Make communities more livable.

(3) End chronic homelessness.

(4) Mitigate housing conditions that threaten health.

d. *Ensure Equal Opportunity in Housing:*

(1) Resolve discrimination complaints on a timely basis.

(2) Promote public awareness of Fair Housing laws.

(3) Improve housing accessibility for persons with disabilities.

e. *Embrace High Standards of Ethics, Management, and Accountability:*

(1) Rebuild HUD's human capital and further diversify its workforce.

(2) Improve HUD's management, internal controls and systems, and resolve audit issues.

(3) Improve accountability, service delivery, and customer service of HUD and our partners.

(4) Ensure program compliance.

f. *Promote Participation of Grassroots Faith-Based and Other Community-Based Organizations:*

(1) Reduce regulatory barriers to participation by grassroots faith-based and other community-based organizations.

(2) Conduct outreach to inform potential partners of HUD opportunities.

(3) Expand technical assistance resources deployed to grassroots faith-based and other community-based organizations.

(4) Encourage partnerships between grassroots faith-based and other community-based organizations and HUD's traditional grantees.

You can find out about HUD's Strategic Framework and Annual Performance Plans at *http://www.hud.gov/offices/cfo/reports/cforept.cfm.*

2. Policy Priorities. HUD encourages applicants to undertake specific activities that will assist the Department in implementing its policy priorities and which help the Department achieve its goals for FY2004 and beyond, when the majority of funding recipients will be reporting programmatic results and achievements. Applicants that include work activities that specifically address one or more of these policy priorities will receive higher rating scores than applicants that do not address these HUD priorities. Each NOFA issued in FY2004 will specify which priorities relate to a particular program and how many points will be awarded for addressing those priorities.

a. *Providing Increased Homeownership and Rental Opportunities for Low- and Moderate-Income Persons, Persons with*

Disabilities, the Elderly, Minorities, and Families with Limited English Proficiency. Too often, these individuals and families are shut out of the housing market through no fault of their own. Often developers of housing, housing counseling agencies, and other organizations engaged in the housing industry must work aggressively to open up the realm of homeownership and rental opportunities to low- and moderate-income persons, persons with disabilities, the elderly, minorities, or families with limited English proficiency. Many of these families are anxious to have a home of their own but are not aware of the programs and assistance that are available. Applicants are encouraged to address the housing, housing counseling, and other related supportive services needs of these individuals and coordinate their proposed activities with funding available through HUD's affordable housing programs and home loan programs.

Proposed activities support strategic goals a, b, and d.

b. *Improving our Nation's Communities.* HUD wants to improve the quality of life for those living in distressed communities. Applicants are encouraged to include activities which:

(1) Bring private capital into distressed communities;

(a) Finance business investments to grow new businesses;

(b) Maintain and expand existing businesses;

(c) Create a pool of funds for new small and minority-owned businesses; and

(d) Create decent jobs for low-income persons.

(2) Improve the environmental health and safety of families living in public and privately-owned housing by including activities which:

(a) Coordinate lead hazard reduction programs with weatherization activities funded by state and local governments and the federal government; and

(b) Reduce or eliminate health related hazards in the home caused by toxic agents such as molds and other allergens, carbon monoxide, and other hazardous agents and conditions.

(3) Make communities more livable by:

(a) Providing public and social services; and

(b) Improving infrastructure and community facilities.

Activities support strategic goals b, c, and d.

c. *Encouraging Accessible Design Features.* As described in Section III.C.2.c., applicants must comply with applicable civil rights laws including the Fair Housing Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act. These laws, and the regulations implementing them, provide for nondiscrimination based on disability and require housing and other facilities to incorporate certain features intended to provide for their use and enjoyment by persons with disabilities. HUD is encouraging applicants to add accessible design features beyond those required under civil rights laws and regulations. These features would eliminate many other barriers limiting the access of persons with disabilities to housing and other facilities. Copies of the Uniform Federal Accessibility Standards (UFAS) are available from the NOFA Information Center (800–HUD–8929 or 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 20410–2000, (202) 755–5404 or 800–877 8339 (TTY Federal Information Relay Service).

Accessible design features are intended to promote visitability and incorporate features of universal design as described below:

(1) Visitability in New Construction and Substantial Rehabilitation. Applicants 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 that there is at least one entrance at grade (no steps), approached by an accessible route, such as a sidewalk, and that 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. More information about visitability is available at *http://www.concretechange.org.*

Activities support strategic goals b, c, and d.

(2) Universal Design. Applicants are encouraged to incorporate universal design in the construction or rehabilitation of housing, retail establishments, and community facilities funded with HUD assistance. Universal design is the design of products and environments to be usable by all people to the greatest extent possible, without the need for adaptation or specialized design. The intent of universal design is to simplify life for everyone by making products, communications, and the built environment more usable by as many people as possible at little or no extra cost. Universal design benefits people of all ages and abilities. In addition to any applicable required accessibility features under Section 504 of the Rehabilitation Act of 1973 or the design and construction requirements of the Fair Housing Act, the Department encourages applicants to incorporate the principles of universal design when developing housing, community facilities, and electronic communication mechanisms or when communicating with community residents at public meetings or events.

HUD believes that by creating housing that is accessible to all, it can increase the supply of affordable housing for all, regardless of ability or age. Likewise, creating places where people work, train, and interact which are useable and open to all residents increases opportunities for economic and personal self-sufficiency. More information on Universal Design is available from the Center for Universal Design, at *http://www.design.ncsu.edu:8120/cud/*, or the Resource Center on Accessible Housing and Universal Design, at *http://www.abledata.com/Site_2/accessib.htm.*

Activities support strategic goals a, b, c, and d.

d. Providing Full and Equal Access to Grassroots Faith-Based and Other Community-Based Organizations in HUD Program Implementation.

(1) HUD encourages nonprofit organizations, including grassroots faith-based and other community-based organizations, to participate in the vast array of programs for which funding is available through HUD's programs. HUD also encourages states, units of local government, universities, colleges, and other organizations to partner with grassroots organizations, *e.g.*, civic organizations, faith communities, and grassroots faith-based and other community-based organizations that have not been effectively utilized. These grassroots organizations have a strong history of providing vital community services such as assisting the homeless and preventing homelessness, counseling individuals and families on fair housing rights, providing elderly housing opportunities, developing first-time homeownership programs, increasing homeownership and rental housing opportunities in neighborhoods of choice, developing affordable and accessible housing in neighborhoods across the country, creating economic development programs, and supporting the residents of public housing

facilities. HUD wants to make its programs more effective, efficient, and accessible by expanding opportunities for grassroots organizations to participate in developing solutions for their own neighborhoods. Additionally, HUD encourages applicants to include these grassroots faith-based and other community-based organizations in their workplans. Applicants, their partners, and participants must review the individual FY2004 HUD program announcements to determine whether they are eligible to apply for funding directly or whether they must establish a working relationship with an eligible applicant in order to participate in a HUD funding opportunity. Grassroots faith-based and other community-based organizations, and applicants that currently or propose to partner, fund, subgrant, or subcontract with grassroots organizations (including grassroots faith-based or other community-based nonprofit organizations eligible under applicable program regulations) in conducting their work programs will receive higher rating points as specified in the individual FY2004 HUD program announcements.

(2) Definition of Grassroots Organizations:

(a) HUD will consider an organization a ''grassroots organization'' if the organization is headquartered in the local community to which it provides services; and,

(i) Has a social services budget of $300,000 or less, or

(ii) Has six or fewer full-time equivalent employees.

(b) Local affiliates of national organizations are not considered ''grassroots.'' Local affiliates of national organizations are encouraged, however, to partner with grassroots organizations but must demonstrate that they are currently working with a grassroots organization (*e.g.*, having a faith community or civic organization, or other charitable organization provide volunteers).

(c) The cap provided in paragraph (2)(a)(i) above includes only that portion of an organization's budget allocated to providing social services. It does not include other portions of the budget such as salaries and expenses not directly expended in the provision of social services.

Activities support strategic goal f.

e. *Participation of Minority-Serving Institutions in HUD Programs.* Pursuant to Executive Orders 13256, ''President's Board of Advisors on Historically Black Colleges and Universities,'' 13230, ''President's Advisory Commission on Educational Excellence for Hispanic Americans,'' 13216, ''Increasing Participation of Asian Americans and Pacific Islanders in Federal Programs,'' and 13270, ''Tribal Colleges and Universities,'' HUD is strongly committed to broadening the participation of Minority-Serving Institutions (MSIs) in its programs. HUD is interested in increasing the participation of MSIs in order to advance the development of human potential, strengthen the nation's capacity to provide high quality education, and increase opportunities for MSIs to participate and benefit from federal financial assistance programs. HUD encourages all applicants and recipients to include meaningful participation of MSIs in their work programs. A listing of MSIs can be found on the Department of Education Web site at *http://www.ed.gov/about/offices/list/ocr/edlite-minorityinst.html* or HUD's Web site at *http://www.hud.gov/grants/index.cfm.*

Activities support strategic goals c and d.

f. *Ending Chronic Homelessness within 10 Years.* President Bush has set a national goal to end chronic homelessness within 10 years. Secretary Alphonso Jackson has embraced this goal and has pledged that HUD's grant programs will be used to support the President's goal and more adequately meet the needs of chronically homeless individuals. A person experiencing chronic homelessness is defined as an unaccompanied individual with a disabling condition who has been continuously homeless for a year or more or has experienced four or more episodes of homelessness over the last three years. Applicants are encouraged to target assistance to chronically homeless persons by undertaking activities that will result in:

(1) Creation of affordable group homes or rental housing units;

(2) Establishment of a set-aside of units of affordable housing for the chronically homeless;

(3) Establishment of substance abuse treatment programs targeted to the homeless population;

(4) Establishment of job training programs that will provide opportunities for economic self-sufficiency;

(5) Establishment of counseling programs that assist homeless persons in finding housing, financial management, anger management, and building interpersonal relationships;

(6) Provision of supportive services, such as health care assistance that will permit homeless individuals to become productive members of society;

(7) Provision of service coordinators or one-stop assistance centers that will ensure that chronically homeless persons have access to a variety of social services.

Applicants that are developing programs to meet the goals set in this policy priority should be mindful of the requirements of the regulations implementing Section 504 of the Rehabilitation Act, in particular, 24 CFR 8.4(b)(1)(iv), 8.4(c)(1) and 8.4(d).

Activities support strategic goals b and c.

g. *Removal of Regulatory Barriers to Affordable Housing.*

On March 22, 2004 (69 FR 13450), HUD published a final notice announcing its intention to establish the Removal of Regulatory Barriers to Affordable Housing policy priority in the majority of its FY2004 NOFAs. In the March 22, 2004, notice, HUD advised that applicants would be required to respond to a series of evaluative questions in order to receive the rating points associated with this priority. On April 21, 2004 (69 FR 21663), HUD published a correction to Question 5 in PART A of the questionnaire. In the April 21, 2004, notice, HUD also responded to questions that arose after the publication of the March 22, 2004, notice. Through this initiative, HUD is seeking input into how it can more effectively work with the public and private sectors to remove regulatory barriers to affordable housing. The March 22, 2004, notice, as clarified in the April 21, 2004, notice, addresses how HUD will evaluate the effectiveness of state and local government efforts to remove regulatory barriers to affordable housing.

Increasing the affordablity of rental and homeownership housing continues to be a high priority of the Department. Over the last 15 years, there has been increased recognition that unnecessary, duplicative, excessive, or discriminatory public processes often significantly increase the cost of housing development and rehabilitation. Often referred to as ''regulatory barriers to affordable housing,'' many public statutes, ordinances, regulatory requirements, or processes and procedures significantly impede the development or availability of affordable housing without providing a commensurate or demonstrable health or safety benefit. ''Affordable housing'' is decent quality housing that low-, moderate- and middle-income families can afford to buy or rent without spending more than 30 percent of their income; spending more than 30 percent of income on shelter may require families to sacrifice other necessities of life.

Addressing these barriers to housing affordability is a necessary component of any overall national housing policy. However, addressing such barriers must be viewed as a complement, not a substitute, for other efforts to meet affordable housing needs. For many families, federal, state, and local subsidies are fundamental tools for meeting these affordable needs. In many instances, however, other sometimes well-intentioned public policies work at cross-purposes with subsidy programs by imposing significant constraints. From zoning that keeps out affordable housing, especially multifamily housing, to other regulations and requirements that unnecessarily raise the costs of construction, the need to address this issue is clear. For example, affordable rehabilitation is often constrained by outmoded building codes that require excessive renovation. Barrier removal will not only make it easier to find and get approval for affordable housing sites but it will also allow available subsidies to go further in meeting these needs. For housing for moderate-income families often referred to as ''work force'' housing, barrier removal can be the most essential component of meeting housing needs.

Under this policy priority, higher rating points are available to (1) governmental applicants that are able to demonstrate successful efforts in removing regulatory barriers to affordable housing, and (2) nongovernmental applicants that are associated with jurisdictions that have undertaken successful efforts in removing barriers. To obtain the policy priority points for efforts to successfully remove regulatory barriers, applicants must complete form HUD 27300, ''Questionnaire for HUD's Initiative on Removal of Regulatory Barriers.'' A copy of HUD's notice entitled, ''America's Affordable Communities Initiative, HUD's Initiative on Removal of Regulatory Barriers: Announcement of Incentive Criteria on Barrier Removal in HUD's FY2004 Competitive Funding Allocations'' (AACI notice) can be found on HUD's Web site at *http://www.hud.gov/grants/index.cfm.*

Local jurisdictions and counties with land use and building regulatory authority applying for funding, as well as housing authorities, nonprofit organizations, and other qualified applicants applying for funding for a project located in these jurisdictions, are invited to answer the 20 questions in PART A of form HUD 27300. For those applications in which regulatory authority is split between jurisdictions (*e.g.*, county and town) the applicant should answer the question for that jurisdiction that has regulatory authority over the issue at question. An applicant that scores at least five in Column 2 will receive one point in the NOFA evaluation. An applicant that scores 10 or greater in Column 2 will receive a total of two points in the evaluation.

State agencies or departments applying for funding, as well as housing authorities, nonprofit organizations and other qualified applicants applying for funds for projects located in unincorporated areas or areas otherwise not covered in PART A are invited to answer the 15 questions in PART B. Under PART B an applicant that scores at least four in Column 2 will receive one point in the NOFA evaluation. Under PART B an applicant that scores eight or greater will receive a total of two points in the respective evaluation. Applicants that will be providing services in multiple jurisdictions may choose to address the questions in either PART A or PART B for that jurisdiction in which the preponderance of services will be performed if an award is made. In no case will an applicant receive for this policy priority greater than two points for barrier removal activities. An applicant that is a tribe or tribally designated housing entity (TDHE) may choose to complete either PART A or PART B based upon a determination by the tribe or TDHE as to whether the tribe's or the TDHE's association with the local jurisdiction or the state would be the more advantageous for its application.

Note: Upon completion of all NOFA evaluations, grant selections, and awards, it is HUD's intent to add relevant data obtained from this evaluative factor to the database on state and local regulatory reform actions maintained at the Regulatory Barrier Clearinghouse Web site at *www.huduser.org.rbc/* used by states, localities, and housing providers to identify regulatory barriers and learn of exemplary local efforts at regulatory reform.

Form HUD–27300 can be found in the appendix to this General Section. A limited number of questions on form HUD–27300 expressly request the applicant to provide brief documentation with its response. Other questions require that, for each affirmative statement made, the applicant supply a reference, URL, or brief statement indicating where the back-up information may be found, and a point of contact, including a telephone number or e-mail address. Applicants are encouraged to read the March 22, 2004 and April 21, 2004, America's Affordable Communities Initiative notice, as well as this General Section of the SuperNOFA, to obtain an understanding of this policy priority and how it can impact their score. HUD also will provide a satellite broadcast on this subject as part of its SuperNOFA Training. The SuperNOFA webcast schedule can be found on HUD's Web site at *http://www.hud.gov/webcasts/index.cfm.*

Activities support strategic goals a and b.

3. Threshold Compliance. Only applications that meet all of the threshold requirements will be eligible to be rated and ranked.

4. 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 to clarify an item in your application or to correct technical deficiencies. HUD may not seek clarification of items or responses that improve the substantive quality of your response to any rating factors. In order not to unreasonably exclude applications from being rated and ranked, HUD may contact applicants to ensure proper completion of the application and will do so on a uniform basis for all applicants.

Examples of curable (correctable) technical deficiencies include inconsistencies in the funding request, a failure to submit the proper certifications or 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 USPS, return receipt requested. Clarifications or corrections of technical deficiencies in accordance with the information provided by HUD must be submitted 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 the deficiency is not corrected within this time period, HUD will reject the application as incomplete and it will not be considered for funding. In order to meet statutory deadlines for the obligation of funds or for timely completion of the review process, Program NOFAs may reduce the number of days for submitting a response to a HUD clarification or correction to a technical deficiency. Please be sure to carefully read each Program NOFA for any additional information and instructions.

5. Rating Panels. To review and rate applications, HUD may establish panels which 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.

6. Rating. HUD will evaluate and rate all applications for funding that meet the threshold requirements. HUD will consider the following when rating your application(s):

a. Past Performance. In evaluating applications for funding, HUD will take into account applicants' past performance in managing funds, including, but not limited to, the ability to account for funds appropriately; timely use of funds received either from HUD or other federal, state, or local programs; meeting performance targets for completion of activities and receipt of promised matching or leveraged funds; and number of persons to be served or targeted for assistance. HUD may consider information available from HUD's records, the name check review, or public sources, such as newspapers, Inspector General or Government Accounting Office Reports or Findings, or hotline complaints that have been proven to have merit.

b. *Deducting Points for Poor Performance.* In evaluating past performance, HUD may elect to deduct points from the rating score or establish threshold levels as specified under the Factors for Award in the individual Program NOFAs.

7. Ranking. HUD will rank applicants within each program or, for Continuum of Care applicants, across the three programs identified in the Continuum of Care NOFA. HUD will rank applicants only against those applying 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.

C. Anticipated Announcement and Award Dates

The individual Program NOFAs will provide the applicable information regarding this subject.

VI. Award Administration Information

A. Award Notices

1. Negotiation. After HUD has rated and ranked all applications and made selections, HUD may require, depending upon the program, that a selected applicant participate in negotiations to determine the specific terms of the funding 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 such an instance, HUD may offer an award and proceed with negotiations with the next highest-ranking applicant.

2. Adjustments to Funding:

a. HUD reserves the right to fund less than the full amount requested in your application to ensure the fair distribution of funds and ensure that the purposes or requirements of a specific program are met.

b. HUD will not fund any portion of your application that is not eligible for funding under specific program statutory or regulatory requirements; does not meet the requirements of this Notice; or may be duplicative of other funded programs or activities from prior year awards or other selected applicants. Only the eligible portions of your application (including non-duplicative portions) may be funded.

c. If funds remain after funding the highest-ranking applications, HUD may fund all or part of the next highest-ranking application in a given program. If you, the applicant, turn down an award offer, HUD will make an offer of funding to the next highest-ranking application.

d. If funds remain after all selections have been made, remaining funds may be made available within the current fiscal year for other competitions within the program area or held-over for future competitions.

3. Funding Errors. In the event HUD commits an error that, when corrected, would result in selection of an otherwise eligible applicant during the funding round of a Program NOFA, HUD may select that applicant when sufficient funds become available.

4. Performance and Compliance Actions of Funding Recipients. HUD will measure and address the performance and compliance actions of funding recipients in accordance with the applicable standards and sanctions of their respective programs.

5. Debriefing. For a period of at least 120 days, beginning 30 days after the awards for assistance are publicly announced, HUD will provide to a requesting applicant a debriefing related to its application. All debriefing requests must be made in writing or by email by the authorized official whose signature appears on the SF–424 or his or her successor in office, and submitted to the person or organization identified as the Contact under the section entitled ''Agency Contact(s)'' in the individual Program NOFAs under which you applied for assistance. Information provided during a debriefing will include, at a minimum, the final score you received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied.

B. Administrative and National Policy Requirements

See Section III.C. of this Notice regarding related requirements.

C. Reporting

The individual Program NOFAs will identify applicable reporting requirements related to each program, including racial and ethnic data collection requirements based upon the OMB standards for federal data on race and ethnicity, dated August 13, 2002. The reporting shall include submission of a completed Logic Model indicating results achieved against the proposed output goal(s) and proposed outcome(s) which you stated in your approved application and agreed upon by HUD. The submission of the Logic Model and required information should be in accord with the reporting time frames identified in each Program NOFA.

VII. Agency Contact(s)

The individual Program NOFAs will identify the applicable agency contacts related to each program. Questions regarding this Notice should be directed to Dorthera (Rita) Yorkshire or Eric Gauff, in HUD's Office of Departmental Grants Management, at 202–708–0667. Persons with speech or hearing impairments may contact Ms. Yorkshire or Mr. Gauff using the toll-free Federal Relay Service at 800–877–8339. Questions regarding specific program requirements should be directed to the agency contacts identified in each Program NOFA.

VIII. Other Information

A. Grants.gov and Pub. L. 106–107 Streamlining Activities

The Federal Financial Assistance Management Improvement Act of 1999 (Pub. L. 106–107) directs each federal agency to develop and implement a plan that, among other things, streamlines and simplifies the application, administrative, and reporting procedures for federal financial assistance programs administered by the agency. This law also requires the Director of OMB to direct, coordinate, and assist federal agencies in establishing (1) a common application and reporting system and (2) an interagency process for addressing ways to streamline and simplify federal financial assistance application and administrative procedures and reporting requirements for program applicants.

HUD is working with the 26 federal grant-making agencies on President George W. Bush's Grants.gov ''FIND and APPLY'' Initiative. This Initiative is an effort by federal agencies to develop a common electronic application and reporting system for federal financial assistance. This system will provide ''one-stop shopping'' for funding opportunities for all federal programs. This system is being developed in response to public and government concerns that it is difficult for organizations to know all the funding available from the federal government and how to apply for funding. It also is an effort by the federal government to develop common application requirements, further streamlining the application process, making it easier for you, our customers, to apply for funding.

The first segment of the Grants.gov Initiative focuses on allowing the public to easily FIND funding opportunities and then APPLY via *Grants.gov.* Funding decisions will still be under the control of the federal agency sponsoring the program funding opportunity. In FY2004, HUD is posting all of its funding notices on *www.Grants.gov/FIND* with links to HUD's Web site for copies of the NOFA sections and form-fillable forms which applicants can download and complete for submission of paper copy applications. During FY2004, HUD applicants will be able to continue to submit paper copies of their application to HUD for funding consideration and, in fact, the paper copy will be the official copy to submit to the Department. To find out more about *Grants.gov,* please go to its Web site and look at the Tutorials and Getting Started information. It is HUD's intent to move to a fully electronic application system in FY2005, so becoming familiar with the functionality of the Grants.gov Web site would benefit the applicant community.

B. Paperwork Reduction Act Statement

The information collection requirements in this Notice have been approved by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid OMB control number. Each Program NOFA will identify its applicable OMB control number.

C. Authority

HUD's authority for making funding available under its FY2004 programs is identified in each Program NOFA under the section entitled ''Funding Opportunity Description.''

D. Environmental Impact

A Finding of No Significant Impact with respect to the environment has been made for this Notice 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(2)(C)). The Finding of No Significant Impact is available for public inspection between 8 a.m. and 5 p.m. in the Office of the General Counsel, Regulations Division, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–0500.

E. Executive Orders and Congressional Intent

1. *Executive Order 13132, Federalism.* Executive Order 13132 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 Notice 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.

2. *Sense of Congress.* It is the sense of Congress, as published in Division G of the Consolidated Appropriations Act, 2004 (Public Law 108–199, approved January 23, 2004), that, to the greatest extent practicable, all equipment and products purchased with funds made available in the Consolidated Appropriations Act, 2004, should be American-made.

F. Public Access, Documentation and Disclosure

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, HUD published a notice that also provides information on the implementation of Section 102 (57 FR 1942). The documentation, public access, and disclosure requirements of Section 102 apply to assistance awarded under individual NOFAs published as part of HUD's SuperNOFA or thereafter, as follows:

1. Documentation, public access, and disclosure requirements. HUD will ensure that documentation and other information regarding each application submitted pursuant to its FY2004 NOFAs published in the FY2004 SuperNOFA or NOFAs published thereafter, 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 (24 CFR part 15).

2. HUD Form 2880. HUD will also make available to the public for five years all applicant disclosure reports (HUD Form 2880) submitted in connection with an FY2004 NOFA. Update reports (also reported on HUD 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 (24 CFR part 5).

3. Publication of Recipients of HUD Funding. HUD's regulations at 24 CFR part 4 provide that HUD will publish a notice in the **Federal Register** to notify the public of all funding decisions made by the Department to provide:

a. Assistance subject to Section 102(a) of the HUD Reform Act; and

b. Assistance 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.

G. Section 103 of the HUD Reform Act

HUD's regulations implementing Section 103 of the HUD Reform Act, codified at 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 prohibited 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 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.) The TTY number for persons with speech or hearing impairment is 800–877–8339. HUD employees who have specific program questions should contact the appropriate field office counsel or Headquarters counsel for the program to which the question pertains.

H. The FY2004 HUD NOFA Process and Future HUD Funding Processes

Each year, HUD strives to improve its NOFA process. The FY2004 NOFAs have been revised based upon comments received during the FY2003 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. In FY2004, as part of Public Law 106–107 streamlining efforts and the interagency eGrants Initiative, HUD is making considerable changes to the format and presentation of its funding notices. HUD is continually striving to ensure effective communication with HUD program funding recipients and potential funding recipients. HUD has been posting pertinent documents related to these efforts on its website. HUD encourages you to visit HUD's website on an ongoing basis to keep abreast of the latest developments. HUD's website address for information on the Grants.gov Initiative is *http://www.hud.gov/offices/adm/grants/egrants/egrants.cfm*.

Information on Grant streamlining activities can be found at *http://www.hud.gov/offices/adm/grants/pl-106107/pl106–107.cfm*.

The programs for which funding is available in the FY2004 SuperNOFA is published simultaneously with this policy Notice and follows this section and its appendices.

Dated: April 22, 2004.

Alphonso Jackson,

Secretary.

BILLING CODE 4210–32–P

General Section Appendices

Appendix A: Standard Forms

The HUD standard forms, certifications, and assurances are:

- Application for Federal Assistance (SF-424)
- Survey on Ensuring Equal Opportunity for Applicants (SF-424 Supplement)
- Assurances Non – Construction Programs (HUD-424B)
- Grant Application Detailed Budget (HUD-424-CB)
- Grant Application Detailed Budget Worksheet (HUD-424-CBW)
- Disclosure of Lobbying Activities (SF-LLL)
- Applicant/Recipient Disclosure/Update Report (HUD-2880)
- Certification of Consistency with RC/EZ/EC Strategic Plan (HUD-2990) if applicable
- Certification of Consistency with the Consolidated Plan (HUD-2991) if applicable
- Acknowledgment of Application Receipt (HUD-2993)
- Client Comments and Suggestions (HUD 2994) (Optional)
- Program Outcome Logic Model (HUD-96010)
- Form HUD 52515, Funding Application for the Housing Choice Voucher Program
- Race and Ethnic Data Reporting Form (HUD-27061)
- America's Affordable Communities Initiative (HUD-27300)

APPLICATION FOR FEDERAL ASSISTANCE

Version 7/03

		2. DATE SUBMITTED	Applicant Identifier
1. TYPE OF SUBMISSION: Application	Pre-application	**3. DATE RECEIVED BY STATE**	State Application Identifier
☐ Construction	☐ Construction	**4. DATE RECEIVED BY FEDERAL AGENCY**	Federal Identifier
☐ Non-Construction	☐ Non-Construction		

5. APPLICANT INFORMATION

Legal Name:		**Organizational Unit:**	
		Department:	
Organizational DUNS:		Division:	
Address:		**Name and telephone number of person to be contacted on matters involving this application (give area code)**	
Street:		Prefix:	First Name:
City:		Middle Name	
County:		Last Name	
State:	Zip Code	Suffix:	
Country:		Email:	
6. EMPLOYER IDENTIFICATION NUMBER *(EIN):* ☐☐-☐☐☐☐☐☐☐		Phone Number (give area code)	Fax Number (give area code)

8. TYPE OF APPLICATION: ☐ New ☐ Continuation ☐ Revision If Revision, enter appropriate letter(s) in box(es) (See back of form for description of letters.) ☐ ☐ Other (specify)	**7. TYPE OF APPLICANT:** (See back of form for Application Types) Other (specify) **9. NAME OF FEDERAL AGENCY:**
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: ☐☐-☐☐☐ TITLE (Name of Program):	**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:	Ending Date:	a. Applicant	b. Project

15. ESTIMATED FUNDING:		**16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?**
a. Federal	$ .00	a. Yes. ☐ THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON
b. Applicant	$ .00	DATE:
c. State	$ .00	
d. Local	$ .00	b. No. ☐ PROGRAM IS NOT COVERED BY E. O. 12372
e. Other	$ .00	☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW
f. Program Income	$ .00	**17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?**
g. TOTAL	$ .00	☐ Yes If "Yes" attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION 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. Authorized Representative		
Prefix	First Name	Middle Name
Last Name		Suffix
b. Title		c. Telephone Number (give area code)
d. Signature of Authorized Representative		e. Date Signed

Previous Edition Usable
Authorized for Local Reproduction

Standard Form 424 (Rev.9-2003)
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 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:	Item:	Entry:
1.	Select Type of Submission.	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 preapplications, use a separate sheet to provide a summary description of this project.
2.	Date application submitted to Federal agency (or State if applicable) and applicant's control number (if applicable).	12.	List only the largest political entities affected (e.g., State, counties, cities).
3.	State use only (if applicable).	13	Enter the proposed start date and end date of the project.
4.	Enter Date Received by Federal Agency Federal identifier number: If this application is a continuation or revision to an existing award, enter the present Federal Identifier number. If for a new project, leave blank.	14.	List the applicant's Congressional District and any District(s) affected by the program or project
5.	Enter legal name of applicant, name of primary organizational unit (including division, if applicable), which will undertake the assistance activity, enter the organization's DUNS number (received from Dun and Bradstreet), enter the complete address of the applicant (including country), and name, telephone number, e-mail and fax of the person to contact on matters related to this application.	15	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.
6.	Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.	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.
7.	Select the appropriate letter in the space provided. A. State B. County C. Municipal D. Township E. Interstate F. Intermunicipal G. Special District H. Independent School District I. State Controlled Institution of Higher Learning J. Private University K. Indian Tribe L. Individual M. Profit Organization N. Other (Specify) O. Not for Profit Organization	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.
8.	Select the type from the following list: • "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. If a revision enter the appropriate letter: A. Increase Award B. Decrease Award C. Increase Duration D. Decrease Duration	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.)
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.		

SURVEY ON ENSURING EQUAL OPPORTUNITY FOR APPLICANTS

OMB No. 1890-0014 Exp. 1/131/2006

Purpose: The Federal government is committed to ensuring that all qualified applicants, small or large, non-religious or faith-based, have an equal opportunity to compete for Federal funding. In order for us to better understand the population of applicants for Federal funds, we are asking nonprofit private organizations (not including private universities) to fill out this survey.

Upon receipt, the survey will be separated from the application. Information provided on the survey will not be considered in any way in making funding decisions and will not be included in the Federal grants database. While your help in this data collection process is greatly appreciated, completion of this survey is voluntary.

Instructions for Submitting the Survey: If you are applying using a hard copy application, please place the completed survey in an envelope labeled "Applicant Survey." Seal the envelope and include it along with your application package. If you are applying electronically, please submit this survey along with your application.

Applicant's (Organization) Name: _____

Applicant's DUNS Number: _____

Grant Name: _____ **CFDA Number:** _____

1. Does the applicant have 501(c)(3) status?

   ☐ Yes ☐ No

2. How many full-time equivalent employees does the applicant have? *(Check only one box).*

   ☐ 3 or Fewer ☐ 15-50
   ☐ 4-5 ☐ 51-100
   ☐ 6-14 ☐ over 100

3. What is the size of the applicant's annual budget? *(Check only one box.)*

   ☐ Less Than $150,000
   ☐ $150,000 - $299,999
   ☐ $300,000 - $499,999
   ☐ $500,000 - $999,999
   ☐ $1,000,000 - $4,999,999
   ☐ $5,000,000 or more

4. Is the applicant a faith-based/religious organization?

   ☐ Yes ☐ No

5. Is the applicant a non-religious community-based organization?

   ☐ Yes ☐ No

6. Is the applicant an intermediary that will manage the grant on behalf of other organizations?

   ☐ Yes ☐ No

7. Has the applicant ever received a government grant or contract (Federal, State, or local)?

   ☐ Yes ☐ No

8. Is the applicant a local affiliate of a national organization?

   ☐ Yes ☐ No

SF 424 Supplement

Survey Instructions on Ensuring Equal Opportunity for Applicants

Provide the applicant's (organization) name and DUNS number and the grant name and CFDA number.

1. 501(c)(3) status is a legal designation provided on application to the Internal Revenue Service by eligible organizations. Some grant programs may require nonprofit applicants to have 501(c)(3) status. Other grant programs do not.

2. For example, two part-time employees who each work half-time equal one full-time equivalent employee. If the applicant is a local affiliate of a national organization, the responses to survey questions 2 and 3 should reflect the staff and budget size of the local affiliate.

3. Annual budget means the amount of money your organization spends each year on all of its activities.

4. Self-identify.

5. An organization is considered a community-based organization if its headquarters/service location shares the same zip code as the clients you serve.

6. An "intermediary" is an organization that enables a group of small organizations to receive and manage government funds by administering the grant on their behalf.

7. Self-explanatory.

8. Self-explanatory.

Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1890-0014. The time required to complete this information collection is estimated to average five (5) minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Housing and Urban Development, Office of Departmental Grants Management and Oversight, Room 3156, Washington, D.C. 20410.

If you have comments or concerns regarding the status of your individual submission of this form, write directly to the address above.

OMB No. 1890-0014 Exp. 1/31/2006
SF 424 Supplement

Applicant Assurances and Certifications

U.S. Department of Housing and Urban Development

OMB Approval No. 2501-0017
(expires 03/31/2005)

Instructions for the HUD-424-B Assurances and Certifications

As part of your application for HUD funding, you, as the official authorized to sign on behalf of your organization or as an individual must provide the following assurances and certifications. By submitting this form, you are stating that to the best of your knowledge and belief, all assertions are true and correct.

As the duly authorized representative of the applicant, I certify that the applicant [Insert below the Name and title of the Authorized Representative, name of Organization and the date of signature]:

Name:_____, Title:_____.

Organization:_____, Date:_____.

1. Has the legal authority to apply for Federal assistance, has the institutional, managerial and financial capability (including funds to pay the non-Federal share of program costs) to plan, manage and complete the program as described in the application and the governing body has duly authorized the submission of the application, including these assurances and certifications, and authorized me as the official representative of the applicant to act in connection with the application and to provide any additional information as may be required.

2. Will administer the grant in compliance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000(d)) and implementing regulations (24 CFR Part 1), which provide that no person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives Federal financial assistance **OR** if the applicant is a Federally recognized Indian tribe or its tribally designated housing entity, is subject to the Indian Civil Rights Act (25 U.S.C. 1301-1303).

3. Will administer the grant in compliance with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as amended, and implementing regulations at 24 CFR Part 8, and the Age Discrimination Act of 1975 (42 U.S.C. 6101-07), as amended, and implementing regulations at 24 CFR Part 146 which together provide that no person in the United States shall, on the grounds of disability or age, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives Federal financial assistance; except if the grant program authorizes or limits participation to designated populations, then the applicant will comply with the nondiscrimination requirements within the designated population.

4. Will comply with the Fair Housing Act (42 U.S.C. 3601-19), as amended, and the implementing regulations at 24 CFR Part 100, which prohibit discrimination in housing on the basis of race, color, religion, sex, disability, familial status, or national origin; except an applicant which is an Indian tribe or its instrumentality which is excluded by statute from coverage does not make this certification; and further except if the grant program authorizes or limits participation to designated populations, then the applicant will comply with the nondiscrimination requirements within the designated population.

5. Will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601) and implementing regulations at 49 CFR Part 24 and 24 CFR 42, Subpart A.

6. Will comply with the environmental requirements of the National Environmental Policy Act (42 U.S.C.4321 et seq.) and related Federal authorities prior to the commitment or expenditure of funds for property acquisition and physical development activities subject to implementing regulations at 24 CFR parts 50 or 58.

7. That no Federal appropriated funds have been paid, or will be paid, by or on behalf of the applicant, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress, in connection with the awarding of this Federal grant or its extension, renewal, amendment or modification. If funds other than Federal appropriated funds have or will be paid for influencing or attempting to influence the persons listed above, I shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying. I certify that I shall require all sub awards at all tiers (including sub-grants and contracts) to similarly certify and disclose accordingly.

Federally recognized Indian Tribes and tribally designated housing entities (TDHEs) established by Federally-recognized Indian tribes as a result of the exercise of the tribe's sovereign power are excluded from coverage by the Byrd Amendment, but State-recognized Indian tribes and TDHEs established under State law are not excluded from the statute's coverage.

These certifications and assurances are material representations of the fact upon which HUD can rely when awarding a grant. If it is later determined that, I the applicant, knowingly made an erroneous certification or assurance, I may be subject to criminal prosecution. HUD may also terminate the grant and take other available remedies.

form **HUD-424-B** (02/2004)

Grant Applications
Detailed Budget

U.S. Department of Housing and Urban Development

OMB Approvoal No. 2501-0017
(expires 03/31/2005)

	Functional Categories [Year 1:__] [Year 2:__] [Year 3:__] [All Years:__]								
Name of Project/Activity:	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9
	HUD Share	Applicant Match	Other HUD Funds	Other Fed Share	State Share	Local/Tribal Share	Other	Program Income	Total
a. Personnel (Direct Labor)	$	$	$	$	$	$	$	$	$
b. Fringe Benefits									
c. Travel									
d. Equipment (only items > $5,000 depreciated value)									
e. Supplies (only items < $5,000 depreciated Value)									
f. Contractual									
g. Construction									
1. Administration and legal expenses									
2. Land, structures, rights-of way, appraisals, etc.									
3. Relocation expenses and payments									
4. Architectural and engineering fees									
5. Other architectural and engineering fees									
6. Project inspection fees									
7. Site work									
8. Demolition and removal									
9. Construction									
10. Equipment									
11. Contingencies									
12. Miscellaneous									
h. Other (Direct Costs)									
i. Subtotal of Direct Costs									
j. Indirect Costs (% Approved Indirect Cost Rate:___%)									
Grand Total (Year:___):									
Grand Total (All Years):									

form **HUD-424-CB** (1/2004)

Instructions for the HUD Grant Application Detailed Budget Form

U.S. Department of Housing and Urban Development

OMB Approval No. 2577-0208
(expires 03/31/2005)

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. 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.

General Instructions

This form is designed so that an application can be made for any of HUD's grant programs. Separate sheets must be used for each proposed program year and for a summary of all years.

Check applicable program year or all years box at top of page to indicate which applies.

On the final sheet enter the Grand Total for all years in the applicable box at the bottom of the page. In preparing the budget, adhere to any existing HUD requirements which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, HUD may require budgets to be shown separately by function or activity. Your budget information should show the entire cost of your proposed program of activities per year. If you are not using funds in any of the line item categories, you should leave the item blank. Pages may be duplicated to show budget data for individual programs, projects or activities.

NOTE: Not all budget categories on this form are eligible for funding under all programs. Please see eligible activities under the specific program for which you are seeking funding.

Budget Categories

The budget categories identifies how your program funds will be allocated by type of use, e.g., funds going for salaries, travel, contracts, etc. Each of these line items should be broken out under each applicable column.

Lines a-f--Show the totals of Lines a to f in each column.

Lines g. Show construction related expenses in the appropriate categories below.

Line g.1.--Enter estimated amounts needed to cover administrative expenses. Do not include costs which are related to the normal functions of government.

Line g.2.--Enter estimated site and right(s)-of-way acquisition costs (this includes purchase, lease, and/or easements).

Line g.3.--Enter estimated costs related to relocation advisory assistance, replacement housing, relocation payments to displaced persons and businesses, etc.

Line g.4.--Enter estimated basic engineering fees related to construction (this includes start-up services and preparation of project performance work plan).

Line g.5.--Enter estimated engineering costs, such as surveys, tests, soil borings, etc.

Line g.6.--Enter estimated engineering inspection costs.

Line g.7.--Enter the estimated site preparation and restoration which are not included in the basic construction contract.

Line g.8.--Enter the estimated costs related to demolition activities.

Line g.9.--Enter estimated costs of the construction contract.

Line g.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 g.11.--Enter any estimated contingency costs.

Line g.12.--Enter estimated miscellaneous costs.

Line h.--Enter any other direct costs not already addressed above.

Line i.--Calculate the totals of all applicable columns to determine the Subtotal of Direct Costs.

Line j.--Indicate the approved Indirect Cost Rate (if any) and calculate the indirect cost in accordance with the terms of your approved indirect cost rate and enter the resulting amount.

Grand Total (Year:__)--Enter the sum of lines i. and j. under column 9 for each year, and enter the applicable year, in the blank, for each sheet completed.

Grand Total (All Years)--Enter the sum of all the, "Grand Total (Year:__)" amounts from each sheet completed, under column 9, for all proposed years.

For each budget category (personnel, fringe benefits, travel, etc) you should identify the amount of funding you plan on using in your grant program. You should complete each column as follows:

Column 1 - Identify the amount of funds that you will need from the HUD grant program for which you are seeking funding.

Column 2 - Identify any matching funds that you are required to include in your proposed program in order to be eligible for assistance.

Column 3 - Identify any other HUD funds that you will be adding to this program either through your formula or competitive grant programs.

Column 4 - Identify any other Federal funds that you will be adding to this program either through your formula or competitive grant programs.

Column 5 - Identify any State funds that you will be adding to this program.

Column 6 - Identify any Local or Tribal Government funds that you will be adding to this program.

Column 7 - Identify any additional funds not previously identified in Columns 1 - 6, that you intend to use for your proposed program.

Column 8 - Identify any program income that you expect to generate under this program.

Column 9 - Add columns 1 - 8 across and place the total in Column 9.

form **HUD-424-CB** (1/2004)

OMB Approval No. 2501-0017

Grant Application Detailed Budget Worksheet

(Exp. 03/31/2005)

Name and Address of Applicant:

Category — **Detailed Description of Budget (for full grant period)**

1. Personnel (Direct Labor)	Estimated Hours	Rate per Hour	Estimated Cost	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
Position or Individual											
Total Direct Labor Cost											

2. Fringe Benefits	Rate (%)	Base	Estimated Cost	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
Total Fringe Benefits Cost											

3. Travel

3a. Transportation - Local Private Vehicle	Mileage	Rate per Mile	Estimated Cost	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
Subtotal - Trans - Local Private Vehicle											

form **HUD-424-CBW** (2/2003)

Grant Application Detailed Budget Worksheet

Detailed Description of Budget

3b. Transportation - Airfare (show destination)	Trips	Fare	Estimated Cost	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
Subtotal - Transportation - Airfare											

3c. Transportation - Other	Quantity	Unit Cost	Estimated Cost	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
Subtotal - Transportation - Other											

3d. Per Diem or Subsistence (indicate location)	Days	Rate per Day	Estimated Cost	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
Subtotal - Per Diem or Subsistence											
Total Travel Cost											

4. Equipment (Only items over $5,000 Depreciated value)	Quantity	Unit Cost	Estimated Cost	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
Total Equipment Cost											

form HUD-424-CBW (2/2003)

Grant Application Detailed Budget Worksheet

Detailed Description of Budget

5. Supplies and Materials (Items under $5,000 Depreciated Value)

5a. Consumable Supplies	Quantity	Unit Cost	Estimated Cost	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
Subtotal - Consumable Supplies											

5b. Non-Consumable Materials	Quantity	Unit Cost	Estimated Cost	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
Subtotal - Non-Consumable Materials											
Total Supplies and Materials Cost											

6. Consultants (Type)	Days	Rate per Day	Estimated Cost	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
Total Consultants Cost											

7. Contracts and Sub-Grantees (List individually)	Quantity	Unit Cost	Estimated Cost	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
Total Subcontracts Cost											

form **HUD-424-CBW** (2/2003)

Grant Application Detailed Budget Worksheet

Detailed Description of Budget

8. Construction Costs

8a. Administrative and legal expenses	**Quantity**	**Unit Cost**	**Estimated Cost**	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
Subtotal - Administrative and legal expenses											

8b. Land, structures, rights-of way, appraisal, etc	**Quantity**	**Unit Cost**	**Estimated Cost**	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
Subtotal - Land, structures, rights-of way, ...											

8c. Relocation expenses and payments	**Quantity**	**Unit Cost**	**Estimated Cost**	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
Subtotal - Relocation expenses and payments											

8d. Architectural and engineering fees	**Quantity**	**Unit Cost**	**Estimated Cost**	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
Subtotal - Architectural and engineering fees											

8e. Other architectural and engineering fees	**Quantity**	**Unit Cost**	**Estimated Cost**	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
Subtotal - Other architectural and engineering fees											

form **HUD-424-CBW** (2/2003)

Grant Application Detailed Budget Worksheet

8f. Project inspection fees	Quantity	Unit Cost	Estimated Cost	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
Subtotal - Project inspection fees											

8g. Site work	Quantity	Unit Cost	Estimated Cost	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
Subtotal - Site work											

8h. Demolition and removal	Quantity	Unit Cost	Estimated Cost	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
Subtotal - Demolition and removal											

8i. Construction	Quantity	Unit Cost	Estimated Cost	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
Subtotal - Construction											

8j. Equipment	Quantity	Unit Cost	Estimated Cost	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
Subtotal - Equipment											

8k. Contingencies	Quantity	Unit Cost	Estimated Cost	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
Subtotal - Contingencies											

8l. Miscellaneous	Quantity	Unit Cost	Estimated Cost	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
Subtotal - Miscellaneous											
Total Construction Costs											

form **HUD-424-CBW** (2/2003)

Grant Application Detailed Budget Worksheet

9. Other Direct Costs	Quantity	Unit Cost	Estimated Cost	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
Item											
Total Other Direct Costs											
Subtotal of Direct Costs											

10. Indirect Costs	Rate	Base	Estimated Cost	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
Type											
Total Indirect Costs											
Total Estimated Costs											

form **HUD-424-CBW** (2/2003)

OMB Approval No. 2501-0017

(Exp. 03/31/2005)

Grant Application Detailed Budget Worksheet

Detailed Description of Budget			
Analysis of Total Estimated Costs		Estimated Cost	Percent of Total
1	Personnel (Direct Labor)	0.00	0.00%
2	Fringe Benefits	0.00	0.00%
3	Travel	0.00	0.00%
4	Equipment	0.00	0.00%
5	Supplies and Materials	0.00	0.00%
6	Consultants	0.00	0.00%
7	Contracts and Sub-Grantees	0.00	0.00%
8	Construction	0.00	0.00%
9	Other Direct Costs	0.00	0.00%
10	Indirect Costs	0.00	0.00%
	Total:	0.00	100.00%
	HUD Share:	0.00	100.00%
	Match (Expressed as a percentage of the Federal Share):	0.00	0.00%

7

form HUD-424-CBW (2/2003)

Instructions for Completing the Grant Application Detailed Budget Worksheet

Item	Discussion
This form is to be used to provide detailed budget information regarding your proposed program. If your program requires you to provide program activity information you should use a separate HUD-424-CBW to provide information related to each program activity. The detailed information provided on this form can be summarized on the HUD-424-CB form by checking the "All Years" box at the top of the form and inputting the summary information.	
1 - Personnel (Direct Labor)	This section should show the labor costs for all individuals supporting the grant program 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 that are associated with the proposed grant program, including those costs that 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 program notice of funding availability (NOFA) discusses the travel requirements that 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 that may be incurred (taxi, etc.).

form **HUD-424-CBW-I** (1/2004)

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 program NOFA discusses the travel requirements that 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 program NOFA describes what equipment may be purchased using grant funding.
5 - Supplies and Materials	Supplies and materials are consumable and non-consumable items that have a depreciated 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 that 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 that will help accomplish the grant effort. Examples of contracts that should be shown here include contracts with Community Based Organizations; liability insurance; 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 Grant Application Detailed Budget (Worksheet) 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 with in-house employees (which should be listed in section 1), the costs of performing the primary grant activities 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.

form **HUD-424-CBW-I** (1/2004)

8 – Construction Costs	
8a – Administrative and legal expenses	Enter estimated amounts needed to cover administrative expenses. Do not include costs that are related to the normal functions of government.
8b – Land, structures, rights-of way, appraisal, etc.	Enter estimated site and right(s)-of-way acquisition costs (this includes purchase, lease, and/or easements).
8c – Relocation expenses and payments	Enter estimated costs related to relocation advisory assistance, replacement housing, relocation payments to displaced persons and businesses, etc.
8d – Architectural and engineering fees	Enter estimated basic engineering fees related to construction (this includes start-up services and preparation of project performance work plan).
8e – Other architectural and engineering fees	Enter estimated engineering costs, such as surveys, tests, soil borings, etc.
8f – Project inspection fees	Enter estimated engineering inspection costs.
8g – Site work	Enter the estimated site preparation and restoration costs that are not included in the basic construction contract.
8h – Demolition and removal	Enter the estimated costs related to demolition activities.
8i – Construction	Enter estimated costs of the construction contract.
8j - Equipment	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.
8k – Contingencies	Enter any estimated contingency costs.
8l – Miscellaneous	Enter estimated miscellaneous costs.
9 - 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)
10 - Indirect Costs	Indirect costs (including Facilities and Administration costs) are those costs 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. Indicate your approved Indirect Cost Rate (if any) and calculate the indirect costs in accordance with the terms of your approved indirect cost rate and enter the resulting amount. Also show the applicable cost base amount and identify the proposed cost base type.
Total Estimated Costs	Enter the grand total of all the applicable columns.

The eight rightmost columns allow you to identify how the costs will be spread between the HUD Share and other contributors (including Match funds and Program Income). This information will help the reviewers better understand your program and priorities.

form **HUD-424-CBW-I** (1/2004)

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 for public burden disclosure.)

1. Type of Federal Action:	2. Status of Federal Action:	3. Report Type:
☐ a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	☐ a. bid/offer/application b. initial award c. post-award	☐ a. initial filing b. material change **For Material Change Only:** year _____ quarter _____ date of last report _

4. Name and Address of Reporting Entity:	5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:
☐ Prime ☐ Subawardee Tier _____, *if known*: **Congressional District**, *if known*: 4c	**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*: $
10. a. 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*):
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information 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: _____
Federal Use Only:	Authorized for Local Reproduction Standard Form LLL (Rev. 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 an 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 lobbying 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. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including 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 (0348-0046), Washington, DC 20503.

Applicant/Recipient Disclosure/Update Report

U.S. Department of Housing and Urban Development

OMB Approval No. 2510-0011 (exp. 12/31/2006)

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 of Consistency with the RC/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, Strategic Planning Community or Renewal Community.

(Type or clearly print the following information)

Applicant Name _____

Name of the Federal Program to which the applicant is applying _____

Name of RC/EZ/EC _____

I further certify that the proposed activities/projects will be located within the RC/EZ/EC/Urban Enhanced EC or Strategic Planning Community and will serve the RC/EZ/EC/Urban Enhanced EC, Strategic Planning Community residents, or Renewal Community. (2 points)

Name of the Official Authorized to Certify the RC/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: _____

form **HUD-2991** (3/98)

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)

Client Comments and Suggestions

U.S. Department of Housing and Urban Development

You are our Client! Your comments and suggestions, please!

The Department of Housing and Urban Development in preparing this Notice of Funding Availability and application forms, has tried to produce a more user friendly, customer driven funding process. Please let us have your comments and recommendations for improvements to this document. You may leave this form attached to your application, or feel free to detach the form and return it to:

The Department of Housing and Urban Development
Office of Departmental Grants Management and Oversight
Room 3156
451 7th Street, SW
Washington, DC 20410

Please Provide Comments on HUD's Efforts:

The NOFA (insert title) _____

is: (please check one)

(a) ☐ is clear and easily understandable

(b) ☐ better than before, but still needs improvement (please specify)

(c) other (please specify)

The application form (insert title) _____

is: (please check one)

(a) ☐ is acceptable given the volume of information required by statute and the volume of information required for accountability in selecting and funding projects.

(b) ☐ is simpler and more user-friendly than before, but still needs work (please specify).

(c) other comments (please specify)

Name & Organization (Optional):

Are additional pages attached? ☐ Yes ☐ No

Previous versions obsolete form **HUD-2994** (03/2003)

Logic Model

U.S. Department of Housing and Urban Development
Office of Departmental Grants Management and Oversight

OMB Approval No. 2535-0114
(exp. 12/31/2006)

Program Name: _____

Component Name: _____

Strategic Goals	Policy Priorities	Problem, Need, Situation	Service or Activity	Benchmarks		Outcomes		Measurement Reporting Tools	Evaluation Process
				Output Goal	Output Result	Achievement Outcome Goals	End Results		
1		2	3	4	5	6	7	8	9
Policy		Planning		Intervention		Impact		Accountability	
				Short Term				a. b. c. d. e.	
				Intermediate Term				a. b. c. d. e.	
				Long Term				a. b. c. d. e.	

HUD's Strategic Goals

1. Increase homeownership opportunities.
2. Promote decent affordable housing.
3. Strengthen communities.
4. Ensure equal opportunity in housing.
5. Embrace high standards of ethics, management, and accountability.
6. Promote participation of grass-roots faith-based and other community-based organizations.

Policy Priorities

1. Provide Increased Homeownership and Rental Opportunities for Low- and Moderate-Income Persons, Persons with Disabilities, the Elderly, Minorities, and Families with Limited English Proficiency.
2. Improving the Quality of Life in our Nation's Communities.
3. Encouraging Accessible Design Features.
4. Providing Full and Equal Access to Grass-Roots Faith-Based and Other Community-Based Organization in HUD Program Implementation.
5. Participation of Minority-Serving Institutions in HUD Programs
6. Ending Chronic Homelessness within Ten Years.
7. Removal of Barriers to Affordable Housing.

form **HUD-96010** (11/2003)

Logic Model Instructions U.S. Department of Housing And Urban Development Office of Departmental Grants Management and Oversight

OMB Approval No. 2535-0114 (exp. 12/31/2006)

The public reporting burden for this collection of information for the Logic Model is estimated to average 18 hours per response for applicants, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information and preparing the application package for submission to HUD. HUD may not conduct, and a person is not required to respond to, a collection of information unless the collection displays a valid control number. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions to reduce this burden, to the Reports Management Officer, Paperwork Reduction Project, in the Office of Information Technology, U.S. Department of Housing and Urban Development, Washington, DC 20410-3600. When providing comments, please refer to OMB Approval No. 2535-0114.

The information submitted in response to the Notice of Funding Availability for the Logic Model is subject to the disclosure requirements of the Department of Housing and Urban Development Reform Act of 1989 (Public Law 101-235, approved December 15, 1989, 42 U.S.C. 3545).

Instructions:

Responses to rating factor five should be in this format. Your response should be in bullet format rather than narrative. Please read each NOFA carefully to ensure the performance measures requested for this factor are reflected on the logic model form.

Program Name: The HUD funding program under which you are applying. If you are applying for a component of a program please include the Program Name as well as the Component Name.

Component Name: The HUD funding program under which you are applying.

Column 1: ***HUD's Strategic Goals***: Indicate in this column **the number** of the goal(s) that your proposed service or activity is designed to achieve. HUD's strategic goals are:

1. Increase homeownership opportunities.
2. Promote decent affordable housing.
3. Strengthen communities.
4. Ensure equal opportunity in housing.
5. Embrace high standards of ethics, management, and accountability.
6. Promote participation of grass-roots faith-based and other community-based organizations.

Policy Priority: Indicate in this column **the number** of the HUD Policy Priority(ies), if any, your proposed service or activity promotes. Applicants are encouraged to undertake specific activities that will assist the Department in implementing its Policy Priorities. HUD's Policy Priorities are:

1. Provide Increased Homeownership and Rental Opportunities for Low- and Moderate-Income Persons, Persons with Disabilities, the Elderly, Minorities, and Families with Limited English Proficiency.
2. Improving the Quality of Life in our Nation's Communities.
3. Encouraging Accessible Design Features.
4. Providing Full and Equal Access to Grass-Roots Faith-Based and Other Community-Based Organization in HUD Program Implementation.
5. Participation of Minority-Serving Institutions in HUD Programs
6. Ending Chronic Homelessness within Ten Years.
7. Removal of Barriers to Affordable Housing.

Column 2: **Problem, Need, or Situation**: Provide a general statement of need that provides the rationale for the proposed service or activity.

Column 3: **Service or Activity:** Identify the activities or services that you are undertaking in your work plan, which are crucial to the success of your program. Not every activity or service yields a direct outcome.

Column 4 and Column 5: **Benchmarks:** These columns ask you to identify benchmarks that will be used in measuring the progress of your services or activities. Column 4 asks for specific interim or final products (called outputs) that you establish for your program's services or activities. Column 5 should identify the results associated with the product or output. These may be numerical measures characterizing the results of a program activity, service or intervention and are used to measure performance. These outputs should lead to targets for achievement of outcomes. Results should be represented by both the actual # and % of the goal achieved.

Column 4: **Benchmarks/Output Goal:** Set quantifiable output goals, including timeframes. These should be products or interim products, which will allow you and HUD to monitor and assess your progress in achieving your program workplan.

Column 5: **Benchmark/ Output Result:** Report actual result of your benchmarks. The actual result could be number of housing units developed or rehabilitated, jobs created, or number of persons assisted. Outputs may be short, intermediate or long-term. ***(Do not fill out this section with the application)***

Column 6 and Column 7: **Outcomes:** Column 6 and Column 7 ask you to report on your expected and actual outcomes – the ultimate impact you hope to achieve. Column 6 asks you to identify outcomes in terms of the impact on the community, people's lives, changes in economic or social status, etc. Column 7 asks for the actual result of the outcome measure listed in Column 6, which should be updated as applicable.

Column 6: **Outcomes/ Goals:** Identify the outcomes that resulted in broader impacts for individuals, families/households, and/or the community. For example, the program may seek to improve the environmental conditions in a neighborhood, increase affordable housing, increase the assets of a low-income family, or improve self-sufficiency.

Proxy Outcome(s): Often direct measurement of the intended outcome is difficult or even impossible -- to measure. In these cases, applicants/grantees should use a proxy or surrogate measure that corresponds with the desired outcome. For example, improving quality of life in a neighborhood could be measured by a proxy indicator such as increases in home prices or decreases in crime. Training programs could be measured by the participant's increased wages or reading skills. The person receiving the service must meet eligibility requirements of the program.

Column 7: **Outcomes/Actual Result:** Identify specific achievements of outcomes listed in Column 6. ***(Do not fill out this section with the application)***

Column 8: **Measurement Reporting Tools:** (a) List the tools used to track output or outcome information (e.g., survey instrument; attendance log; case report; pre-post test; waiting list; etc); (b) Identify the place where data is maintained, e.g. central database; individual case records; specialized access database, tax assessor database; local precinct; other; (c) Identify the location, e.g. on-site; subcontractor; other; (d) Indicate how often data is required to be collected, who will collect it and how often data is reported to HUD; and (e) Describe methods for retrieving data, e.g. data from case records is retrieved manually, data is maintained in an automated database. This tool will be available for HUD review and monitoring and should be used in submitting reporting information.

Column 9: **Evaluation Process:** Identify the methodology you will periodically use to assess your success in meeting your benchmark output goals and output results, outcomes associated to the achievement of the purposes of the program, as well as the impact that the work has made on the individuals assisted, the community, and the strategic goals of the Department. If you are not meeting the goals and results projected for your performance period, the evaluation process should be used as a tool to ensure that you can adjust schedules, timing, or business practices to ensure that goals are met within your performance period.

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. 05/31/2004)

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 1 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 confidentiality.

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 non-metropolitan 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

Race and Ethnic Data Reporting Form

U.S. Department of Housing and Urban Development
Office of Administration

OMB Approval No. 2535-0113
(exp. 10/31/2006)

Program Title:

Grantee/Recipient Name:

Grantee Reporting Organization:

Reporting Period From (mm/dd/yyyy): _____ To (mm/dd/yyyy): _____

Racial Categories	Total Number of Race Responses	Total Number of Hispanic or Latino Responses
American Indian or Alaska Native		
Asian		
Black or African American		
Native Hawaiian or Other Pacific Islander		
White		
American Indian or Alaska Native *and* White		
Asian *and* White		
Black or African American *and* White		
American Indian or Alaska Native *and* Black or African American		
* Other multiple race combinations greater than one percent: [Per the form instructions, write in a description using the box on the right]		
Balance of individuals reporting more than one race		
Total:		

* If the aggregate count of any reported multiple race combination that is not listed above exceeds 1% of the total population being reported, you should separately indicate the combination. See detailed instructions under "Other multiple race combinations."

Public reporting burden for this collection is estimated to average 1.15 hours per response, including the time for reviewing instructions, searching existing data sources, gathering the data needed, and completing and reviewing the information collection instrument. HUD may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

form **HUD-27061** (10/2003)

Instructions for the Race and Ethnic Data Reporting form (HUD-27061)

A. General Instructions:

This form is intended to be used by two categories of respondents: (1) applicants requesting funding from the Department of Housing and Urban Development (HUD); and (2) organizations who receive HUD Federal financial assistance that are required to report race and ethnic information.

In compliance with OMB direction to revise the standards for collection of racial data, HUD has revised its standards as depicted on this form. The revised standards are designed to acknowledge the growing diversity of the U.S. population. Using the revised standards, HUD offers organizations that are responding to HUD data requests for racial information, the option of selecting one or more of nine racial categories to identify the racial demographics of the individuals and/or the communities they serve, or are proposing to serve. HUD's collection of racial data treats ethnicity as a separate category from race and has changed the terminology for certain racial and ethnic groups from the way it has been requested in the past using two distinct ethnic categories. The revised definitions of ethnicity and race have been standardized across the Federal government and are provided below.

1. The two ethnic categories as revised by the Office of Management and Budget (OMB) are defined below.

Hispanic or Latino. A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. The term "Spanish origin" can be used in addition to "Hispanic" or "Latino."

Not Hispanic or Latino. A person not of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.

2. The five racial categories as revised by the Office of Management and Budget are defined below:

American Indian or Alaska Native. A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.

Asian. A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

Black or African American. A person having origins in any of the black racial groups of Africa. Terms such as "Haitian" or "Negro" can be used in addition to "Black" or "African American."

Native Hawaiian or Other Pacific Islander. A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

White. A person having origins in any of the original peoples of Europe, the Middle East or North Africa.

Note: The information required to be reported may be collected and submitted to HUD via the use of this form or by other means, such as summary reports or via electronic reporting mechanisms. The primary goal to be achieved is the provision of the summary racial and ethic data of the population(s) proposed to be served or that is being served by your organization in a consistent manner across all HUD programs.

B. Specific Instructions for Completing the Form:

Organizations using this form should collect the individual responses from the community of individuals you intend to serve or those that you are serving, as applicable. After the individual collections are gathered, you should report (via this form or by the use of other means such as electronic reports that provide the summary data required by this form) the aggregate totals of the racial and ethnic data that you collect via the applicable categories as described below:

Total Number of Racial Responses: Under this column you should indicate the total number of responses collected in the blocks next to the applicable categories.

Total Number of Hispanic or Latino Responses: Under this column you should indicate the total number of responses collected in the blocks next to the applicable racial categories (e.g., you would enter the total number of Asian respondents that indicated they are Hispanic or Latino). When collecting this information from beneficiaries of the Federal financial assistance all respondents should be required to indicate their ethnic category, which requires either a "yes" or "no" response.

Other Multiple Race Combinations: Next to this racial category, indicate all racial categories (if any) identified by respondents that do not fit one of the five single race categories or four double race combinations above, and which have a total count that exceeds one percent of the total population being reported. You must identify each such racial combination, including the actual count, the percentage of the total population (in parenthesis), and the actual Hispanic or Latino count.

For example, if you obtain data that indicates that the total population being served is 200 and includes 10 Native Hawaiian or Other Pacific Islander *and* White and 12 Native Hawaiian or Other Pacific Islander *and* Asian, and those numbers (of Native Hawaiian or Other Pacific Islander *and* White and Native Hawaiian or Other Pacific Islander *and* Asian) each equates to more than one percent of the total population being served, and 2 of the Native Hawaiian or Other Pacific Islander *and* White indicate they belong to the Hispanic/Latino ethic category and 3 of the Native Hawaiian or Other Pacific Islander *and* Asian indicate they belong to the Hispanic/Latino ethnic category, you should complete the form as follows:

Racial Categories	Total Number of Race Responses	Total Number of Hispanic or Latino Responses
* Other multiple race combinations: [Per the form instruction, write in a description using the box on the right]	Native Hawaiian or Other Pacific Islander AND White 10 (5%)	2
	Native Hawaiian or Other Pacific Islander AND Asian 12 (6%)	3

How the percentage should be applied will vary by program depending on whether the program is required to provide data on the total community, or on the beneficiaries/individuals that are being served or that are proposed to be served.

Balance of individuals reporting more than one race: This block is intended to capture the balance of any racial categories that are not included in the list of nine above, and are not included under **"Other multiple race combinations greater than on percent."** Indicate the total number of all racial categories reported that do not fit the nine racial categories above, and do not equate to one percent of the total population being reported. Be sure to also indicate the total number of all related Hispanic or Latino responses.

Total: On the last row of the form you should indicate the aggregate totals of all the information you have gathered including the total of all racial categories and the total of all the Hispanic or Latino categories.

America's Affordable Communities Initiative	U.S. Department of Housing and Urban Development	OMB approval no. 2510-0013 (exp. 01/01/2006)

Public reporting burden for this collection of information is estimated to average 3 hours. This includes the time for collecting, reviewing, and reporting the data. The information will be used for encourage applicants to pursue and promote efforts to remove regulatory barriers to affordable housing. Response to this request for information is required in order to receive the benefits to be derived. 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.

Questionnaire for HUD's Initiative on Removal of Regulatory Barriers

Part A. Local Jurisdictions. Counties Exercising Land Use and Building Regulatory Authority and Other Applicants Applying for Projects Located in such Jurisdictions or Counties [Collectively, Jurisdiction]

	1	2
1. Does your jurisdiction's comprehensive plan (or in the case of a tribe or TDHE, a local Indian Housing Plan) include a "housing element? A local comprehensive plan means the adopted official statement of a legislative body of a local government that sets forth (in words, maps, illustrations, and/or tables) goals, policies, and guidelines intended to direct the present and future physical, social, and economic development that occurs within its planning jurisdiction and that includes a unified physical plan for the public development of land and water. If your jurisdiction does not have a local comprehensive plan with a "housing element," please enter no. If no, skip to question # 4.	☐ No	☐ Yes
2. If your jurisdiction has a comprehensive plan with a housing element, does the plan provide estimates of current and anticipated housing needs, taking into account the anticipated growth of the region, for existing and future residents, including low, moderate and middle income families, for at least the next five years?	☐ No	☐ Yes
3. Does your zoning ordinance and map, development and subdivision regulations or other land use controls conform to the jurisdiction's comprehensive plan regarding housing needs by providing: a) sufficient land use and density categories (multifamily housing, duplexes, small lot homes and other similar elements); and, b) sufficient land zoned or mapped "as of right" in these categories, that can permit the building of affordable housing addressing the needs identified in the plan? (For purposes of this notice, "as-of-right," as applied to zoning, means uses and development standards that are determined in advance and specifically authorized by the zoning ordinance. The ordinance is largely self-enforcing because little or no discretion occurs in its administration.). If the jurisdiction has chosen not to have either zoning, or other development controls that have varying standards based upon districts or zones, the applicant may also enter yes.	☐ No	☐ Yes
4. Does your jurisdiction's zoning ordinance set minimum building size requirements that exceed the local housing or health code or is otherwise not based upon explicit health standards?	☐ Yes	☐ No

5. If your jurisdiction has development impact fees, are the fees specified and calculated under local or state statutory criteria? If no, skip to question #7. Alternatively, if your jurisdiction does not have impact fees, you may enter yes.	☐ No	☐ Yes
6. If yes to question #5, does the statute provide criteria that sets standards for the allowable type of capital investments that have a direct relationship between the fee and the development (nexus), and a method for fee calculation?	☐ No	☐ Yes
7. If your jurisdiction has impact or other significant fees, does the jurisdiction provide waivers of these fees for affordable housing?	☐ No	☐ Yes
8. Has your jurisdiction adopted specific building code language regarding housing rehabilitation that encourages such rehabilitation through gradated regulatory requirements applicable as different levels of work are performed in existing buildings? Such code language increases regulatory requirements (the additional improvements required as a matter of regulatory policy) in proportion to the extent of rehabilitation that an owner/developer chooses to do on a voluntary basis. For further information see HUD publication: "*Smart Codes in Your Community: A Guide to Building Rehabilitation Codes*" (www.huduser.org/publications/destech/smartcodes.html)	☐ No	☐ Yes
9. Does your jurisdiction use a recent version (i.e. published within the last 5 years or, if no recent version has been published, the last version published) of one of the nationally recognized model building codes (i.e. the International Code Council (ICC), the Building Officials and Code Administrators International (BOCA), the Southern Building Code Congress International (SBCI), the International Conference of Building Officials (ICBO), the National Fire Protection Association (NFPA)) without significant technical amendment or modification. In the case of a tribe or TDHE, has a recent version of one of the model building codes as described above been adopted or, alternatively, has the tribe or TDHE adopted a building code that is substantially equivalent to one or more of the recognized model building codes? Alternatively, if a significant technical amendment has been made to the above model codes, can the jurisdiction supply supporting data that the amendments do not negatively impact affordability.	☐ No	☐ Yes
10. Does your jurisdiction's zoning ordinance or land use regulations permit manufactured (HUD-Code) housing "as of right" in all residential districts and zoning classifications in which similar site-built housing is permitted, subject to design, density, building size, foundation requirements, and other similar requirements applicable to other housing that will be deemed realty, irrespective of the method of production?	☐ No	☐ Yes

11. Within the past five years, has a jurisdiction official (i.e., chief executive, mayor, county chairman, city manager, administrator, or a tribally recognized official, etc.), the local legislative body, or planning commission, directly, or in partnership with major private or public stakeholders, convened or funded comprehensive studies, commissions, or hearings, or has the jurisdiction established a formal ongoing process, to review the rules, regulations, development standards, and processes of the jurisdiction to assess their impact on the supply of affordable housing?	☐ No	☐ Yes
12. Within the past five years, has the jurisdiction initiated major regulatory reforms either as a result of the above study or as a result of information identified in the barrier component of the jurisdiction's "HUD Consolidated Plan?" If yes, attach a brief list of these major regulatory reforms.	☐ No	☐ Yes
13. Within the past five years has your jurisdiction modified infrastructure standards and/or authorized the use of new infrastructure technologies (*e.g.* water, sewer, street width) to significantly reduce the cost of housing?	☐ No	☐ Yes
14. Does your jurisdiction give "as-of-right" density bonuses sufficient to offset the cost of building below market units as an incentive for any market rate residential development that includes a portion of affordable housing? (As applied to density bonuses, "as of right" means a density bonus granted for a fixed percentage or number of additional market rate dwelling units in exchange for the provision of a fixed number or percentage of affordable dwelling units and without the use of discretion in determining the number of additional market rate units.)	☐ No	☐ Yes
15. Has your jurisdiction established a single, consolidated permit application process for housing development that includes building, zoning, engineering, environmental, and related permits? Alternatively, does your jurisdiction conduct concurrent, not sequential, reviews for all required permits and approvals?	☐ No	☐ Yes
16. Does your jurisdiction provide for expedited or "fast track" permitting and approvals for all affordable housing projects in your community?	☐ No	☐ Yes
17. Has your jurisdiction established time limits for government review and approval or disapproval of development permits in which failure to act, after the application is deemed complete, by the government within the designated time period, results in automatic approval?	☐ No	☐ Yes
18. Does your jurisdiction allow "accessory apartments" either as: a) a special exception or conditional use in all single-family residential zones or, b) "as of right" in a majority of residential districts otherwise zoned for single-family housing?	☐ No	☐ Yes
19. Does your jurisdiction have an explicit policy that adjusts or waives existing parking requirements for all affordable housing developments?	☐ No	☐ Yes
20. Does your jurisdiction require affordable housing projects to undergo public review or special hearings when the project is otherwise in full compliance with the zoning ordinance and other development regulations?	☐ Yes	☐ No
Total Points:		

Part B. State Agencies and Departments or Other Applicants for Projects Located in Unincorporated Areas or Areas Otherwise Not Covered in Part A

	1	2
1 Does your state, either in its planning and zoning enabling legislation or in any other legislation, require localities regulating development have a comprehensive plan with a "housing element?" If no, skip to question # 4	☐ No	☐ Yes
2. Does you state require that a local jurisdiction's comprehensive plan estimate current and anticipated housing needs, taking into account the anticipated growth of the region, for existing and future residents, including low, moderate, and middle income families, for at least the next five years?	☐ No	☐ Yes
3. Does your state's zoning enabling legislation require that a local jurisdiction's zoning ordinance have a) sufficient land use and density categories (multifamily housing, duplexes, small lot homes and other similar elements); and, b) sufficient land zoned or mapped in these categories, that can permit the building of affordable housing that addresses the needs identified in the comprehensive plan?	☐ No	☐ Yes
4. Does your state have an agency or office that includes a specific mission to determine whether local governments have policies or procedures that are raising costs or otherwise discouraging affordable housing?	☐ No	☐ Yes
5. Does your state have a legal or administrative requirement that local governments undertake periodic self-evaluation of regulations and processes to assess their impact upon housing affordability address these barriers to affordability?	☐ No	☐ Yes
6. Does your state have a technical assistance or education program for local jurisdictions that includes assisting them in identifying regulatory barriers and in recommending strategies to local governments for their removal?	☐ No	☐ Yes
7. Does your state have specific enabling legislation for local impact fees? If no skip to question #9.	☐ No	☐ Yes
8. If yes to the question #7, does the state statute provide criteria that sets standards for the allowable type of capital investments that have a direct relationship between the fee and the development (*nexus*) and a method for fee calculation?	☐ No	☐ Yes
9. Does your state provide significant financial assistance to local governments for housing, community development and/or transportation that includes funding prioritization or linking funding on the basis of local regulatory barrier removal activities?	☐ No	☐ Yes

10. Does your state have a mandatory state-wide building code that a) does not permit local technical amendments and b) uses a recent version (i.e. published within the last five years or, if no recent version has been published, the last version published) of one of the nationally recognized model building codes (i.e. the International Code Council (ICC), the Building Officials and Code Administrators International (BOCA), the Southern Building Code Congress International (SBCI), the International Conference of Building Officials (ICBO), the National Fire Protection Association (NFPA)) without significant technical amendment or modification? Alternatively, if the state has made significant technical amendment to the model code, can the state supply supporting data that the amendments do not negatively impact affordability?	☐ No	☐ Yes
11. Has your jurisdiction adopted specific building code language regarding housing rehabilitation that encourages such rehabilitation through gradated regulatory requirements applicable as different levels of work are performed in existing buildings? Such code language increases regulatory requirements (the additional improvements required as a matter of regulatory policy) in proportion to the extent of rehabilitation that an owner/developer chooses to do on a voluntary basis. For further information see HUD publication: "*Smart Codes in Your Community: A Guide to Building Rehabilitation Codes*" (www.huduser.org/publications/destech/smartcodes.html)	☐ No	☐ Yes
12. Within the past five years has your state made any changes to its own processes or requirements to streamline or consolidate the state's own approval processes involving permits for water or wastewater, environmental review, or other State-administered permits or programs involving housing development. If yes, briefly list these changes.	☐ No	☐ Yes
13. Within the past five years, has your state (i.e., Governor, legislature, planning department) directly or in partnership with major private or public stakeholders, convened or funded comprehensive studies, commissions, or panels to review state or local rules, regulations, development standards, and processes to assess their impact on the supply of affordable housing?	☐ No	☐ Yes
14. Within the past five years, has the state initiated major regulatory reforms either as a result of the above study or as a result of information identified in the barrier component of the states' "Consolidated Plan submitted to HUD?" If yes, briefly list these major regulatory reforms.	☐ No	☐ Yes
15. Has the state undertaken any other actions regarding local jurisdiction's regulation of housing development including permitting, land use, building or subdivision regulations, or other related administrative procedures? If yes, briefly list these actions.	☐ No	☐ Yes
Total Points:		

HUD 2004 SuperNOFA Funding Chart

Appendix B

Program Name	Funding Available (Approximate)	Application Due Date	Submission Location and Room Number
Community Development $296.837 million			
Community Development Technical Assistance (CD-TA) Programs:	**$36.834 million**		
HOME TA CFDA No.: 14.239 OMB Approval No.: 2506-0166	$9.59 million	July 8, 2004	HUD Headquarters Robert C. Weaver Building 451 7th ST SW Room 7251 Washington, DC 20410 Attn: CD-TA
CHDO (HOME) TA CFDA No.: 14.239 OMB Approval No.: 2506-0166	$6.992 million	July 8, 2004	HUD Headquarters Robert C. Weaver Building 451 7th ST SW Room 7251 Washington, DC 20410 Attn: CD-TA
McKinney-Vento Homeless Assistance Programs TA CFDA No.: 14.235 OMB Approval No.: 2506-0166	$10.541 million	July 8, 2004	HUD Headquarters Robert C. Weaver Building 451 7th ST SW Room 7251 Washington, DC 20410 Attn: CD-TA
HOPWA TA CFDA No.: 14.241 OMB Approval No.: 2506-0133	$2 million	July 8, 2004	HUD Headquarters Robert C. Weaver Building 451 7th ST SW Room 7251 Washington, DC 20410 Attn: CD-TA
CDBG TA CFDA No.: 14.228 OMB Approval No.: 2506-0166 Entitlement Grants CFDA No.: 14.218 OMB Approval No.: 2506-0077 Small Cities CFDA No.: 14.219 OMB Approval No.: 2506-0020 Insular Areas CFDA No.: 14.225 OMB Approval No.: 2506-0077 Section 108 CFDA No.: 14.248 OMB Approval No.: 2506-0161	$1.5 million	July 8, 2004	HUD Headquarters Robert C. Weaver Building 451 7th ST SW Room 7251 Washington, DC 20410 Attn: CDBG-TA

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Program Name	Funding Available (Approximate)	Application Due Date	Submission Location and Room Number
Youthbuild TA CFDA No: 14.243 OMB Approval No.: 2506-0142	$6.211 million	July 8, 2004	HUD Headquarters Robert C. Weaver Building 451 7th ST SW Room 7251 Washington, DC 20410 Attn: Youthbuild TA
University and College Programs:	**$34.351 million**		
Historically Black Colleges and Universities (HBCU) Program CFDA No.: 14.520 OMB Approval No.: 2506-0122	$11.014 million	June 25, 2004	University Partnerships Clearinghouse, c/o Danya International 8737 Colesville Road Suite 1200 Silver Spring, Maryland 20910 Attn: HBCU Program
Hispanic-Serving Institutions Assisting Communities (HSIAC) Program CFDA No.: 14.514 OMB Approval No.: 2528-0198	$6.95 million	June 25, 2004	University Partnerships Clearinghouse, 8737 Colesvillle Road Suite 1200 Silver Spring, MD 20910 Attn: HSIAC Program
Alaska Native/Native Hawaiian Institution Assisting Communities Program (AN/NHIAC) CFDA No.: 14.515 OMB Approval No.: 2528-0206	$6.5 million	July 9, 2004	University Partnerships Clearinghouse, 8737 Colesvillle Road Suite 1200 Silver Spring, MD 20910 Attn: AN/NHIAC
Tribal Colleges and Universities Program (TCUP) CFDA No.: 14.519 OMB Approval No.: 2528-0215	$2.98 million	June 25, 2004	University Partnerships Clearinghouse, c/o Danya International 8737 Colesvillle Road Suite 1200 Silver Spring, MD 20910 Attn: TCUP
Community Outreach Partnerships Centers (COPC) CFDA No: 14.511 OMB Approval No.: 2506-0180	$6.907 million	July 9, 2004	University Partnerships Clearinghouse, c/o Danya International 8737 Colesvillle Road Suite 1200 Silver Spring, MD 20910 Attn: COPC Program
Student Research and Study Programs:	**$3.908 million**		
Early Doctoral Student Research Grant Program CFDA No.: 14.517 OMB Approval No.: 2528-0216	$150,000	June 16, 2004	University Partnerships Clearinghouse, c/o Danya International 8737 Colesvillle Road Suite 1200 Silver Spring, MD 20910 Attn: Early Doctoral Research
Doctoral Dissertation Research Grant Program CFDA No.: 14.516 OMB Approval No.: 2528-0213	$400,000	June 16, 2004	University Partnerships Clearinghouse, c/o Danya International 8737 Colesvillle Road Suite 1200 Silver Spring, MD 20910 Attn: Doctoral Dissertation Research
Community Development Work Study Program CFDA No.: 14.512 OMB Approval No.: 2528-0175	$3.358 million	June 16, 2004	University Partnerships Clearinghouse, c/o Danya International 8737 Colesvillle Road, Suite 1200 Silver Spring, MD 20910 Attn: CD Work Study Program

HUD 2004 SuperNOFA Funding Chart

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Program Name	Funding Available (Approximate)	Application Due Date	Submission Location and Room Number
Fair Housing Initiatives Programs:	**$18.73 million**		
Fair Housing - Private Enforcement Initiative (PEI) CFDA No.: 14.410 OMB Approval No.: 2539-0033	$11.85 million	June 29, 2004	HUD Headquarters Robert C. Weaver Building 451 7th ST SW Room 5224 Washington, DC 20410 Attn: FHIP/FHAP Support Division
Fair Housing Education and Outreach Initiative (EOI) CFDA No.: 14.409 OMB Approval No.: 2539-0033	$3.78 million	June 29, 2004	HUD Headquarters Robert C. Weaver Building 451 7th ST SW Room 5224 Washington, DC 20410 Attn: FHIP/FHAP Support Division
Fair Housing Organizations Initiative (FHOI) CFDA No.: 14.413 OMB Approval No.: 2539-0033	$2.1 million	June 29, 2004	HUD Headquarters Robert C. Weaver Building 451 7th ST SW Room 5224 Washington, DC 20410 Attn: FHIP/FHAP Support Division
Fair Housing Initiatives Program FHIP-HBCU CFDA No.: 14.409 OMB Approval No.: 2529-0033	$1 million	June 18, 2004	HUD Headquarters Robert C. Weaver Building 451 7th ST SW Room 5224 Washington, DC 20410 Attn: FHIP/FHAP Support Division
Housing Counseling Programs:	**$36.014 million**		
Housing Counseling - Local Housing Counseling Agencies (LHCA) CFDA No.: 14.169 OMB Approval No.: 2502-0261	$12.201 million	June 23, 2004	Appropriate HUD Homeownership Center
Housing Counseling - National and Regional Intermediaries CFDA No.: 14.169 OMB Approval No.: 2502-0261	$16.763 million	June 23, 2004	HUD Headquarters Robert C. Weaver Building 451 7th ST SW Room 9266 Washington, DC 20410 Attn: Office of Single Family Housing
Housing Counseling - State Housing Finance Agencies (SHFA) CFDA No.: 14.169 OMB Approval No.: 2502-0261	$2 million	June 23, 2004	Appropriate HUD Homeownership Center
Supplemental Funding Housing Counseling - Colonias CFDA No.: 14.169 OMB Approval No.: 2502-0261	$350,000	June 23, 2004	Application for supplemental funding is submitted within the comprehensive application. LCHAs and SHFAs should be submitted to the Appropriate HUD Homeownership Center. Intermediaries should submit to HUD Headquarters.
Housing Counseling - Predatory Lending CFDA No.: 14.169 OMB Approval No.: 2502-0261	$2.7 million	June 23, 2004	Application for supplemental funding is submitted within the comprehensive application. LCHAs and SHFAs should be submitted to the Appropriate HUD Homeownership Center. Intermediaries should submit to HUD Headquarters.

HUD 2004 SuperNOFA Funding Chart

Appendix B

Program Name	Funding Available (Approximate)	Application Due Date	Submission Location and Room Number
Housing Counseling - Section 8 Homeownership Voucher Program CFDA No.: 14.169 OMB Approval No.: 2502-0261	$2 million	June 23, 2004	Application for supplemental funding is submitted within the comprehensive application. LCHAs and SHFAs should be submitted to the Appropriate HUD Homeownership Center. Intermediaries should submit to HUD Headquarters.
Healthy Homes and Lead Hazard Control Programs:	**$167 million**		
Lead-Based Paint Hazard Control Grant Program CFDA No.: 14.900 OMB Approval No.: 2539-0015	$96 million	July 13, 2004	HUD Headquarters Robert C. Weaver Building 451 7th ST SW Room P3206 Washington, DC 20410 Attn: Lead Hazard Control Program
Healthy Homes Technical Studies CFDA No.: 14.906 OMB Approval No.: 2539-0015	$2 million	July 13, 2004	HUD Headquarters Robert C. Weaver Building 451 7th ST SW Room P3206 Washington, DC 20410 Attn: Healthy Homes Technical Studies
Lead-Technical Studies CFDA No.: 14.902 OMB Approval No.: 2539-0015	$3 million	July 13, 2004	HUD Headquarters Robert C. Weaver Building 451 7th ST SW Room P3206 Washington, DC 20410 Attn: Lead Technical Studies
Lead Outreach Grant Program CFDA No.: 14.904 OMB Approval No.: 2539-0015	$2 million	July 13, 2004	HUD Headquarters Robert C. Weaver Building 451 7th ST SW Room P3206 Washington, DC 20410 Attn: Lead Outreach Program
Lead-Based Paint Hazard Reduction Demonstration Grant Program CFDA No.: 14.905 OMB Approval No.: 2539-0015	$50 million	July 13, 2004	HUD Headquarters Robert C. Weaver Building 451 7th ST SW Room P3206 Washington, DC 20410 Attn: Lead Hazard Reduction
Healthy Homes Demonstration Program CFDA No.: 14.901 OMB Approval No.: 2539-0015	$5 million	July 13, 2004	HUD Headquarters Robert C. Weaver Building 451 7th ST SW Room P3206 Washington, DC 20410 Attn: Healthy Homes Demonstration
Operation Lead Elimination Action Program (LEAP) CFDA No.: 14.903 OMB Approval No.: 2539-0015	$9 million	July 13, 2004	HUD Headquarters Robert C. Weaver Building 451 7th ST SW Room P3206 Washington, DC 20410 Attn: LEAP

HUD 2004 SuperNOFA Funding Chart

Appendix B

Program Name	Funding Available (Approximate)	Application Due Date	Submission Location and Room Number
Economic Development and Empowerment Programs $237.252 million			
Economic Development Programs:	**$180.652 million**		
Brownfields Economic Development Initiative (BEDI) CFDA No.: 14.246 OMB Approval No.: 2506-0153	$25.352 million	July 15, 2004	HUD Headquarters Robert C. Weaver Building 451 7th ST SW Room 7251 Washington, DC 20410 Attn: BEDI
Self-Help Homeownership Opportunity Program (SHOP) CFDA No.: 14.247 OMB Approval No.: 2506-0157	$26.8 million	July 20, 2004	HUD Headquarters Robert C. Weaver Building 451 7th ST SW Room 7251 Washington, DC 20410 Attn: SHOP
Youthbuild CFDA No.: 14.243 OMB Approval No.: 2506-0142	$59.4 million	July 2, 2004	HUD Headquarters Robert C. Weaver Building 451 7th ST SW Room 7251 Washington, DC 20410 Attn: Youthbuild Program
Housing Choice Voucher Family Self-Sufficiency (FSS) Program Coordinators CFDA No.: 14.871 OMB Approval No.: 2577-0178	$47.7 million	June 22, 2004	HUD Grants Management Center 2001 Jefferson Davis Hwy Suite 703 Arlington, VA 22202 Attn: Housing Choice Voucher Family
Public Housing Neighborhood Networks Program CFDA No.: 14.870 OMB Approval No.: 2577-0229	$21.4 million	June 17, 2004	HUD Grants Management Center 2001 Jefferson Davis Hwy Suite 703 Arlington, VA 22202 Attn: Neighborhood Networks Program
Public Housing Resident Opportunity and Self-Sufficiency (ROSS) Programs:	**$56.6 million**		
Resident Services Delivery Models-Elderly/Persons with Disabilities CFDA No.: 14.870 OMB Approval No.: 2577-0229	$11.4 million	July 1, 2004	HUD Grants Management Center 2001 Jefferson Davis Hwy Suite 703 Arlington, VA 22202 Attn: ROSS-Resident Services Delivery
Resident Services Delivery Models-Family CFDA No.: 14.870 OMB Approval No.: 2577-0229	$16 million	July 16, 2004	HUD Grants Management Center 2001 Jefferson Davis Hwy Suite 703 Arlington, VA 22202 Attn: ROSS-Delivery Models-Family
Homeownership Supportive Services CFDA No.: 14.870 OMB Approval No.: 2577-0229	$13.2 million	August 10, 2004	HUD Grants Management Center 2001 Jefferson Davis Hwy Suite 703 Arlington, VA 22202 Attn: ROSS-Homeownership Supportive Services
Public Housing Family Self-Sufficiency Program CFDA No.: 14.870 OMB Approval No.: 2577-0229	$16 million	July 28, 2004	HUD Grants Management Center 2001 Jefferson Davis Hwy Suite 703 Arlington, VA 22202 Attn: PH Self-Sufficiency Program

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Program Name	Funding Available (Approximate)	Application Due Date	Submission Location and Room Number
Targeted Housing and Homeless Assistance Programs $1.734 billion			
Continuum of Care Homeless Assistance Programs Supportive Housing Program (SHP) CFDA No. 14.235 OMB Approval No. 2506-0112 Shelter Plus Care (S+C) CFDA No.: 14.238 OMB Approval No.: 2506-0112 Section 8 Moderate Rehabilitation Single Room Occupancy Program for Homeless Individuals CFDA No.: 14.249 OMB Approval No.: 2506-0112	$1 billion	July 27, 2004	HUD Headquarters Robert C. Weaver Building 451 7th ST SW Room 7270 Washington, DC 20410 Attn: Continuum of Care Programs
Housing Opportunities for Person with AIDS (HOPWA) Renewal Projects CFDA No.: 14.241 OMB Approval No.: 2506-0133	$29.227 million	July 14, 2004	HUD Headquarters Robert C. Weaver Building 451 7th ST SW Room 7251 Washington, DC 20410 Attn: HOPWA
Assisted-Living Conversion Program for Eligible Multifamily Projects CFDA No.: 14.314 OMB Approval No.: 2502-0542	$55.5 million	July 22, 2004	Appropriate HUD Multifamily Hub
Service Coordinators in Multifamily Housing CFDA No.: 14.191 OMB Approval No.: 2502-0447	$25 million	July 22, 2004	Appropriate HUD Field Office
Section 202 Supportive Housing for the Elderly CFDA No.: 14.157 OMB Approval No.: 2502-0267	$495.2 million	July 7, 2004	Appropriate HUD Multifamily Hub Office or Multifamily Program Center
Section 811 Supportive Housing for Persons with Disabilities CFDA No.: 14.181 OMB Approval No.: 2502-0462	$117.7 million	July 7, 2004	Appropriate HUD Multifamily Hub or Multifamily Program Center
Mainstream Housing Opportunities For Persons With Disabilities (Mainstream Program) CFDA No.: 14.871 OMB Approval No.: 2577-0169	$11.8 million	July 16, 2004	Grants Management Center Mail Stop: Mainstream Program 2001 Jefferson Davis Highway Suite 703 Arlington, VA 22202

APPENDIX C LIST OF HUD FIELD OFFICES

Persons with hearing or speech impediments may access any of these numbers via TTY by calling the Federal Relay Service at 800–877–8339.

Region	Office	Address and phone numbers
NEW ENGLAND	Bangor, ME	Bangor Office 202 Harlow Street – Margaret Chase-Smith Federal Bldg. Suite 101, Bangor, ME 04401 OFC PHONE (207) 945-0467 FAX (207) 945-0533
	Boston, MA	Massachusetts State Office O'Neil Federal Building 10 Causeway Street, Room. 301 Boston, MA 02222-1092 OFC PHONE (617) 994-8200 FAX (617) 565-5257
	Burlington, VT	Burlington Office 159 Bank Street, 2nd Floor Burlington, VT 05401 OFC PHONE (802) 951-6290 FAX (802) 951-6298
	Hartford, CT	Hartford Office One Corporate Center 20 Church St, 19th Floor, Hartford, CT 06103-3220 OFC PHONE (860) 240-4800 x3100 FAX (860) 240-4850
	Manchester, NH	Manchester Office Norris Cotton Federal Bldg. 1000 Elm St, 8th Floor Manchester, NH 03101-1730 OFC PHONE (603) 666-7510 x3016 FAX (603) 666-7667
	Providence, RI	Providence Office 10 Weybosset Street Sixth Floor Providence, RI 02903-2818 OFC PHONE (401) 528-5230 FAX (401) 528-5097
NEW YORK/NEW JERSEY	Albany, NY	Albany Area Office 52 Corporate Circle Albany, NY 12203-5121 OFC PHONE (518) 464-4200 Ext. 4204 FAX (518) 464-4300
	Buffalo, NY	Buffalo Area Office Lafayette Court, 5th Floor 465 Main Street 2nd Floor, Buffalo, NY 14203-1780 OFC PHONE (716) 551-5733 Ext. 5000 FAX (716) 551-5752
	Camden, NJ	Camden Area Office 2nd Floor - Hudson Bldg. 800 Hudson Square, 2nd Floor Camden, NJ 08102-1156 OFC PHONE (856) 757-5081 FAX (856) 757-5373
	New York, NY	New York State Office 26 Federal Plaza - Suite 3541 New York, NY 10278-0068 OFC PHONE (212) 264-1161 FAX (212) 264-3068
	Newark, NJ	Newark Office One Newark Center 13th Floor, 1085 Raymond Blvd., Newark, NJ 07102-5260 OFC PHONE (973) 622-7900 Ext. 3300 FAX (973) 645-2323
	Syracuse, NY	Syracuse Field Office 128 Jefferson Street Syracuse, NY 13202 OFC PHONE (315) 477-0616 FAX (315) 477-0196
MID-ATLANTIC	Baltimore, MD	Baltimore Office 10 South Howard Street, 5th Floor Baltimore, MD 21201-2505 OFC PHONE (410) 962-2520 Ext. 3474 FAX (410) 962-1849
	Charleston, WV	West Virginia State Office 405 Capitol Street, Suite 708 Charleston, WV 25301-1795 OFC PHONE (304) 347-7000 FAX (304) 347-7050
	Philadelphia, PA	Pennsylvania State Office The Wanamaker Building 100 Penn Square, East Philadelphia, PA 19107-3380 OFC PHONE (215) 656-0600 FAX (215) 656-3445
	Pittsburgh, PA	Pittsburgh Area Office 339 Sixth Avenue - Sixth Floor Pittsburgh, PA 15222-2515 OFC PHONE (412) 644-6436 FAX (412) 644-4240
	Richmond, VA	Richmond Office 600 East Broad Street Richmond, VA 23219 OFC PHONE (804) 771-2100 FAX (804) 771-2090
	Washington, DC	Washington, DC Office 820 First Street NE, Suite 300 Washington, DC 20002-4205 OFC PHONE (202) 275-9200 FAX (202) 275-9212
	Wilmington, DE	Wilmington Office 920 King Street, Suite 404 Wilmington, DE 19801 OFC PHONE (302) 573-6300 FAX (302) 573-6259
SOUTHEAST/CARIBBEAN	Atlanta, GA	Georgia State Office 40 Marietta Street - Five Points Plaza Atlanta, GA 30303-2806 OFC PHONE (404) 331-4111 FAX (404) 730-2392
	Birmingham, AL	Birmingham Office Medical Forum Building 950 22nd Street, North, Suite 900 Birmingham, AL 35203-2617 OFC PHONE (205) 731-2617 FAX (205) 731-2593

APPENDIX C LIST OF HUD FIELD OFFICES

Persons with hearing or speech impediments may access any of these numbers via TTY by calling the Federal Relay Service at 800–877–8339.

Region	Office	Address and phone numbers
	Columbia, SC	South Carolina State Office 1835 Assembly Street 13th Floor Columbia, SC 29201-2480 OFC PHONE (803) 765-5592 FAX (803) 253-3040
	Greensboro, NC	North Carolina State Office Asheville Bldng 1500 Pinecroft Road, Ste. 401 Greensboro, NC 27407-3838 OFC PHONE (336) 547-4001, 4002,4003 FAX (336) 547-4138
	Jackson, MS	Mississippi State Office McCoy Federal Building 100 W. Capitol Street, Room 910 Jackson, MS 39269-1096 OFC PHONE (601) 965-4757 FAX (601) 965-4773
	Jacksonville, FL	Jacksonville Area Office 301 West Bay Street, Suite 2200 Jacksonville, FL 32202-5121 OFC PHONE (904) 232-2627 FAX (904) 232-3759
	Knoxville, TN	Knoxville Area Office 710 Locust Street, SW, Suite 310 Knoxville, TN 37902-2526 OFC PHONE (865) 545-4384 FAX (423) 545-4569
	Louisville, KY	Kentucky State Office 601 West Broadway PO Box 1044 Louisville, KY 40202 OFC PHONE (502) 582-5251 FAX (502) 582-6074
	Memphis, TN	Memphis Area Office One Memphis Place, 200 Jefferson Avenue, Suite 300 Memphis, TN 38103-2386 OFC PHONE (901) 544-3367 FAX (901) 544-3697
	Miami, FL	Florida State Office 909 SE First Avenue, Ste. 500 Miami, FL 33131 OFC PHONE (305) 536-4652 FAX (305) 536-5765
	Nashville, TN	Tennessee State Office 235 Cumberland Bend, Suite 200 Nashville, TN 37228-1803 OFC PHONE (615) 736-5213 ext. 7120 FAX (615) 736-2018
	Orlando, FL	Orlando Area Office 3751 Maguire Boulevard, Langley Bldg Room 270 Orlando, FL 32803-3032 OFC PHONE (407) 648-6441 FAX (407) 648-6310
	San Juan, PR	Caribbean Office 171 Carlos E. Chardon Avenue San Juan, PR 00918-0903 OFC PHONE (787) 766-5201 FAX (787) 766-5995
	Tampa, FL	Tampa Area Office 500 E. Zack Street, Suite 402 Tampa, FL 33602-3945 OFC PHONE (813) 228-2026 FAX (813) 228-2431
MIDWEST	Chicago, IL	Illinois State Office Ralph Metcalfe Federal Building 77 West Jackson Boulevard Chicago, IL 60604-3507 OFC PHONE (312) 353-5680 FAX (312) 886-2729
	Cincinnati, OH	Cincinnati Area Office 15 East 7th Street Cincinnati, OH 45202 OFC PHONE (513) 684-3451 FAX (513) 684-6224
	Cleveland, OH	Cleveland Area Office 1350 Euclid Avenue, Suite 500 Cleveland, OH 44115-1815 OFC PHONE (216) 522-4058 FAX (216) 522-4067
	Columbus, OH	Ohio State Office 200 North High Street, Room 700 Columbus, OH 43215-2499 OFC PHONE (614) 469-2540 FAX (614) 469-2432
	Detroit, MI	Michigan State Office 477 Michigan Avenue Detroit, MI 48226-2592 OFC PHONE (313) 226-7900 FAX (313) 226-5611
	Flint, MI	Flint Area Office Municipal Center, North Building 1101 S. Saginaw Street Flint, MI 48502-1953 OFC PHONE (810) 766-5110 FAX (810) 766-5122
	Grand Rapids, MI	Grand Rapids Area Office Trade Center Building 50 Louis Street, N.W. Grand Rapids, MI 49503-2633 OFC PHONE (616) 456-2100 FAX (616) 456-2114
	Indianapolis, IN	Indianapolis State Office 151 North Delaware Street, Suite 1200 Indianapolis, IN 46204-2526 OFC PHONE (317) 226-6303 Ext. 7034 FAX (317) 226-6317

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Persons with hearing or speech impediments may access any of these numbers via TTY by calling the Federal Relay Service at 800–877–8339.

Region	Office	Address and phone numbers
	Milwaukee, WI	Wisconsin State Office 310 West Wisconsin Avenue, Room 1380 Milwaukee, WI 53203-2289 OFC PHONE (414) 297-3214 Ext. 8000 FAX (414) 297-3947
	Minneapolis, MN	Minnesota State Office Kinnard Financial Center 920 Second Avenue South, Suite 1300 Minneapolis, MN 55402 OFC PHONE (612) 370-3000 Ext. 2201 FAX (612) 370-3220
	Springfield, IL	Springfield Office 500 West Monroe St.., Ste. 1, SW Springfield, IL 62704 OFC PHONE (217) 492-4120 FAX (217) 492-4154
SOUTHWEST	Albuquerque, NM	New Mexico State Office 625 Silver Avenue SW, Suite 100 Albuquerque, NM 87102-3185 OFC PHONE (505) 346-6463 Ext. 7332 FAX (505) 346-6704
	Dallas, TX	Dallas Office 525 Griffin Street, Rm. 860 Dallas, TX 75202-5007 OFC PHONE (214) 767-8300 FAX (214) 767-8973
	Ft. Worth, TX	Texas State Office 801 Cherry St. P.O. Box 2905 Ft. Worth, TX 76113-2905 OFC PHONE (817) 978-5980 FAX (817) 978-5567
	Houston, TX	Houston Area Office 1301 Fannin St., Ste 200 Houston, TX 77002 OFC PHONE (713) 718-3199
	Little Rock, AR	Arkansas State Office 425 West Capitol Avenue #900 Little Rock, AR 72201-3488 OFC PHONE (501) 324-5401 FAX (501) 324-6142
SOUTHWEST	Lubbock, TX	Lubbock Area Office 1205 Texas Avenue, Room. 511 Lubbock, TX 79401-4093 OFC PHONE (806) 472-7265 Ext. 3030 FAX (806) 472-7275
	New Orleans, LA	New Orleans Office Hale Boggs Bldg. 500 Poydras St. 9th Fl. New Orleans, LA 70130-3099 OFC PHONE (504) 589-7201 FAX (504) 589-6619
	Oklahoma City, OK	Oklahoma State Office 301 NW 6th St., Ste 200 Oklahoma City, OK 73102 OFC PHONE (405) 609-8509 FAX (405) 553-7588
	San Antonio, TX	San Antonio Area Office 106 South Saint Mary, 1 Alamo Center San Antonio, TX 78205 OFC PHONE (210) 475-6806 FAX (210) 472-6804
	Shreveport, LA	Shreveport Area Office 401 Edwards Street, Room. 1510 Shreveport, LA 71101 OFC PHONE (318) 676-3440 FAX (318) 676-3407
	Tulsa, OK	Tulsa Area Office 1516 S Boston Ave, Suite 100 Tulsa, OK 74119 OFC PHONE (918) 581-7434 FAX (918) 581-7440
GREAT PLAINS	Des Moines, IA	Des Moines Office 210 Walnut Street, Rm. 239 Des Moines, IA 50309-2155 OFC PHONE (515) 284-4573 FAX (515) 284-4743
	Kansas City, KS	Kansas State Office 400 State Avenue, Room 200 Kansas City, KS 66101-2406 OFC PHONE (913) 551-5462 FAX (913) 551-5469
	Omaha, NE	Omaha Office 10909 Mill Valley Road, Suite 100 Omaha, NE 68154-3955 OFC PHONE (402) 492-3103 FAX (402) 492-3150
	St. Louis, MO	Missouri State Office 1222 Spruce Street Rm. 3202 St. Louis, MO 63103-2836 OFC PHONE (314) 539-6560 FAX (314) 539-6384
ROCKY MOUNTAINS	Casper, WY	Wyoming Office 100 East B Street, Rm. 1010 Casper, WY 82601-1969 OFC PHONE (307) 261-6251 FAX (307) 261-6245
	Denver, CO	Colorado State Office 1670 Broadway, 25th Floor. Denver, CO 80202-4801 OFC PHONE (303) 672-5440 FAX (303) 672-5004
	Fargo, ND	North Dakota State Office 657 2nd Avenue North, Room 366 Fargo, ND 58108 OFC PHONE (701) 239-5040 FAX (701) 239-5249
	Helena, MT	Helena Field Office Power Block Bldg. 7 W 6th Avenue Helena, MT 59601 OFC PHONE (406) 449-5050 FAX (406) 449-5052
	Salt Lake City, UT	Salt Lake City Office 125 South State Street, Suite 3001 Salt Lake City, UT 84138 OFC PHONE (801) 524-6070 FAX (801) 524-3439

APPENDIX C LIST OF HUD FIELD OFFICES

Persons with hearing or speech impediments may access any of these numbers via TTY by calling the Federal Relay Service at 800–877–8339.

Region	Office	Address and phone numbers
	Sioux Falls, SD	South Dakota State Office 2400 West 49th Street, Room. I-201 Sioux Falls, SD 57105-6558 OFC PHONE (605) 330-4223 FAX (605) 330-4428
PACIFIC/HAWAII	Fresno, CA	Fresno Area Office 2135 Fresno Street, Suite 100 Fresno, CA 93721-1718 OFC PHONE (559) 487-5033 FAX (559) 487-5191
	Hagatna, Guam	San Ramon Building, Suite 306 115 San Ramon Street, Hagatna, Guam 96910 OFC PHONE (671)-472-7231
	Honolulu, HI	Hawaii State Office 500 Ala Moana Blvd. #3A Honolulu, HI 96813-4918 OFC PHONE (808) 522-8175 Ext. 256 FAX (808) 522-8194
	Las Vegas, NV	Nevada State Office Atruim Bldg. 333 N. Rancho Drive - Suite 700 Las Vegas, NV 89106-3714 OFC PHONE (702) 388-6208 Ext. 6500 FAX (702) 388-6244
	Los Angeles, CA	Los Angeles Area Office 611 W. Sixth Street, Suite 800 Los Angeles, CA 90017 OFC PHONE (213) 894-8007 FAX (213) 894-8110
	Phoenix, AZ	Arizona State Office One N. Central Avenue, Suite 600 Phoenix, AZ 85004-2361 OFC PHONE (602) 379-7100 FAX (602) 379-3985
	Reno, NV	Reno Area Office 3702 S. Virginia Street, Suite G-2 Reno, NV 89502-6581 OFC PHONE (775) 784-5356 FAX (775) 784-5066
	Sacramento, CA	Sacramento Area Office 925 L Street, Suite 175 Sacramento, CA 95814 OFC PHONE (916) 498-5220 Ext. 322 FAX (916) 498-5262
	San Diego, CA	San Diego Area Office Symphony Towers 750 B Street, Suite 1600 San Diego, CA 92101-8131 OFC PHONE (619) 557-5310 FAX (619) 557-5312
	San Francisco, CA	Fresno Area Office 450 Golden Gate Avenue P.O. Box 36003 San Francisco, CA 94102-3448 OFC PHONE (415) 436-6550 FAX (415) 436-6446
	Santa Ana, CA	Santa Ana Area Office 1600 N. Broadway, Suite 101 Santa Ana, CA 92706-3927 OFC PHONE (714) 796-5577 Ext. 3006 FAX (714) 796-1285
	Tucson, AZ	Tucson Area Office 160 N. Stone Ave Tucson, AZ 85701 OFC PHONE (520) 670-6000 FAX (520) 670-6207
NORTHWEST/ALASKA	Anchorage, AK	Alaska State Office 3000 C St. Ste 401 Anchorage, AK 99503 OFC PHONE (907) 667-9800
	Boise, ID	Idaho State Office Plaza IV, Suite 220 800 Park Boulevard Boise, ID 83712-7743 OFC PHONE (208) 334-1990 FAX (208) 334-9648
	Portland, OR	Oregon State Office 400 SW 6th Avenue #700 Portland, OR 97204-1632 OFC PHONE (503) 326-2561 FAX (503) 326-2568
	Seattle, WA	Washington State Office 909 First Avenue, Suite 200 Seattle, WA 98104-1000 OFC PHONE (206) 220-5101 FAX (206) 220-5108
	Spokane, WA	Spokane Area Office US Courthouse Bldg. 920 W. Riverside, Suite 588 Spokane, WA 99201-1010 OFC PHONE (509) 353-0674 ext. 3102 FAX (509) 353-0682

APPENDIX D OFFICE OF NATIVE AMERICAN PROGRAMS (ONAP)

Persons with hearing or speech impediments may access any of these numbers via TTY by calling the Federal Relay Service at 800–877–8339.

Location of Tribes and TDHEs	***ONAP Contact Information***
All States east of the Mississippi River (plus Minnesota and Iowa)	Eastern/Woodlands Office of Native American Programs, 5API Metcalfe Federal Building 77 West Jackson Boulevard, Room 2400 Chicago, IL 60604–3507 312–886–4532 or 800–735–3239
Kansas, Louisiana, Missouri, Oklahoma, and Texas (except for Ysleta del Sur)	Southern Plains Office of Native American Programs, 6IPI 301 Northwest Sixth Street Oklahoma City, OK 73102 405–609-8520 TDD Number: 405–609–8480
Colorado, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming	Northern Plains Office of Native American Programs, 8API UMB Plaza 1670 Broadway, 22nd Floor Denver, CO 80202–4801 303–672–5465 or 888-814-2945 TDD Number: 303–672–5116
All Regions	Denver Program Office of Native American Programs 1999 Broadway, Suite 3390, Box 4 Denver, CO 80202 303–675–1600 or 800–561–5913
Arizona, California, New Mexico, Nevada, and Ysleta del Sur in Texas	Southwest Office of Native American Programs, 9EPI One North Central Avenue, Suite 600 Phoenix, AZ 85004–2361 602–379–7200 ***OR*** Southwest Office of Native American Programs (Albuquerque Office), 9EPI 625 Silver Avenue, SW., Suite 300 Albuquerque, NM 87102 505–346–6923
Idaho, Oregon, and Washington	Northwest Office of Native American Programs, OAPI 909 First Avenue, Suite 300 Seattle, WA 98104–1000 206–220–5270 TDD Number: 206–220–5185
Alaska	Alaska Office of Native American Programs, OCPI 3000 C Street, Suite 401 Anchorage, AK 99503 907–667–9861 or 877-302-9800 TDD Number: 907–677–9825

Appendix E -- List of EZs, ECs, Urban Enhanced Enterprise Communities, and Renewal Communities

Metlakatla Indian Community, AK

Paul Brendible, Metlakatla Indian Enterprise Community,
P.O. Box 8
Metlakatla, AK 99926-0008
(Ph.) 907-886-4441 *(Fax) 907- 886-4470*
paultb@ptialaska. net

Birmingham, AL

Keith Strother, City of Birmingham,
710 N. 20th St. City Hall, Third Floor
Birmingham, AL 35203
(Ph.) 205-254-2870 (Fax) 205-254-7741
kastrot@ci.birmingham.al.us

Chambers County, AL

Dawn Landholm, Chambers County Enterprise Community,
1130 Quintard Ave. Suite 300
Anniston, AL 36202
(Ph.) 256-237-6741 (Fax) 256-237-6763
dlandholm@adss.state.al.us

Greene/Sumter Counties, AL

Herlecia Hampton, Greene and Sumter Enterprise Community,
104 Hospital Dr.
Livingston, AL 35470
(Ph.) 205-652-7408 (Fax) 205-652-7410
greensum@bellsouth.net

Greene/Sumter, AL

Donald F. Means, Greene/Sumter Enterprise Community
Office of Planning and Development
P.O. Box 1786
Livingston, AL 35470
(Ph.) 205-652-7408 (Fax) 205-652-7410
greenesu@bellsout.net

Mobile, AL

Russ Wimberly, South Alabama Regional Planning Commission,
P.O. Box 1665
Mobile, AL 36633
(Ph.) 251-433-6541 (Fax) 251-433-6009
rwimberly@sarpc.org

Southern Alabama, AL

David S. Barley, II, State of Alabama,
P.O. Box 5690
Montgomery, AL 36103
(Ph.) 334-242-5823 (Fax) 334-242-4203
davidb@adeca.state.al.us

Eastern Arkansas, AR

Robert Cole, Eastern Arkansas Enterprise Community,
1000 Airport Rd.
Forrest City, AR 72335
(Ph.) 870-630-2005 (Fax) 870-630-2035
eastarkec@arkansas.net

Mississippi County, AR

Sam Scruggs, Mississippi County Enterprise Community,
205 S. 2nd St. Former Market Airforce Base
Blytheville, AR 72316
(Ph.) 870-532-2348 (Fax) 870-532-2625
sameoc@arkansas.net

Pulaski County, AR

Odies Wilson, City of Little Rock
500 W. Markham St., Room 203
Little Rock, AR 72201
(Ph.) 501-371-4890 (Fax) 501-371-4498
owilson@littlerock.state.ar.us

Pulaski County, AR

Sharon Priest, The Downtown Parnership
Pulaski Empowerment Zone Alliance
P.O. Box 1937
Little Rock, AR 72203
(Ph.)501-375-0121 (Fax) 501-375-1377
spriest@downtownlr.com

Pulaski County/Little Rock, AR

Odies Wilson, City of Little Rock
500 W. Markham St., Room 203
Little Rock, AR 72201
(Ph.) 501-371-4890 (Fax) 501-371-4498
owilson@littlerock.state.ar.us

Pulaski Count, AR

Terri Hollingsworth, The Downtown Partnership
Pulaski Empowerment Zone Alliance
P.O. Box 1937
Little Rock, AR 72203
(Ph.) 501-375-0121 (Fax) 501-375-1377
thollingsworth@downtownlr.com

Pulaski County, AR

Paige Grafton, County of Pulaski,
Department of Community Services
201 S. Broadway St. Suite 220
Little Rock, AR 72201
(Ph.) 501-340-6157 (Fax) 501-340-8951

Pulaski County/Little Rock, AR

Henry L. McHenry, County of Pulaski,
Enterprise Community Alliance, Inc.
3805 W. 12th St. Suite 205
Little Rock, AR 72204
(Ph.) 501-379-1543 (Fax) 501-379-1571
hlmchenry@aol.com

Arizona Border Region, AZ

Lisa Henderson, Arizona Border Region Enterprise Community,
3800 North Central/Suite 1200
Phoenix, AZ 85012
(Ph.) 602-280-8124 (Fax) 602-280-1470
lisah@azcommerce.com

Paul Melcher, Arizona Border Region Enterprise Community,
23222 1st Street
San Luis, AZ 85349
(Ph.) 520-627-2027 (Fax) 520-627-3879

J. Art Macias Jr., Arizona Border Region Enterprise Community,
425 Tenth Street
Douglas, AZ 85607
(Ph.) 520-364-7501 (Fax) 520-364-7507
Art.Macias@ci.douglas.az.us

Laura Ornales, Arizona Border Region Enterprise Community,
777 N. Grand Avenue
Nogales, AZ 85621
(Ph.) 520-287-6571 (Fax) 520-287-9159
lornellas@cityofnogales.net

Four Corners, AZ (Navajo Nation)

Ferdinand Notah, Four Corners Enterprise Community (Navajo Nation),
P.O. Box 4445
Kayenta, AZ 86033
(Ph.) 928-697-8225 (Fax) 928-697-8261
fnotah@yahoo.com

Phoenix, AZ

Jennifer Harper, City of Phoenix,
Department of Neighborhood Services
200 W. Washington St. Fourth Floor
Phoenix, AZ 85003-1611
(Ph.) 602-262-4730 (Fax) 602-534-1555
jharper@ci.phoenix.az.us

Tucson, AZ

Larry Cummings, City of Tucson
Economic Development Office
P.O. Box 27219
Tucson, AZ 85003-1611
(Ph.)520-791-5093 (Fax) 520-791-5413
eorr1@ci.tucson.az.us

Central California, CA

Rebecca Mendibles, Central California
Enterprise Community,
407 S. Clovis Ave. Suite 109
Fresno, CA 93727
(Ph.) 559-452-0881 (Fax) 559-452-8038
bmendibles.serfrsno@netzero.net

City of Watsonville/County of Santa Cruz, CA

Anna Espinoza, City of
Watsonville/County of Santa Cruz
Enterprise Community,
231 Union St.
Watsonville, CA 95076
(Ph.) 831-763-4033 *(Fax) 831-761-4031*
aespinoz@ci.watsonville.ca.us

Desert Communities, CA

Jeffrey A. Hays, Desert Communities
Empowerment Zone,
53-990 Enterprise Way Suite 1
Coachella, CA 92236
(Ph.) 760-391-5050 (Fax) 760-391-5100
jeff@dcez.org

Oakland, CA

Mahlon Harmon, One Stop Capital Shop,
519 17th St. Sixth Floor
Oakland, CA 94612-2032
(Ph.) 510-238-2353 (Fax) 510-238-7999
mharmon@oakland1stop.org

Fresno, CA

Fred Burkhardt, City of Fresno, Office of
the City Manager
2600 Fresno St.
Fresno, CA 93721-3601
(Ph.) 559-621-8350 (Fax) 559-488-1078
fred.burkhardt@ci.fresno.ca.us

Imperial County, CA

Ken Hollis, Imperial County Enterprise
Community,
836 Main St.
El Centro, CA 92243
(Ph.) 760-337-7814 (Fax) 760-337-8907
kenhollis@imperialcounty.net

Los Angeles County/Huntington Park, CA

Alice DeCastro, City of Los Angeles
Department of Community Development
215 W. Sixth St. Third Floor
Los Angeles, CA 90014
(Ph.) 213-485-1023 (Fax) 213-847-0890
adecastro@cdd.lacity.org

Robert Perez, City of Los Angeles,
Department of Community Development
215 W. Sixth St. Third Floor
Los Angeles, CA 90014
(Ph.) 213-485-8161 (Fax) 213-847-0890
rperez@cdd.lacity.org

Los Angeles, CA

Robert Perez, City of Los Angeles,
Department of Community Development
215 W. Sixth St. Third Floor
Los Angeles, CA 90014
(Ph.) 213-485-8161 (Fax) 213-847-0890
rperez@cdd.lacity.org

Clifford Graves, City of Los Angeles
Department of Community Development
215 W. Sixth St. Third Floor
Los Angeles, CA 90014
(Ph.) 213-485-1617 (Fax) 213-485-4448
cgraves@cdd.lacity.org

Cliff Weiss, City of Los Angeles,
Community Development Department
215 W. Sixth St.
Los Angeles, CA 90014
(Ph.) 213-485-6301 (Fax) 213-485-4448
cweiss@cdd.lacity.org

Orange Cove, CA

William Little, City of Orange Cove
633 Sixth ST.
Orange Cove, CA 93646
(Ph.) 559-626-4488 (Fax) 559-626-4653
citymngr@cityoforangecove.com

Parlier, CA

Lou Martinez, City of Parlier
Department of Economic Development
1100 E. Parlier Ave.
Parlier, CA 93648
(Ph.) 559-646-3545 (Fax) 559-646-2084
econdev@parlier.ca.us

San Diego, CA

Ples Felix, City of San Diego,
600 B St., Fourth Floor MS 904
San Diego, CA 92101-4506
(Ph.) 619-533-5442 (Fax) 619-533-5250
PFelix@sandiego.gov

San Francisco, CA

Al Lerma, City of San Francisco, Office
of the Mayor
25 Van Ness Ave. Suite 700
San Francisco, CA 94102
(Ph.) 415-252-3134 (Fax) 415-252-3110
albert.lerma@sfgov.org

Santa Ana, CA

Bill Manis, City of Santa Ana,
Community Development Agency
P.O. Box 1988
Santa Ana, CA 92702
(Ph.) 714-647-5372 (Fax) 714-647-6580
wmanis@ci.santa-ana.ca.us

Denver, CO

Betty Jean Brooks, City and County of
Denver, Housing and Neighborhood
Development Services, Focus
Neighborhood Initiative
216 16th St.
Denver, CO 80202-5124
(Ph.) 720-913-1545 (Fax) 720-913-1800
b.j.brooks@ci.denver.co.us

Bridgeport, CT

Rina Bakalar, City of Bridgeport, Office of Central Grants
999 Broad St. City Hall Annex
Bridgeport, CT 06604
(Ph.) 203-332-5662 (Fax) 203-332-3060
RBakalar@ci.bridgeport.ct.us

Gloria Davis, City of Bridgeport, Office of Central Grants
999 Broad St. City Hall Annex
Bridgeport, CT 06604
(Ph.) 203-332-5662 (Fax) 203-332-3060
davisg0@ci.bridgeport.ct.us

Dawn Savo, City of Bridgeport, Office of Central Grants
999 Broad St. City Hall Annex
Bridgeport, CT 06604
(Ph.) 203-332-5662 (Fax) 203-332-3060
savod0@ci.bridgeport.ct.us

New Haven, CT

Roger Joyce, Bilco Company
P.O. Box 1203
New Haven, CT 06505
(Ph.) 203-932-5000 (Fax) 203-933-8478
rogerj@bilco.com

New Haven, CT

Althea Marshall, Empower New Haven, Inc.
59 Elm St. Fourth Floor, Ste. 410
New Haven, CT 06510
(Ph.) 203-776-2777 (Fax) 203-776-0537
altheamarshall@snet.net

District of Columbia

Michael Hodge, District of Columbia
1350 Pennsylvania Ave., N.W. Room 317
Washington, DC 20004
(Ph.) 202727-3770 (Fax) 202-727-6703
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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY DEVELOPMENT TECHNICAL ASSISTANCE (CD-TA)

HOME
CHDO (HOME)
McKinney-Vento Homeless Assistance
HOPWA TA
CDBG TA
Youthbuild TA

Billing Code 4210-32-C

COMMUNITY DEVELOPMENT TECHNICAL ASSISTANCE

Overview Information

A. Federal Agency Name. Department of Housing and Urban Development, Office of Community Planning and Development.

B. Funding Opportunity Title. Community Development Technical Assistance (CD–TA).

C. Announcement Type. Initial Announcement.

D. Funding Opportunity Number. The **Federal Register** number for this NOFA is FR–4900–N–12. The OMB approval number for this program is 2506–0166 for HOME Investment Partnerships Program (HOME), HOME Investment Partnerships Program for Community Housing Development Organizations [CHDO (HOME)], McKinney-Vento Homeless Assistance (Homeless), and Community Development Block Grants (CDBG), 2506–0133 for Housing Opportunities for Persons With AIDS (HOPWA), and 2506.0142 for Youthbuild.

E. Catalog of Federal Domestic Assistance (CFDA) Numbers. The HOME and CHDO (HOME) CFDA numbers are 14.239; Homeless is 14.235; HOPWA is 14.241; CDBG Entitlement Grants is 14.218; CDBG for Small Cities Program is 14.219; CDBG for States is 14.228; CDBG for Insular Areas is 14.225; CDBG—Section 108 is 14.248; Youthbuild is 14.243.

F. Dates. The application due date is July 8, 2004.

G. Additional Overview and Content Information. Applicants interested in providing technical assistance to entities participating in HUD's community development programs should carefully review the General Section of the SuperNOFA and the information listed in this CD–TA NOFA. Funds are available to provide technical assistance for six separate program areas: HOME, CHDO (HOME), Homeless, HOPWA, CDBG, and Youthbuild. Applicants may apply for one, two, three, four, five, or all six CD–TA program areas. The application is contained in this CD–TA NOFA at Section IV.B. Approximately $36.8 million is available. No cost sharing is required. Grants will be administered under cooperative agreements with significant HUD involvement (*see* Section II.C of this NOFA).

Full Text of Announcement

I. Funding Opportunity Description

A. CD–TA Purpose. The purpose of the CD–TA program is to provide assistance to achieve the highest level of performance and results for six separate community development program areas: (1) HOME; (2) CHDO (HOME); (3) Homeless; (4) HOPWA; (5) CDBG; and (6) Youthbuild. Information about the six community development programs and their missions, goals, and activities can be found on the HUD Web site at *www.hud.gov.*

B. Description of National TA and Local TA. There are two types of technical assistance (TA) funding available in this NOFA: National TA and Local TA.

National TA activities are those that address, at a nationwide level, one or more of the CD–TA program activities and/or priorities identified in Section III.C. of this NOFA. National TA activities may include the development of written products, development of on-line materials, development of training courses, delivery of training courses previously approved by HUD, organization and delivery of workshops and conferences, and delivery of direct TA as part of a national program. Applicants for National TA must also be willing to work in any HUD field office area, although work in the field office areas is likely to be a negligible portion of National TA activities. National TA activities are administered by a Government Technical Representative (GTR) and Government Technical Monitor (GTM) at HUD Headquarters.

Local TA activities also must address the CD-TA program activities and/or priorities identified in this NOFA, however the Local TA is targeted to the specific needs of the HUD community development program recipients in the field office area in which the TA is proposed. Local TA activities are limited to the development of need assessments, direct TA to HUD community development program recipients, organization and delivery of workshops and conferences, and customization and delivery of previously HUD-approved trainings. Local TA will be administered by a GTR and GTM in the respective HUD field office. Please note that the Pooled Local HOME and Homeless TA (described in Section II.A. below) are Local TA carried out in field office jurisdictions and directed by field office GTRs and GTMs.

C. Authority. HOME TA is authorized by the HOME Investment Partnerships Act (42 U.S.C. 12781–12783); 24 CFR part 92. CHDO (HOME) TA is authorized by the HOME Investment Partnerships Act (42 U.S.C. 12773); 24 CFR part 92. For the McKinney-Vento Act Homeless Assistance Programs TA, the Supportive Housing Program is authorized under 42 U.S.C. 11381 *et seq.*; 24 CFR 583.140; Emergency Shelter Grants, Section 8 Moderate Rehabilitation Single Room Occupancy Program, and Shelter Plus Care TA are authorized by the FY2004 HUD Appropriations Act. HOPWA TA is authorized under the FY2004 HUD Appropriations Act. CDBG TA is authorized under Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301–5320); 24 CFR 570.402. Youthbuild TA is authorized under Title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended by the Housing and Community Development Act of 1992 (42 U.S.C. 12899); 24 CFR part 585.

II. Award Information

A. Available Funds. Approximately $36.8 million is available for the CD–TA program. Additional funds may become available as a result of recapturing unused funds. This chart shows how the funds are divided among National TA and Local TA activities:

Program	National TA	Local TA	Pooled local TA
HOME	$3,500,000	$2,845,000	$3,245,250
CHDO (HOME)	1,600,000	5,392,250	0
Homeless	6,600,000	2,941,000	1,000,000
HOPWA	2,000,000	0	0
CDBG	Up to 1,500,000.	0	0
Youthbuild	6,211,325	0	0

The Local TA funds are divided among HUD's field office jurisdictions for the HOME, CHDO (HOME), and Homeless programs. No Local TA funds are available for HOPWA, CDBG, or Youthbuild.

For the HOME and Homeless Local TA, field offices were given the option to either accept applications directly for their local CD–TA funds or to place their funds into a pooled account and choose from the pooled account selectees. Field offices participating in the pooled account will receive assistance from selected TA providers serving the pooled account jurisdictions. Consequently, applicants proposing TA services to the members of the pool must be willing to provide coverage to all the field office jurisdictions in the pool. An applicant for Pooled Local TA should take this requirement into account when determining its funding request. Applicants for Pooled Local TA are encouraged to partner with other TA providers to expand the coverage of the application. The lead organization in the TA partnership should submit the application reflecting the joint efforts of the TA partnership.

The chart below shows the amounts available in dollars for Local TA by CD–TA program:

Local TA area	HOME	Pooled HOME	CHDO (Home)	Homeless	Pooled homeless
Alabama	0	165,000	48,000	0	30,000
Alaska	40,000	0	35,000	30,000	0
Arkansas	20,000	0	60,000	40,000	0
California—Northern and Arizona, Nevada	250,000	0	200,000	200,000	0
California—Southern	300,000	0	250,000	250,000	0
Caribbean	0	100,000	200,000	0	40,000
Colorado and Montana, North Dakota, South Dakota, Utah, Wyoming	170,000	0	170,000	0	150,000
Connecticut	55,000	0	55,000	40,000	0
District of Columbia area	0	100,000	60,000	50,000	0
Florida—Southern	60,000	0	60,000	70,000	0
Florida—Northern	150,000	0	100,000	0	180,000
Georgia	0	140,000	0	0	60,000
Hawaii	75,000	0	25,000	40,000	0
Illinois	0	250,000	525,000	225,000	0
Indiana	100,000	0	230,000	0	40,000
Kansas and Missouri—Western	0	50,000	50,000	0	40,000
Missouri—Eastern	85,000	0	85,000	85,000	0
Kentucky	0	150,000	150,000	60,000	0
Louisiana	0	100,000	100,000	0	40,000
Maryland, except District of Columbia area	0	60,000	30,000	0	60,000
Massachusetts, Maine, New Hampshire, Rhode Island, Vermont	300,000	0	250,000	300,000	0
Michigan	250,000	0	250,000	138,000	0
Minnesota	125,000	0	125,000	125,000	0
Mississippi	0	111,250	156,250	0	50,000
Nebraska and Iowa	0	40,000	90,000	20,000	40,000
New Jersey	0	250,000	125,000	0	80,000
New Mexico	200,000	0	200,000	50,000	0
New York—Downstate	0	200,000	150,000	310,000	0
New York—Upstate	0	85,000	70,000	0	57,000
North Carolina	0	125,000	225,000	0	80,000
Ohio	365,000	0	290,000	180,000	0
Oklahoma	0	35,000	35,000	0	40,000
Oregon and Idaho	0	100,000	100,000	26,000	0
Pennsylvania—Eastern	0	75,000	100,000	0	75,000
Pennsylvania—Western and West Virginia	145,000	0	158,000	102,000	0
South Carolina	75,000	0	0	50,000	0
Tennessee	0	150,000	150,000	60,000	0
Texas—Northern	0	600,000	150,000	140,000	0
Texas—Southern	80,000	0	0	50,000	0
Virginia, except District of Columbia area	0	75,000	50,000	0	40,000
Washington	0	84,000	35,000	0	48,000
Wisconsin	0	200,000	250,000	150,000	0

B. Performance Period. The awards are for a period of up to 36 months. HUD, however, reserves the right to withdraw funds from a specific TA 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.

C. Terms of Award. HUD will enter into a cooperative agreement with selected applicants for the performance period. Because CD–TA awards are made as cooperative agreements, implementation entails significant HUD involvement. Significant HUD involvement is required in all aspects of TA planning, delivery, and follow-up.

In addition to the requirements listed in the General Section of the SuperNOFA, selected applicants are subject to the following requirements:

1. Demand/Response System. All CD–TA awardees must operate within the structure of the demand-response system. Under the demand-response system, TA providers are required to:

a. When requested by a GTR, market the availability of their services to existing and potential recipients within the jurisdictions in which the assistance will be delivered;

b. Respond to requests for assistance from the GTR;

c. When requested by a GTR, conduct a needs assessment to identify the type

and nature of the assistance needed by the recipient of the assistance;

d. Obtain the local HUD field office's approval before responding to direct requests for technical assistance from HOME Participating Jurisdictions (PJs), Community Housing Development Organizations (CHDOs), and McKinney-Vento Act Homeless Assistance, HOPWA, and CDBG; and

e. For CHDO (HOME) TA providers, secure a 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.

2. Training. 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 so that HUD or other CD–TA providers may independently conduct the course on their own;

b. Make the course materials available to the GTR in sufficient time for review (minimum of three weeks) and receive concurrence from the GTR on the content and quality prior to delivery;

c. Provide all course materials in an electronic format that will permit wide distribution among TA providers, field offices, and HUD grantees;

d. Arrange for joint delivery of the training with HUD participation when requested by the GTR;

e. Deliver HUD-approved training courses that have been designed and developed by others on a ''step-in'' basis when requested; and

f. Send trainers to approved ''train-the-trainers'' sessions. The costs associated with attending these required sessions are eligible under the cooperative agreement.

3. Field Office Involvement under National TA awards. When National TA providers are undertaking activities in field office jurisdictions, the National TA providers must work cooperatively with HUD field offices. Providers must notify the applicable HUD field office of the planned activities; consider the views or recommendations of that office, if any; follow those recommendations, to the degree practicable; and report to the applicable field office on the accomplishments of the assistance.

III. Eligibility Information

A. Eligible Applicants. The eligible applicants for each of the six CD–TA programs are listed in the chart below. In accordance with the President's faith-based initiative, HUD welcomes the participation of eligible faith-based and community organizations in the CD–TA programs.

Program	Eligible applicants
HOME	A for-profit or nonprofit professional and technical services company or firm that has demonstrated knowledge of the HOME program and the capacity to provide technical assistance services; A HOME Participating Jurisdiction (PJ); A public purpose organization, established pursuant to state or local legislation, responsible to the chief elected officer of a PJ; An agency or authority established by two or more PJs to carry out activities consistent with the purposes of the HOME program; or a national or regional nonprofit organization that has membership comprised predominately of entities or officials of entities of PJs or PJs' agencies or established organizations.
CHDO (HOME)	A public or private nonprofit intermediary organization that customarily provides services, in more than one community, related to the provision of decent housing that is affordable to low-income and moderate-income persons or related to the revitalization of deteriorating neighborhoods; has demonstrated experience in providing a range of assistance (such as financing, technical assistance, construction and property management assistance) to CHDOs or similar organizations that engage in community revitalization; and has demonstrated the ability to provide technical assistance and training for community-based developers of affordable housing. **Note:** Any organization funded to assist CHDOs under CD–TA may not undertake CHDO set-aside activities itself within its service area while under cooperative agreement with HUD.
Homeless	A state; A unit of general local government; A public housing authority; or A public or private nonprofit or for-profit organization, including educational institutions and area-wide planning organizations.
HOPWA	A for-profit or nonprofit organization; A state; or A unit of general local government.
CDBG	A state; A unit of general local government; A national or regional nonprofit organization that has membership comprised predominately of entities or officials of entities of CDBG recipients; A for-profit or nonprofit professional and technical services company or firm that has demonstrated knowledge of the CDBG program and the capacity to provide technical assistance services; or A public or private nonprofit or for-profit organization, including educational institutions and area-wide planning organizations.
Youthbuild	A public or private nonprofit agency that has significant prior experience in the operation of projects similar to the Youthbuild program and that has the capacity to provide effective technical assistance.

Applicants must also meet the threshold requirements of the General Section of the SuperNOFA, including the Civil Rights threshold at Section III(C).

A consortium of organizations may apply for one or more CD–TA programs, but one organization must be designated as the applicant.

Applicants may propose assistance using in-house staff, consultants, sub-contractors, sub-recipients, and local organizations with the requisite experience and capabilities. Where appropriate, applicants should make use of TA 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 TA services.

B. Cost Sharing or Matching. None.

C. Other:

1. Eligible Activities and Priorities. Funds may be used to provide TA to prospective applicants, applicants, grantees, and project sponsors of the

HOME, CHDO (HOME), Homeless, HOPWA, CDBG, and Youthbuild programs. The TA activities may include but are not limited to written information such as papers, manuals, guides, and brochures; assistance to individual communities; needs assessments; and training. The priority TA areas for each of the six program areas are:

a. HOME TA. By statute, HUD may provide HOME program technical assistance to meet specified objectives. From these objectives, HUD has identified four HOME program technical assistance priorities for FY2004. These priorities are:

(1) Improve the ability of PJs to design and implement housing programs that reflect sound underwriting, management, and fiscal controls; demonstrate measurable outcomes in the use of public funds; and provide accurate and timely reporting of HOME program accomplishments.

(2) Encourage public-private partnerships that yield an increase in the amount of private dollars leveraged for HOME-assisted projects and result in an increase in the commitment and production of HOME-assisted units.

(3) Assist PJs in developing strategies that ameliorate the affordability gap between rapidly increasing housing costs and the less rapid growth in incomes among low-income households, especially among underserved populations (e.g., residents of the Colonias, homeless persons, and persons with disabilities).

(4) Assist PJs in developing strategies that increase and help sustain homeownership opportunities for low-income households—particularly low-income, minority households—and directly result in the commitment and completion of HOME-assisted units.

b. CHDO (HOME) TA:

(1) By statute, HUD may provide HOME program technical assistance to meet specified objectives. From these objectives, HUD has identified three CHDO-specific technical assistance priorities for FY2004. These priorities are:

(a) Assist new CHDOs and potential CHDOs develop the organizational capacity to own, develop, and sponsor HOME-assisted projects. A new CHDO is defined as a nonprofit organization that within three years of the publication of this NOFA was determined by a PJ to qualify as a CHDO. A potential CHDO is defined as a nonprofit organization that is expected by the PJ to qualify as a CHDO and is expected to enter into a written agreement with that PJ to own, develop, or sponsor HOME-assisted housing within 24 months of the PJ determining the organization qualifies as a CHDO. HUD welcomes the participation of otherwise eligible faith-based and community organizations.

(b) Improve the HOME program production and performance of existing CHDOs in the areas of:

(i) Program design and management, including underwriting, project financing, property management, and compliance; and

(ii) Organizational management and capacity, including fiscal controls, board development, contract administration, and compliance systems.

(c) Provide organizational support, technical assistance, and training to community groups for the establishment of community land trusts, as defined in section 233(f) of the Cranston-Gonzales National Affordable Housing Act.

(2) Additional CHDO (HOME) Eligible Activities are:

(a) Under the ''Pass-Through'' provision, CD–TA providers may propose to fund various operating expenses for eligible CHDOs that own, develop, or sponsor HOME-assisted housing. Such operating expenses may include reasonable and necessary costs for the operation of the CHDO including salaries, wages, and other employee compensation and benefits; employee education, training and travel; rent; utilities; communication costs; taxes; insurance; equipment, materials, and supplies.

(b) CD–TA providers must establish written criteria for selection of CHDOs receiving pass-through funds. PJs must designate the organizations as CHDOs; and generally, the organizations should not have been in existence more than three years. CD–TA providers must enter into an agreement with the CHDO that the agreement and pass-through funding may be terminated at the discretion of HUD 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 initially receiving pass-through funding. The pass-through amount, when combined with other capacity building and operating support available through the HOME program, cannot exceed the greater of 50 percent of the CHDO's operating budget for the year in which it receives funds, or $50,000 annually.

c. Homeless TA. Homeless TA funds are available to provide McKinney-Vento Homeless Assistance Act-funded grantees, project sponsors, and potential recipients with skills and knowledge needed to develop and operate projects and activities. TA activities are focused on these priorities:

(1) Facilitate the exchange of information between community organizations to develop and implement a community-wide discharge plan for individuals exiting publicly-funded institutions (e.g., criminal justice system, foster care system, mental health system) so that these individuals do not become homeless.

(2) Improve the ability of eligible applicants to develop and operate permanent housing projects for chronically homeless persons.

(3) Develop materials on effective grant administration for grantees and sponsors.

(4) Improve the ability of eligible grantees and sponsors in reaching out to chronically homeless persons.

(5) Improve the ability of grantees and sponsors in coordinating services available through mainstream resources with housing units available for homeless persons.

(6) Facilitate the formation of metropolitan, regional, and statewide Homeless Management Information Systems (HMIS) and improve the ability of communities to prepare data for their Annual Homeless Assessment Reports.

(7) Develop materials on effective grant management for Emergency Shelter Grants (ESG) recipients, including guidance on IDIS implementation.

(A person experiencing chronic homelessness is defined as an unaccompanied individual with a disabling condition who has been continuously homeless for a year or more or has experienced four or more sustained episodes of homelessness over the last three years.)

d. HOPWA TA. HOPWA TA funds are available to provide grantees, project sponsors, and potential recipients with the skills and knowledge to effectively develop, operate, and support HOPWA-eligible project activities that result in measurable performance outputs and outcomes. TA activities focused are on these priorities:

(1) Improve the ability of grantees to develop comprehensive housing strategies, through collaborative public and private partnerships, that coordinate the use of mainstream resources and promote the long-term sustainability of HOPWA-assisted rental housing programs.

(2) Identify and train grantees and project sponsors on successful examples of how local or regional employment and re-entry discharge planning programs and efforts can complement the overall delivery and effectiveness of

housing and supportive services which result in greater client self-sufficiency and independence.

(3) Develop materials and training for grantees and project sponsors (a) on implementing and achieving long-term performance outcome measures that promote housing stability, reduce the risk of homelessness, and improve access to care and (b) on implementing sound fiscal and financial management practices.

(4) Develop materials that promote the utilization and coordination of Homeless Management Information Systems in the provision of HOPWA-assisted housing and supportive services for homeless and chronically homeless persons served under this program.

(5) Provide direct TA for local HOPWA programs in coordination with HUD field office oversight of those HOPWA-funded projects. It is estimated that up to 40 percent of HOPWA TA funds will be made available for this purpose.

e. CDBG TA. HUD may provide CDBG program technical assistance to meet specified objectives, in particular the facilitating of skills and knowledge in planning, developing, and administering activities under the CDBG program for recipients and other entities that may need but do not possess such skill and knowledge, including measuring programs and activities under the CDBG program. Technical assistance funds will support local and state grantees' efforts in these areas as well as support for efforts to streamline the Consolidated Plan, program management, and analytical support of information for performance measurement. TA activities are focused on the following priorities:

(1) Assist grantees' efforts to streamline the Consolidated Plan, making it more results-oriented and useful to communities in assessing their own progress toward addressing the problems of low-income areas in their communities.

(2) Improve CDBG recipient understanding of performance measurement from a national programmatic perspective.

(3) Improve recipient knowledge and skills to develop and implement local CDBG performance measurement systems.

(4) Assist recipients' development of local CDBG performance measurement systems.

(5) Develop model, local protocols that ensure accurate, required program recordkeeping and performance data by recipients, subrecipients and sub-grantees.

(6) Develop materials on effective grant administration for grantees, subrecipients, and sub-grantees.

(7) Improve CDBG and Section 108 program knowledge through program-specific recipient training.

f. Youthbuild TA. Youthbuild TA funds are available to provide appropriate training, information, and technical assistance to federally funded Youthbuild programs and to HUD in the management, supervision, and coordination of such Youthbuild programs. TA activities are focused on the following priorities:

(1) Improve the management and implementation of Youthbuild programs by providing on-site and telephone assistance, preparing appropriate instruction materials, and conducting training workshops on key aspects of the Youthbuild program.

(2) Improve Youthbuild program applications by providing assistance to eligible applicants in the preparation of their grant applications, giving priority to community-based organizations in the provision of this assistance.

(3) Strengthen Youthbuild program design by facilitating peer-to-peer assistance for Youthbuild grantee staff and disseminating best program practices that are identified through training workshops, peer-to-peer assistance, and on-site TA.

(4) Assist HUD in the management, supervision, and coordination of Youthbuild programs by preparing handbooks or printed materials to provide guidance to Youthbuild grantees and by collecting and analyzing performance evaluation data from Youthbuild grantees.

2. DUNS Requirement. Refer to the General Section of the SuperNOFA for information regarding the DUNS requirement. Applicants need to obtain a DUNS number to receive an award from HUD.

3. Other Eligibility Requirements. All applicants requesting funding from programs under this NOFA must be in compliance with the applicable threshold requirements found in the General Section of the SuperNOFA. Applicants that do not meet these requirements will be ineligible for funding.

4. False Statements. An applicant's false statement in an application is grounds for denial or termination of an award and grounds for possible punishment as provided in 18 U.S.C. 1001.

IV. Application and Submission Information

A. Addresses to Request Application Package. See the General Section of the SuperNOFA.

B. Content and Form of Application Submission. Applicants must submit a completed application for each National TA and Local TA area and program for which they are applying. For example, an applicant for National TA for HOME, for Local TA in three field office jurisdictions, and for HOME Pooled Local TA would submit five separate and distinct applications.

A completed application consists of an application submitted by an authorized official of the organization and containing all relevant sections of the application, as shown in the checklist below in Section IV.B.4.

1. Number of Copies. Applicants for National TA must submit two copies of their application to HUD Headquarters. Applicants for Pooled Local TA must submit two copies of their application to HUD Headquarters. Applicants for Local TA must submit one copy of their application to HUD Headquarters and must also send one copy of their application to the HUD field office in which their organization is applying. See Section VII.C. of the CD–TA NOFA for information on field office addresses.

2. Page Limitation. Narratives addressing Factors 1–5 are limited to no more than 25 typed pages. That is, reviewers will not review more than 25 pages for all five factors combined, except that the page limit does not include the Form HUD–96010, Logic Model.

3. Prohibition on Attachments. Attachments are prohibited. Reviewers will not consider resumes, charts, letters, or any other documents attached to the application.

4. Checklist for Application Submission. Assemble the application in the following order. Please enter page numbers on the narrative pages of the application.

—SF–424, Application for Federal Assistance (from General Section of SuperNOFA)

—An Application Cover Page indicating in bold (a) the type of TA proposed in the application whether HOME National, HOME Local, HOME Pooled, CHDO National, CHDO Local, Homeless National, Homeless Local, Homeless Pooled, HOPWA National, CDBG National, or Youthbuild National; (b) the amount of funds requested in the application; and (c) for Local TA, the jurisdiction proposed in the application.

—Narrative addressing Factor 1

—Narrative addressing Factor 2
—Narrative addressing Factor 3
—Narrative addressing Factor 4
—Narrative addressing Factor 5
—HUD–96010, Logic Model
—HUD–424–CB, Grant Application Detailed Budget Form (from General Section of SuperNOFA)
—HUD–424–CBW, Detailed Budget Worksheet for Non-Construction Projects (from General Section of SuperNOFA)
—If applying for CHDO (HOME) TA, statement as to whether the organization proposes to pass through funds to new CHDOs.
—If applying for the CHDO (HOME) TA, a certification as to whether the organization qualifies as a primarily single-state provider under section 233(e) of the Cranston-Gonzales Affordable Housing Act.
—HUD–424 B, Assurances—Non-Construction Programs (from General Section of SuperNOFA)
—SF–LLL, Disclosure of Lobbying Activities (from General Section of SuperNOFA)
—HUD–2880, Applicant/Recipient Disclosure/Update Report (from General Section of SuperNOFA)

C. Submission Dates and Times. The application is due to HUD on July 8, 2004.

D. Intergovernmental Review. Intergovernmental review is not applicable to CD–TA applications.

E. Funding Restrictions. An organization may not provide assistance to itself. An organization may not provide assistance to another organization with which it contracts or sub-awards funds to carry out activities under the TA award.

Funding from HOME and from CHDO (HOME) TA to any single eligible organization (excluding funds for organizational support and housing education ''passed through'' to CHDOs), whether as an applicant or sub-recipient is limited to not more than 20 percent of the operating budget of the recipient organization for any one-year period of each cooperative agreement. In addition, funding under either HOME or CHDO (HOME) TA to any single organization is limited to 20 percent of the $17,894,000 made available for HOME and CHDO (HOME) TA in FY2004.

Not less than 40 percent of the approximately $6,992,250 for CHDO (HOME) shall be made available for eligible TA providers that have worked primarily in one state. HUD will consider an applicant as a primarily single state TA provider if it can document that more than 50 percent of its past activities in working with CHDOs or similar nonprofit and other organizations (on the production of affordable housing, revitalization of deteriorating neighborhoods, and/or the delivery of technical assistance to these groups) was confined to the geographic limits of a single state.

No fee or profit may be paid to any recipient or sub-recipient of an award under this CD–TA NOFA.

F. Other Submission Requirements:

Addresses for Submitting Applications. Submit applications to: HUD Headquarters; Robert C. Weaver Federal Building; 451 Seventh Street, SW., Room 7251; Washington, DC 20410; ATTENTION: CD–TA.

Submit applications for Local TA to the appropriate field office(s) at the address(es) shown in Section VII.C. of this NOFA. Please mark the package ATTENTION: CD–TA.

The General Section of the SuperNOFA describes application submission procedures and how applicants may obtain proof of timely submission.

V. Application Review Information

A. Criteria. The maximum number of points to be awarded for a CD–TA application is 100. The minimum score for an application to be considered for funding is 75 with a minimum of 20 points on Factor 1. The CD–TA program is not subject to bonus points, as described in the General Section of the SuperNOFA.

Points are assigned on five factors. Factor 1 relates to the capacity of the applicant and its relevant organizational experience. Rating of the ''applicant'' or the ''applicant's organization and staff'' includes any sub-contractors, consultants, and sub-recipients which are firmly committed to the project. In responding to Factor 1, applicants should specify the experience, knowledge, skills, and abilities of the applicant's organization and staff, and any persons and organizations firmly committed to the project.

When addressing Factors 2–5, applicants should discuss the specific TA projects, activities, tasks, etc., that will be carried out during the term of the cooperative agreement. Applicants should provide relevant examples to support the proposal, where appropriate. Applicants should also be specific when detailing the communities, populations, and organizations that they propose to serve and the specific outcomes expected as a result of the TA.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (30 points) (Minimum for Funding Eligibility—20 Points)

a. (10 points) Recent and successful experience of the applicant's organization in providing TA in all activities and to all entities for the CD–TA program applied for.

In rating this factor, HUD will consider the extent to which the application demonstrates experience within the last four years of providing TA related to the CD–TA achievement of positive outcomes.

b. (10 points) A comprehensive and efficient management plan which considers providing TA under the demand/response system and, for applicants proposing to serve more than one geographic area, experience in managing work that requires coordination with other entities or parts of the organization.

In rating this factor, HUD will consider the extent to which the application demonstrates there is a plan to manage TA assignments under the demand/response system cost effectively and, for applicants proposing to serve more than one geographic area, the ability to manage multiple TA assignments simultaneously and cost effectively.

c. (10 points) Knowledgeable key personnel skilled in providing TA in all activities and to all entities for the CD–TA program applied for. A sufficient quantity of staff or ability to procure qualified experts or professionals with the knowledge, skills, and abilities to deliver the proposed level of TA in the proposed service area in a timely and effective fashion; ability to provide CD–TA in a geographic area larger than a single city or county.

In rating this factor, HUD will consider the extent to which the application demonstrates the organization has an adequate number of key staff or ability to procure individuals with the knowledge of effective TA approaches and knowledge of the CD–TA program applied for and the ability to apply the knowledge to achieve positive TA outcomes.

Rating Factor 2: Need/Extent of the Problem (10 Points)

a. For National TA applications: Sound and extensive understanding of need for TA in relation to the eligible activities and priorities listed in Section III C. of the CD–TA NOFA as demonstrated by objective information and/or data, such as information from HOME Snapshots.

b. For Local TA applications: Sound and extensive understanding of high

priority needs for TA in the jurisdiction as demonstrated by objective information and/or data, such as information from HOME Snapshots.

c. For Local Pooled TA applications: Sound and extensive understanding of the high priority needs for TA of three jurisdictions in the pool as demonstrated by objective information and/or data, such as information from HOME Snapshots. (Applicants may choose any three in the pool; these serve as examples of the applicant's understanding of need.)

In rating this factor, HUD will evaluate the extent to which the application demonstrates an understanding of the specific needs for TA and supports the description of need with reliable, program-specific, quantitative information. Applicants for HOME should at a minimum draw on HOME Snapshot information to demonstrate PJs' need, in an area or nationwide, for additional training and capacity building. See *http://www.hud.gov/offices/cpd/affordablehousing/programs/home/snapshot/index.cfm.*

Rating Factor 3: Soundness of Approach (40 Points)

a. (25 points) For National TA applications: A sound approach for addressing the need for TA in relation to the priorities listed in Section IIIC. of this CD–TA NOFA.

For Local TA applications: A sound approach for addressing high priority needs for TA in the jurisdiction.

For Local Pooled TA applications: A sound approach for addressing the high priority needs for TA described in Factor 2 of three jurisdictions participating in the pool. (Applicants should use the same three jurisdictions as in Factor 2.)

In rating this factor, HUD will evaluate the extent to which the application presents and supports a detailed, feasible, practical approach for addressing TA needs (Local TA applications and Pooled Local TA applications) or CD–TA program priorities (National TA applications).

b. (10 points) A cost-effective work plan for designing, organizing, managing, and carrying out the proposed TA activities.

In rating this factor, HUD will evaluate the extent to which the application demonstrates the efficiency of proposed activities and the effectiveness of operation in achieving positive outcomes.

c. (5 points) An effective assistance program to specific disadvantaged communities, populations, and/or organizations which previously have been underserved and have the potential to participate in the CD–TA program.

In rating this factor, HUD will evaluate the extent to which the application demonstrates an effective approach for involving previously underserved communities, populations, and organizations with potential, and a practical strategy for engaging participation in the CD–TA program.

Rating Factor 4: Leveraging Resources (10 Points)

An efficient practical method to transfer manuals, guides, assessment forms, other work products, models, and lessons learned in its CD–TA activities to other grantees and/or program beneficiaries.

In rating this factor, HUD will evaluate the extent to which the application demonstrates a cost-effective means of sharing resources developed under the CD–TA activities with a wide audience.

Rating Factor 5: Achieving Results and Program Evaluation (10 Points)

a. (5 points) An effective, quantifiable, outcome-oriented evaluation plan for measuring performance using the Logic Model with specific outcome measures and benchmarks, including—for HOME applicants—targets for improving PJs' HOME Snapshot indicators and rankings.

In rating this factor, HUD will evaluate the extent to which the application has an evaluation plan that is specific, measurable, and appropriate in relation to the activities proposed.

b. (5 points) Successful past performance in administering HUD CD–TA programs or, for applicants new to HUD's CD–TA Programs, demonstrate successful past performance in providing TA in other community development programs. Applicants should include, as applicable, increases in CPD or community development program accomplishments as a result of TA (*e.g.*, number of homeless people or persons with HIV/AIDS receiving housing and services, efficiency or effectiveness of administration of CPD or community development programs, number of affordable housing units, HOME Snapshot indicators, timeliness of use of CPD or community development program funds).

In rating this factor, HUD will evaluate the extent to which the application demonstrates past performance that is timely and in the delivery of community development TA. HUD will also consider past performance of current CD–TA providers, including financial and other information in HUD's files.

B. Review and Selection Process:

1. Review Types. Two types of reviews will be conducted. First, HUD will review each application to determine whether it meets threshold eligibility requirements. Second, HUD will review and assign scores to applications using the Factors for Award noted in Section V.A.

2. Rank Order. Once rating scores are assigned, rated applications submitted for each National TA program, for each Local TA program, and for each Pooled Local TA program will be listed in rank order. Applications within the fundable range (score of 75+ points with 20+ points for Factor 1) may then be funded in rank order under the CD–TA program and service area for which they applied. Applicants for Pooled Local TA may not necessarily be funded in rank order since the amount of their awards, if any, will be determined by totaling the amounts assigned to them by the individual field offices participating in the pool. A field office participating in a pooled account may distribute some or all of its amount to any applicant for pooled funds that scores in the fundable range.

3. Threshold Eligibility Requirements. All applicants requesting CD–TA must be in compliance with the applicable threshold requirements found in the General Section of the SuperNOFA and the eligibility requirements listed in Section III of this NOFA in order to be reviewed, scored, and ranked. Applications that do not meet these requirements and applications that were received after the submission deadline (see Section IV.F. of the General Section of the SuperNOFA) will be considered ineligible for funding and will be disqualified.

4. Award Adjustment. In addition to the funding adjustment authority provided for in the General Section of the SuperNOFA, HUD reserves the right to adjust funding amounts for each CD–TA selectee. The amounts listed in the charts in Section II.A are provided to assist applicants to develop Local TA, Local Pooled TA, or National TA budgets and do not represent the exact amounts to be awarded. Once TA applicants are selected for award, HUD will determine the total amount to be awarded to any selected applicant based upon the size and needs of each of the selected applicant's service areas, the funds available for that area and CD–TA program, the number of other CD–TA applicants selected in that area or CD–TA program, and the scope of the TA 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 that cannot be fully budgeted for or estimated by HUD Headquarters or field offices at the time this NOFA was published. HUD may also require selected applicants, as a condition of funding, to provide coverage on a geographically broader basis than proposed in order to supplement or strengthen the CD–TA network in terms of the size of the area covered and types and scope of TA proposed.

If funds remain after all selections have been made, the remaining funds may be distributed among field offices proportionately for Local TA and/or used for National TA, or made available for other CD–TA program competitions.

VI. Award Administration Information

A. Award Notices. Successful applicants will receive notification from HUD in writing. Such notification is not an authorization to begin performance. Unsuccessful applicants will also receive notification from HUD in writing.

After selection, HUD requires that all selected applicants participate in negotiations to determine the specific terms of the cooperative agreement, including the TADP and budget. Costs may be denied or modified if HUD determines that they are not allowable, allocable, and/or reasonable. 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, and proceed with negotiations with the next highest-ranking applicant.

After selection for funding but prior to executing the cooperative agreement, the selected applicant must develop in consultation with the GTR, a TADP for each National TA and each Local TA award. The TADP must be approved by the GTR and delineate the tasks for each CD–TA program the applicant will undertake during the performance period. The TADP must specify the location of the proposed CD–TA activities, the amount of CD–TA funding and proposed activities by location, the improved program performance or other results expected from the CD–TA activities, and the methodology to be used for measuring the success of the CD–TA. A detailed time schedule for delivery of the activities, budget summary, budget-by-task, and staffing plan must be included in the TADP. Prior to undertaking individual tasks, the selected applicant generally prepares a technical plan for assistance (TPA) for approval by the GTR. The TPA must be consistent with the approved TADP.

B. Administrative and National Policy Requirements. After selection for funding but prior to award, applicants must submit financial and administrative information to comply with applicable requirements. These requirements are found in 24 CFR part 84 for all organizations except states and local governments whose requirements are found at 24 CFR part 85. Cost principles requirements are found at OMB Circular A–122 for nonprofit organizations, OMB Circular A–21 for institutions of higher education, OMB Circular A–87 for states and local governments, and at 48 CFR 31.2 for commercial organizations. Applicants must submit a certification from an Independent Public Accountant or the cognizant government auditor, stating that the applicant's financial management system meets prescribed standards for fund control and accountability.

Activities under this program are excluded from environmental review under 24 CFR 50.19(b)(9).

The requirements to Affirmatively Further Fair Housing do not apply.

C. Reporting. CD–TA awardees will be required to report to the GTR on, at a minimum, a quarterly basis unless otherwise specified in the approved TADP. For each reporting period, as part of the required report to HUD, grant recipients must include a completed Logic Model (form HUD 96010), which identifies output and outcome achievements.

VII. Agency Contacts

A. For Assistance. Applicants may contact HUD Headquarters at 202–708–3176, or they may contact the HUD field office serving their area shown in Section VII.C. Persons with hearing and speech challenges may access the above numbers via TTY (text telephone) by calling the Federal Relay Service at 800–877–8339 (this is a toll-free number). Information may also be obtained through the HUD website on the Internet at *www.hud.gov.*

B. Satellite Broadcast. HUD will hold an informational satellite broadcast for potential applicants to learn more about the CD–TA programs and preparation of the application. For information about the date and time of the broadcast, consult the HUD website at: *www.hud.gov.*

C. List of Field Office Addresses. For a listing of the HUD field office addresses to which applicants send Local TA applications, please use the following Internet address: *http://www.hud.gov/offices/cpd/about/staff/fodirectors/index.cfm.* At the site, click on the map to get to the field office address and other contact information.

VIII. Other Information

A. Paperwork Reduction Act

The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control numbers 2506–0166 and 2506–0133. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average 60 hours for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

B. HUD Reform Act

The provisions of the HUD Reform Act of 1989 that apply to the CD–TA program are explained in the General Section of the SuperNOFA.

BILLING CODE 4210–32–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

UNIVERSITIES AND COLLEGES PROGRAMS

HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) PROGRAM

Billing Code 4210-32-C

THE HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) PROGRAM

OVERVIEW INFORMATION

A. **Federal Agency Name:** Department of Housing and Urban Development, Office of Policy Development and Research, Office of University Partnerships.

B. **Funding Opportunity Title:** Historically Black Colleges and Universities (HBCU) Program.

C. **Announcement Type:** Initial announcement.

D. **Funding Opportunity Numbers:** The Federal Register Number for this NOFA is FR-4900-N-25. The OMB Approval Number for this program is 2506-0122.

E. **Catalog of Federal Domestic Assistance (CFDA) Number**: The CFDA Number for is program is 14.520.

F. **Dates:** The application due date shall be on or before **June 25, 2004.** Please see the **General Section** of the SuperNOFA for application submission, delivery and timely receipt requirements.

G. **Additional Overview Content Information:**

1. Purpose of the Program: The Historically Black Colleges and Universities (HBCU) Program assists Historically Black Colleges and Universities of higher education 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, as amended.

2. *Award Information:* In Fiscal Year (FY) 2004, approximately $10.4 million has been appropriated by the Consolidated Appropriations Act, 2004 (Pub. L. 108–199, approved January 23, 2004, 118 Stat. 3), of which up to $1.98 million has been allocated to provide technical assistance. In addition, $614,000 in previously unexpended funds is being made available for this program. HUD will award two kinds of grants under this program; Previously Unfunded HBCU Grants and Previously Funded HBCU Grants.

a. Previously Unfunded HBCU Grants will be awarded to applicants who have never received an HBCU grant. The maximum amount a Previously Unfunded HBCU or First Time applicant can request for award is $340,000 for a three-year (36 months) grant performance period.

b. Previously Funded HBCU Grants will be awarded to applicants that have received funding under previous HBCU grant competitions. The maximum amount an applicant can request for award is $550,000 for a three-year (36 months) grant performance period. In order to ensure that Previously Unfunded or First Time HBCU applicants receive awards in this competition, approximately $1.4 million has been made available to fund Previously Unfunded HBCU applicants. In addition, approximately, $7.6 million will be made available to Previously Funded HBCU applicants. (See Appendix C of this NOFA for a list of Previously Funded and Unfunded HBCUs). If funding remains after all eligible Previously Unfunded or First Time HBCU applicants are awarded, the remaining funds will be made available to fund eligible Previously Funded applicants.

3. *Eligible Applicants:* Historically Black Colleges and Universities of higher education that meet the definition of Historically Black Colleges and Universities as determined by the Department of Education in 34 CFR 608.2 in accordance with that Department's responsibilities under Executive Order 13256, dated February 12, 2002, are eligible to apply for funding under this program. Applicants must be accredited by a national or regional accrediting agency recognized by the U.S. Department of Education.

Full Text of Announcement

I. Funding Opportunity Description

The purpose of the Historically Black Colleges and Universities (HBCU) Program is to assist Historically Black Colleges and Universities of higher education 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 purpose of the Title I of Housing and Community Development Act of 1974, as amended.

A. For the purposes of this program, the term ''locality'' includes any city, county, township, parish, village, or other general political subdivision of a state, or the U.S. Virgin Islands where the institution is located.

B. A ''target area'' is the area within the locality in which the institution will implement its proposed HBCU grant. If an institution wants to provide services/activities in a location other than the target area of that institution an applicant must provide justification for why they want to do so.

C. Listed below are major modifications from the Fiscal Year (FY) 2003 program-funding announcement:

1. This program has a separate NOFA and is no longer a part of the combined Office of Universities Partnerships Program NOFA;

2. All applications must be mailed to: University Partnerships Clearinghouse; c/o Danya International; 8737 Colesville Road, Suite 1200; Silver Spring, MD 20910;

3. Points will no longer be assigned to the budget. However, a budget narrative must be submitted that addresses the total dollar amount reflected on the HUD–424–CB and HUD–40076–HBCU forms for the entire three-year grant performance period;

4. Applicants no longer have to request a minimum amount of funding. However, the maximum amount a Previously Funded applicant can request for award is $550,000 and the maximum amount a Previously Unfunded or First Time applicant can request for award is $340,000 for a three-year (36 months) grant performance period;

5. Institutions with two or more active HBCU grants that have drawn down less than 50 percent of the funding for each active grant three weeks (not two weeks as stated in the FY02 NOFA) prior to the program's application due date are ineligible to apply for funds under this NOFA. It is the applicant's responsibility to make sure this requirement is met; and

6. Only *one* application can be submitted per institution.

D. HUD's authority for making funding available under this NOFA is the Consolidated Appropriations Act, 2004 (Pub. L. 108–199, approved January 23, 2004; 118 Stat. 3). This program is being implemented through this NOFA and the policies governing its operation are contained herein.

II. Award Information

In Fiscal Year (FY) 2004, approximately $10.4 million has been appropriated by the Consolidated Appropriations Act, 2004 (Pub. L. 108–199, approved January 23, 2004; 118 Stat. 3), of which up to $1.98 million has been allocated to provide technical assistance. In addition, $614,000 in previously unexpended funds is being made available for this program. HUD will award two kinds of grants under this program, Previously Unfunded or First Time HBCU Grants and Previously Funded HBCU Grants.

A. Previously Unfunded or First Time HBCU Grants will be awarded to applicants who have never received an HBCU grant. The maximum amount a Previously Unfunded or First Time HBCU applicant can request for award is $340,000 for a three-year (36 months) grant performance period.

B. Previously Funded HBCU Grants will be awarded to applicants that have received funding under previous HBCU grant competitions. The maximum amount an applicant can request for award is $550,000 for a three-year (36 months) grant performance period.

In order to ensure that Previously Unfunded HBCU applicants receive awards in this competition, approximately $1.4 million will be made available to fund Previously Unfunded or First Time HBCU applicants. Approximately $7.6 million will be made available to Previously Funded HBCU applicants that have received funding under previous HBCU competitions. If funding remains after all eligible Previously Unfunded or First Time HBCU applicants are awarded, the remaining funds will be made available to fund eligible Previously Funded applicants. (See Appendix C of this NOFA for a list of Previously Funded and Unfunded HBCUs).

III. Eligibility Information

A. Eligible Applicants

Historically Black Colleges and Universities of higher education as determined by the U.S. Department of Education in 34 CFR 608.2 in accordance with that Department's responsibilities under Executive Order 13256, dated February 12, 2002, are eligible to apply for funding under this program. All applicants must be accredited by a national or regional accrediting agency recognized by the U.S. Department of Education.

B. Cost Sharing or Matching

None required.

C. Other

1. Eligible Activities

Eligible activities are listed in 24 CFR part 570, subpart C, particularly 570.201 through 570.206. Information regarding these activities can be found at: *www.hudclips.org.*

a. Examples of eligible activities include, but are not limited to:

(1) Acquisition of real property;

(2) Clearance and demolition;

(3) Rehabilitation of residential structures including lead-based paint hazard evaluation and reduction; and encouraging accessible design features in accordance with the requirements of section 504 of the Rehabilitation Act of 1973;

(4) Special economic development activities described at 24 CFR 570.203 and assistance to facilitate economic development by providing technical or financial assistance for the establishment, stabilization, and expansion of microenterprises, including minority enterprises;

(5) Assistance to community-based development organizations (CBDO) to carry out a CDBG neighborhood revitalization, community economic development, or energy conservation projects, 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);

(6) Public service activities such as those general support activities that can help to stabilize a neighborhood and contribute to sustainable redevelopment of the area, including but not limited to such activities as those concerned with employment, crime prevention, child care, health, drug abuse, education, fair housing counseling, energy conservation, homebuyer down payment assistance, or recreational needs; and

(7) Payments of reasonable grant administrative costs related to planning and execution of the project (*e.g.*, preparation/submission of HUD reports). Detailed explanations of these costs are provided in the OMB circulars that can be accessed at the White House Web site, *www.whitehouse.gov/omb/circulars/index.html.*

b. Eligible activities that may be funded under this program are those eligible activities that meet both the Community Development Block Grant (CDBG) Program national objective and the CDBG eligibility requirements.

c. The three national objectives of the Community Development Block Grant program are:

(1) Benefit to low- or moderate-income persons;

(2) Aid in the prevention or elimination of slums or blight; and

(3) 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 objectives are provided at 24 CFR 570.208.

d. The CDBG publication entitled ''Community Development Block Grant Program Guide to National Objectives and Eligible Activities for Entitlement Communities'' describes the regulations, and a copy can be obtained from HUD's NOFA Information Center at 800–HUD–8929 or 800–HUD–2209 for the hearing-impaired.

2. Threshold Requirements Applicable to all Applicants

All applicants must comply with the threshold requirements as defined in the General Section of the SuperNOFA and the requirements listed below to be evaluated, rated, and ranked. Applications that do not meet these requirements will be considered ineligible for funding and will be disqualified:

a. The applicant must meet the eligibility requirements as defined in Section III.A. Eligible Applicants.

b. The maximum amount a Previously Unfunded or First Time HBCU applicant can request for award is $340,000. The maximum amount a Previously Funded HBCU applicant can request for award is $550,000.

c. No more than 15 percent of the total grant amount can be used for public service activities that benefit low- and moderate-income persons. Therefore, at least 85 percent of the grant amount requested must be used for activities qualifying under an eligibility category other than public services (as described at 24 CFR 570.201(e)). If an applicant proposes an activity that otherwise is eligible, it may not be funded if state or local law requires that it be carried out by a governmental entity.

d. Applicants must ensure that not less than 51 percent of the aggregated expenditures of the grant benefit low- and moderate-income persons under the criteria specified in 24 CFR 570.208(a) or 570.208(d)(5) or (6).

e. Institutions with two or more active HBCU grants who have drawn down less than 50 percent of the funding for each active grant three weeks prior to the program's application due date are ineligible to apply for a grant under this NOFA. It is the applicant's responsibility to make sure this requirement is met.

f. Only *one* application can be submitted per institution.

g. Applicants must receive a minimum score of 75 points to be considered for funding.

h. An applicant must have a DUNS number to receive HUD grant funds. (The General Section of the SuperNOFA provides information regarding the DUNS requirement).

3. Program Requirements

In addition to the program requirements listed in the General Section of the SuperNOFA, applicants must meet the following program requirements:

a. All funds awarded under this program must be spent during a three-year (36 months) grant performance period.

b. Applicants that claim leveraging from *any source,* including their own institution, must provide letters of firm commitment, memoranda of understanding, or agreements evidencing the extent and firmness of the commitment of leveraging from other federal (*e.g.,* Department of Education, AmeriCorps Programs, *etc.*), state, local governments, and other private sources (including the applicant's own resources). These documents must be dated no earlier than the date of this published NOFA and follow the outline provided in Section V, Application Review Information, ''Factor 4: Leveraging Resources'' of this NOFA.

c. Site Control. Where grant funds will be used for acquisition, rehabilitation, or new construction an applicant must demonstrate site control. Funds may be recaptured or deobligated from applicants that cannot demonstrate control of a suitable site within one year after the initial notification of award.

d. 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 in accordance with 24 CFR part 50. The results of the environmental review may require that proposed activities be modified or proposed sites be rejected. Applicants 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. An application constitutes an assurance that the 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 alternate property; and will not acquire, rehabilitate, convert, demolish, 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's written approval of the property is received. In supplying HUD with environmental information, applicants should use the same guidance as provided in the HUD Notice CPD–99–01 entitled ''Field Environmental Review Processing for HUD Colonias Initiative (HCI) Grants'' issued January 27, 1999.

The General Section of the SuperNOFA provides further discussion of the environmental requirements. Further information and assistance on HUD's environmental requirements is available at *http://www.hud.gov/offices/cpd/energyenviron/environment/index.cfm.*

e. Labor Standards. Institutions and their sub-grantees, contractors and subcontractors must comply with the labor standards (Davis-Bacon) requirements referenced in 24 CFR 570.603.

IV. Application and Submission Information

A. Addresses To Request Application Package

Applicants may request general information, copies of the General Section and Program Sections of the SuperNOFA from the NOFA Information Center 800–HUD–8929 or 800–HUD–2209 (TTY) between the hours of 9 a.m. and 8 p.m. (Eastern Time) Monday through Friday, except on federal holidays. When requesting information, please refer to the Historically Black Colleges and Universities Program. Be sure to provide your name, address (including zip code), and telephone number (including area code). To ensure sufficient time to prepare an application, requests for copies of the NOFA can be made immediately following publication of the SuperNOFA. The NOFA Information Center opens for business simultaneously with the publication of HUD's 2004 NOFA. Applicants can also obtain information on the SuperNOFA and download applications through the HUD Web site, *http://www.hud.gov.*

B. Content and Form of Application Submission

A complete application package must include an original signed application, three copies, and one computer disk of the application (in Word 6.0 or higher) of the items listed below. (The computer disk must include the narrative portion of the application, and all required forms. Forms can be downloaded from the following Web site *http//:www.hud.gov.*) In order to recycle paper, applications must not be submitted in bound form; binder clips or loose-leaf binders are acceptable. Please do not use colored paper. Applications must be submitted on 8½ by 11-inch paper, double-spaced on one side of the paper, with one-inch margins (from top, bottom, left and right) and printed in a standard Times New Roman 12-point font. Each page must include the applicant's name and be numbered. Each section must be tabbed sequentially. The application narrative, including tables, and maps, must not exceed 75 pages (excluding forms, budget narrative, assurances, commitment letters, memoranda of understanding, agreements and abstract). The double-spacing requirement applies to the application narrative (excluding the abstract, table, maps, budget narrative, commitment letters, memoranda of understanding and agreements). Please note that although submitting pages in excess of the page limit will not disqualify an application, HUD will not consider the information on any excess pages. This may result in a lower score or failure to meet a threshold requirement. Except where a particular form may direct otherwise, all forms included in an application, as well as the transmittal letter, must be signed by the Chief Executive Officer (this is generally the President or Provost) or an official authorized legally to make a commitment on behalf of the institution. If a designee signs, the application must contain a copy of the official designation of signatory authority.

Please include in your application each item in the order listed below:

1. *SF–424, Application for Federal Assistance.* Instructions for completing this form are found on the back of the first page of the form. Please remember the following:

a. The full grant amount (entire three-years) should be entered, not the amount for just one year;

b. Include the name, title, address, telephone number, facsimile number, and email address of the designated contact. This is the person who will receive the reviewers' comments; therefore, please ensure the accuracy of the information;

c. The Employer Identification/Tax ID number;

d. The DUNS Number;

e. The Catalog of Federal Domestic Assistance Number for this program is 14.520;

f. The project's proposed start date and completion date. For the purpose of this application, the program start date should be October 1, 2004; and

g. The signature of an authorized official (an individual who has the authority to make a binding commitment on behalf of the institution).

2. *Transmittal Letter.* The letter should contain a statement that the institution is an eligible applicant because it is a two-or four-year fully accredited institution. This letter should state the name of the accrediting agency, and that the accrediting agency is recognized by the U.S. Department of Education. Applicants can also use the transmittal letter as one way to demonstrate the President's commitment to the institutionalization of the program. The Chief Executive Officer (usually the President or Provost) of the institution must sign this letter. If the Chief Executive Officer has delegated this responsibility to another official, that person may sign, but a copy of the delegation of authority must be included or clearly stated in the letter.

3. *Application Checklist.* Applicants must include the completed checklist in their application. On the checklist, applicants must indicate the page number where each of the items can be found in the application (See Appendix A).

4. *Abstract.* Applicants must include no more than a two-page summary of the proposed project. Please include the following:

a. A clear description of the proposed project activities, the target population that will be assisted, and the impact this project will have on the institution;

b. The designated contact person, including phone number, facsimile number, and email address (This is the person who will receive the reviewers' comments; therefore, please ensure the accuracy of the information);

c. University's name, department, mailing address, telephone number, facsimile number, and email address; and

d. The principal investigator, if different from the designated contact person, for the project, including phone number, facsimile number, and email address.

5. *Narrative statement addressing the Factors for Award.* HUD will use the

narrative response to the ''Factors for Award'' to evaluate, rate, and rank applications. The statement and work plan are the main source of information. Applicants are advised to review each factor carefully for program specific requirements. The response to each factor should be concise and contain only information relevant to the factor, but detailed enough to address each factor fully. Please do not repeat material in response to the five factors; instead, focus on how well the proposal responds to each of the factors. In factors where there are subfactors each subfactor must be presented separately, with the short title of the subfactor presented. Make sure to address each subfactor and provide sufficient information about every element of the subfactor.

6. *Budget.* The budget submission must be placed behind the narrative statement addressing the ''Factors for Award'' and include the following forms:

a. Budget Forms.

(1) HUD–424–CB, ''Grant Application Detailed Budget.'' This budget form shows the total budget by year and by line item for the program activities to be carried out with the proposed HUD grant. Each year of the program should be presented separately. Applicants must also submit this form to reflect the total cost for the entire grant performance period (Grand Total).

(2) HUD–40076–HBCU, ''Response Sheet, Budget-By-Activity''—This form must be used to document the entire three-year grant performance period. The form should include a listing of tasks to be completed for each activity necessary to be performed to implement the program, the overall costs for each activity, and the cost from each funding source. The budget-by-activity should clearly indicate the HUD grant amount and identify the source and dollar amount of the leveraged funds, if any.

Make sure that the amount shown on the SF–424, HUD–424-CB, HUD–40076–HBCU forms and all other required program forms is consistent and the budget totals are correct. Remember to check addition in totaling the categories on all forms so that all items are included in the total. All budget forms must be completed in full. If an application is selected for award, the applicant may be required to provide greater specificity to the budget during grant agreement negotiations.

b. *Budget Narrative.* A narrative must be submitted that explains how the applicant arrived at the cost estimates for any line item over $5,000. For example, an applicant proposes to construct a building using HUD funding totaling $200,000. The following costs estimate reflects this total. Foundation cost $75,000, electrical work $40,000, plumbing work $40,000, finishing work $35,000, and landscaping $10,000. 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 proposed in the geographical area. When necessary, quotes from various vendors or historical data should be used and included. When an applicant proposes to use a consultant, the applicant must indicate whether there is a formal agreement or written procurement policy. For each consultant, please provide the name, if known, hourly or daily rate, and the estimated time on the project. Applicants must submit a cost estimate from a qualified firm (*e.g.*, Architectural or Engineering), vendor, and/or qualified individual (*e.g.*, independent architect) other than the institution for projects that involve rehabilitation of residential, commercial and/or industrial structures; and/or acquisition, construction, or installation of public facilities and improvements. Such an entity must be involved in the business of housing rehabilitation, construction and/or management. Equipment and contracts cannot be presented as a total estimated figure. For equipment, applicants must provide a list by type and cost for each item. Applicants using contracts must provide an individual description and cost estimate for each contract.

c. *Indirect costs.* Indirect costs, if applicable, are allowable based on an established approved indirect cost rate. Applicants should include a copy of their indirect cost rate agreement with their application. Applicants who are selected for funding that do not have an approved indirect cost rate agreement (established by the cognizant federal agency, Certified Public Account, or auditor) will be required to establish a rate. In such cases, HUD will issue an award with a provisional rate and enter into an agreement to have one established.

d. *Audits.* Applicants must ensure that their most current A–133 audit is on file at the Federal Audit Clearinghouse. Grantees that expend $500,000 or more in federal financial assistance in a single year (this can be program year or fiscal year) must be audited in accordance with the OMB requirements as established in 24 CFR parts 84 and 85. Additional information regarding this requirement at the following Web site: *http://harvester.census.gov/sac.*

7. *Appendix.* Applicants must place all letters of commitment, memoranda of understanding and agreements for funds/resources in response to Factor 4 in this section. An applicant may not submit general support letters or resumes or other back-up materials (unless an applicant is willing to have the additional material count toward the page limits).

C. Submission Dates and Times

A complete application package is due on or before June 25, 2004. Please see the General Section of the SuperNOFA for application submission, delivery, and timely receipt requirements.

D. Intergovernmental Review

This program is excluded from an Intergovernmental Review.

E. Funding Restrictions

Ineligible CDBG Activities are listed at 24 CFR 570.207. Funding may only be provided to applicants that meet the standards for eligible applicants in Section III.A.

F. Other Submission Requirements

1. Complete Application Package

This package must be submitted to the following address: University Partnerships Clearinghouse; c/o Danya International; 8737 Colesville Road, Suite 1200; Silver Spring, MD 20910. When submitting an application package, also please include the following information on the outside of the envelope:

a. Office of University Partnerships;

b. Historically Black Colleges and Universities Program; and

c. Applicant's name and mailing address (including ZIP code).

Applicants must refer to the General Section of this SuperNOFA for detailed requirements governing application submission and receipt. Applicants must also send a copy of their application to the Directors of the Office of Community Planning and Development (CPD) in the appropriate HUD field office. The address for each field office is listed in the General Section of this NOFA.

2. Forms, Certifications, and Assurances

The following certifications and assurances must be included in all application packages. These forms must be signed by the Chief Executive Officer (or official designee) of the institution and can be downloaded from the HUD Web site at *www.hud.gov.*

a. Application for Federal Assistance (SF–424).

b. Applicant Assurances and Certifications (HUD–424–B).

c. Grant Application Detailed Budget (HUD–424–CB).

d. Disclosure of Lobbying Activities (SF–LLL).

e. America's Affordable Communities Initiative Removal of Regulatory Barriers (HUD–27300), if applicable.

f. Applicant/Recipient Disclosure/Update Report (HUD–2880).

g. Certification of Consistency with the Consolidated Plan (HUD–2991).

h. Certification of Consistency with the EZ/EC/RC Strategic Plan (HUD–2990). Must be signed by the certifying official of the EZ/EC/RC. The General Section of the SuperNOFA provides procedures and guidelines required to certify that proposed grant activities are being conducted in the EZ/EC/RC that serve the residents of these areas, and are certified to be consistent with the area's strategic plan.

i. Budget-By-Activity (HUD–40076-HBCU).

j. Response Sheet-Performance Narrative only (HUD 40076–HBCU).

k. Program Logic Model (HUD–96010).

l. Survey on Equal Opportunity (HUD–32004).

m. Acknowledgment of Receipt of Application (HUD–2993). To confirm that HUD has received the application package, please complete this form. Applicants are not required to include this form, but it is recommended that an applicant do so.

n. Client Comments and Suggestions (HUD–2994). This form is included to solicit information from the most valuable source, the applicant. The changes that we have instituted this year are designed to make things easier for the applicant. If applicants complete and submit this form, it will help us to assess whether the changes have had the intended results. It will also guide us in our continuing efforts to improve the competitive grant process. Applicants are not required to complete this form.

V. Application Review Information

A. Criteria

1. Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (25 Points)

This factor addresses the extent to which the institution 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:

a. Knowledge and Experience—For Previously Unfunded or First Time Applicants (25 Points) For Previously Funded Applicants (10 Points). 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 this kind of program. Experience will be judged in terms of recent and relevant knowledge and skills of the staff to undertake eligible program activities. HUD will consider experience within the last five years to be recent and experience pertaining to specific activities and producing specific accomplishments to be relevant. The following categories will be evaluated:

(1) Undertaking specific successful community development projects with community-based organizations or local governments; and

(2) Providing leadership in solving community problems that have a direct bearing on the proposed activities.

b. Past Performance (15 points) Previously Funded Grant Applicants Only. This subfactor will evaluate the extent to which an applicant has performed successfully under all previously completed and open HUD HBCU grant(s). Applicants must demonstrate this by providing the following information on the HUD–40076–HBCU—Response Sheet: (Performance Narrative only) for each HBCU grant they have received:

(1) A detailed list outlining the achievement of specific measurable objectives and outcomes consistent with the approved timeline/work plan in previous grants;

(2) Comparison of proposed leveraged funds and/or resources in a previous grant with what was actually leveraged; and

(3) A list of all HUD/HBCU grants received, including the dollar amount awarded and the amount expended as of the date of this application.

The HUD–40076–HBCU ''Response Sheet'' (Performance Narrative only) form is located in Appendix C at the end of this NOFA). The form should be filled out completely and placed under this section.

2. Rating Factor 2: Need/Extent of the Problem (10 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(s) in the target area. The need(s) described must be relevant to the activities for which funds are being requested. The proposal will be evaluated on the extent to which the level of need for the proposed activities and the importance of meeting the need(s) are documented.

Applicants must use statistics or other analyses contained in at least one or more current data sources that are sound and reliable. The data provided must be current and specific to the area where the proposed project activities will be carried out. Sources for localized data can be found at *www.ffiec.gov* or *www.econdata.com.*

In rating this factor, HUD will consider data collected within the last five years to be current. To the extent that the targeted community's Five 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, applicants should include references to these documents in response to this factor.

If the proposed activities are not covered under the scope of the Consolidated Plan and Analysis of Impediments to Fair Housing Choice (AI), indicate this clearly in the proposal and use other sound data sources to identify the level of need and the urgency in meeting the need. Other reliable data sources include, but are not limited to Census reports, HUD Continuum of Care gap analysis and its E–MAP (*http://www.hud.gov/emaps*), law enforcement agency crime reports, Public Housing Agencies' Comprehensive Plans, community needs analyses such as provided by the United Way, the applicant's institution, and other sound and reliable sources. Needs in terms of fulfilling court orders or consent decrees, settlements, conciliation agreements, and voluntary compliance agreements may also be addressed.

3. Rating Factor 3: Soundness of Approach (45 Points)

This factor addresses the quality and effectiveness of the proposed work plan, the commitment of the institution to sustain the proposed activities, and actions regarding HUD's priorities, goals and objectives, and affirmatively furthering fair housing.

This factor will be evaluated based on the extent to which the proposed work plan demonstrates the following:

a. (35 Points) Quality of the Work Plan. This subfactor will be evaluated on the extent to which an applicant provides a clear outline of the proposed project and anticipated accomplishments.

(1) Specific Services and/or Activities. The work plan must describe all proposed activities and major tasks required to successfully implement the proposed project. HUD will consider the

probability of success of the program, the significance of the tasks identified, how realistic are the proposed time frames, and who will be responsible for completing each proposed activity.

(a) Describe each proposed activity and the task required to successfully implement and complete the proposed activities in measurable terms (*e.g.*, the number of persons to be trained and employed; houses to be rehabilitated; or minority-owned businesses to be started, etc.);

(b) For each activity describe how the activity meets a CDBG national objective;

(c) Include target completion dates for each activity/task (in 6-month intervals, up to thirty-six (36) months); and

(d) Identify the staff member, as described in Factor 1, who will be responsible for completing each activity/task.

(2) Describe how each proposed activity will:

(a) Expand the role of the institution in its community;

(b) Alleviate and/or fulfill the needs identified in Factor 2;

(c) Relate to and not duplicate other activities in the target area. Duplicative effort will be acceptable only if an applicant can demonstrate through documentation that there is a population in need that is not being served; and

(d) Involve and empower citizens of the target area of the proposed project (particularly through a committee that is representative of the target community).

b. (2 Points) Involvement of the Faculty and Students. The applicant must describe the extent to which it proposes to integrate the institution's students and faculty into proposed project activities.

c. (3 Points) HUD Policy Priorities. HUD encourages applicants to undertake specific activities that will assist the Department in implementing its policy priorities and which will help the Department achieve its goals and objectives in FY2005, when the majority of grant recipients will be reporting programmatic results and achievements. In addressing this subfactor, HUD will evaluate the extent to which a program will further and support HUD's priorities. The quality of the responses provided to one or more of HUD's priorities will determine the score an applicant can receive. Applicants must describe how each policy priority selected will be addressed. Applicants that just list a priority will receive no points. Each policy priority addressed has a point value of one point with the exception of the policy priority to remove regulatory barriers to affordable housing, which has a point value of up to 2 points. The total number of points available to applicants that address policy priorities is 3. It is up to the applicant to determine which of the policy priorities they elect to address to receive the available 3 points. To receive points for efforts to remove regulatory barriers to affordable housing, an applicant must submit the completed questionnaire found in the General Section (Form HUD–27300). For the full list and explanation of each policy priority, please refer to the General Section of this SuperNOFA.

d. (5 Points) Affirmatively Furthering Fair Housing. This subfactor will be evaluated on the extent to which an applicant describes how it proposes to undertake activities designed to affirmatively further fair housing, for example:

(1) 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;

(2) 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

(3) Providing housing mobility counseling services.

4. Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses the ability of the applicant to secure resources that can be combined with HUD's grant funds to achieve the program's purpose.

In evaluating this factor, HUD will consider the extent to which the applicant established partnerships with other entities to secure additional resources to increase the effectiveness of the proposed project activities. Resources may include funding or in-kind contributions, such as services or equipment, allocated to the purpose(s) of the grant. Resources may be provided by governmental entities, public or private nonprofit organizations, for-profit private organizations, or other entities. Applicants may also establish partnerships with other program funding recipients to coordinate the use of resources in the target area. Overhead and other institutional costs (*e.g.*, salaries, indirect costs, etc.) that the institution has waived may be counted. Examples of potential sources for outside assistance include:

- Federal, state, and local governments.
- Public Housing Agencies.
- Local or national nonprofit organizations.
- Financial Institutions and/or private businesses.
- Foundations.
- Faith-based and other community-based organizations.

For each cash or in-kind contribution to the program a letter of commitment, memorandum of understanding, or agreement must be provided that shows the extent and firmness of the commitment of leveraged funds (including any commitment of resources from the applicant's own institution) in order for these resources to count in determining points under this factor. Resources will not be counted for which there is no commitment letter, memorandum of understanding, or agreement, nor quantified level of commitment. Letters, memoranda of understanding, or agreements must be submitted from the provider on the provider's letterhead and be included with the application package (Applicants must place all letters, memoranda of understanding, or agreements in the Appendix). The date of the letter, memorandum of understanding, or agreement from the CEO of the provider organization must be dated no earlier than the date of this published SuperNOFA. Applications that do not include evidence of leveraging as described below will receive zero (0) points for this Factor.

a. A firm commitment letter, memorandum of understanding, or agreement must address the following:

(1) The cash amount contributed or dollar value of the in-kind goods and/or services committed;

(2) A specific description of how each contribution is to be used;

(3) The date the contribution will be made available and a statement that describes the duration of the contribution;

(4) Any terms or conditions affecting the commitment, other than receipt of a HUD grant; and

(5) The signature of the appropriate executive officer authorized to commit the funds and/or goods and/or services. Please remember that only items eligible for funding under this program can be considered.

5. Rating Factor 5: Achieving Results and Program Evaluation (10 Points)

This factor reflects HUD's goal to embrace high standards of management and accountability. It measures the applicant's commitment to assess their performance to achieve the program's proposed objectives and goals. Applicants are required to develop an effective, quantifiable, outcome oriented

evaluation plan for measuring performance and determining that objectives and goals have been achieved.

''Outcomes'' are benefits accruing to institutions of higher education and/or communities during or after participation in the HBCU program. Applicants must clearly identify the outcomes to be measured and achieved. Examples of outcomes include increased employment opportunities in the target community by a certain percentage, increased incomes/wages or other assets for persons trained, or enhanced family stability through the creation of affordable housing opportunities (*e.g.*, increased assets to families and communities through the development of affordable housing).

In addition, applicants must establish interim benchmarks and outputs that lead to the ultimate achievement of outcomes. ''Outputs'' are the direct products of the program's activities. Examples of outputs are the number of new affordable housing units, the number of homes that have been renovated, the number of facilities that been constructed or rehabilitated. Outputs should produce outcomes for the program. At a minimum, an applicant must address the following activities in the evaluation plan:

a. 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);

b. Measurable impacts the grant will have on the community in general and the target area or population; and

c. The impact the grant will have on assisting the university to obtain additional resources to continue this type of work at the end of the grant performance period.

This information must be placed under this section on a HUD–96010, Program Outcome Logic Model form. (Applicants may use as many copies of this form as required. It will not be included in the page count requirement.) A narrative is not required; however, if a narrative is provided, those pages will be included in the page count. Additional information on this form and how to use it can be found in the General Section of the SuperNOFA.

B. Review and Selection Process

1. Application Selection Process

Two types of reviews will be conducted:

a. A threshold review to determine an applicant's basic eligibility; and

b. A technical review for all applications that pass the threshold review to rate and rank the application based on the ''Factors for Award'' listed in Section V.A.

Only those applications that pass the threshold review will receive a technical review and be rated and ranked.

2. Rating Panels

To review and rate applications HUD may establish panels which may include experts or consultants not currently employed by HUD. These individuals may be included to obtain certain expertise.

3. Ranking

HUD will fund applications in rank order, until all available program funds are awarded. In order to be funded, an applicant must receive a minimum score of 75 points out of a possible 100 points for Factors 1 through 5. In addition, two bonus points may be awarded for RC/EZ/EC, as described in the General Section of the SuperNOFA. 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 1, Capacity of the Applicant and Relevant Organizational Experience shall be selected. HUD reserves the right to make selections out of rank order to provide for geographic distribution of grantees. HUD also reserves the right to reduce the amount of funding requested in order to fund as many highly ranked applications as possible. Additionally, if funds remain after funding the highest ranked applications, HUD may fund part of the next highest-ranking application. If an applicant turns 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, the remaining funds will be carried over to the next funding cycle competition.

4. Correction to Deficient Applications

The General Section of the SuperNOFA provides the procedures for correction to deficient applications.

C. Anticipated Announcement and Award Dates

Announcements of awards are anticipated on or before September 30, 2004.

VI. Award Administration Information

A. Award Notice

After all selections have been made, HUD will notify all winning applications in writing. HUD may require winning applicants to participate in additional negotiations before receiving an official award. For further discussion on this matter, please refer to the General Section of the SuperNOFA.

B. Administrative and National Policy Requirements

The provisions of the HUD Reform Act of 1989 that apply to this NOFA are explained in the General Section of the SuperNOFA.

1. Debriefing

The General Section of the SuperNOFA provides the procedures for requesting a debriefing. All requests for debriefings must be made in writing and submitted to: Armand Carriere; Office of University Partnerships; Robert C. Weaver Federal Building; 451 Seventh Street, SW., Room 8106; Washington, DC 20410. Applicants may also write to Mr. Carriere via email at *Armand_W._Carriere@hud.gov.*

2. Administrative

Grants awarded under this NOFA 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). Applicants can access the OMB circulars at the White House Web site at *www.whitehouse.gov/omb/circulars/index.html.*

3. OMB Circulars and Governmentwide Regulations Applicable to Financial Assistance Programs

The General Section of the SuperNOFA provides discussion of OMB circulars and governmentwide regulation.

4. Executive Order 13202, Preservation of Open Competition and Government Neutrality Towards, Government Contractor's Labor Relations on Federal and Federally Funded Construction Projects

See the General Section of the SuperNOFA for further discussion.

5. Economic Opportunities for Low- and Very Low-Income Persons (Section 3)

The provisions of Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) apply to this NOFA. Regulations may be found at 24 CFR part 135.

6. Conflicts of Interest

See the General Section of the SuperNOFA for further discussion.

C. Reporting

All grant recipients under this NOFA are required to submit semi-annual progress reports. The progress reports shall consist of two components, a narrative that must reflect the activities undertaken during the reporting period and a financial report that reflects costs incurred during the reporting as well as a cumulative summary.

For each reporting period, as part of the required report to HUD, grant recipients must include a completed Logic Model (Form HUD–96010), which identifies output and outcome achievements.

VII. Agency Contacts

Applicants may contact Ophelia Wilson at (202) 708–3061, extension 4390 or Susan Brunson at (202) 708–3061, extension 3852. Persons with speech or hearing impairments may call the Federal Information Relay Service (TTY) at (800) 877–8339. Except for the ''800'' number, these numbers are not toll-free. Applicants may also reach Ms. Wilson via email at *Ophelia_Wilson@hud.gov,* and/or Ms. Brunson at *Susan_S._Brunson@hud.gov.*

VIII. Other Information

Paperwork Reduction Act

The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2528–0122. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average 356 hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application, quarterly, semi-annual and final reports. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

Appendix C

Historically Black Colleges and Universities, Previously Unfunded By HUD During Fiscal Years 1991–2003

Alabama
- Concordia College
- Selma University
- Trenholm State Technical College

Florida
- Florida Memorial College

Georgia
- Morehouse School of Medicine
- Paine College

Maryland
- University of Maryland Eastern Shore

Michigan
- Lewis College of Business

Mississippi
- Mary Holmes College

Ohio
- Wilberforce University

Pennsylvania
- Cheyney University of Pennsylvania

South Carolina
- Clinton Junior College
- Denmark Technical College
- Morris College

Tennessee
- Knoxville College

Texas
- Southwestern Christian College

Historically Black Colleges and Universities, Previously Funded By HUD During Fiscal Years 1991–2003

Alabama
- Alabama A&M University
- Alabama State University
- Bishop State Community College
- Gadsden State Community College
- J.F. Drake Technical College
- Lawson State Community College
- Miles College
- Oakwood College
- Stillman College
- Talladega College
- Tuskegee University
- C.A. Fredd Technical College

Arkansas
- Arkansas Baptist College
- Philander Smith College
- Shorter College
- University of Arkansas at Pine Bluff

Delaware
- Delaware State University

District of Columbia
- Howard University
- University of the District of Columbia

Florida
- Bethune-Cookman College
- Edward Waters 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
- Dillard University
- Grambling State University
- Southern University A & M College System at Baton Rouge
- Southern University at Shreveport
- 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
- Hinds Community College

Missouri
- Harris-Stowe State College
- Lincoln University

North Carolina
- Barber-Scotia College
- 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
- Allen University
- Benedict College
- Claflin College
- South Carolina State University
- Voorhees College

Tennessee
- Fisk University
- Lemoyne-Owen College
- Meharry Medical College
- Tennessee State University
- Lane College

Texas
- Huston-Tillotson College
- Jarvis Christian 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
- Virginia Union University

West Virginia
- West Virginia State University
- Bluefield State College

U.S. Virgin Islands
- University of the Virgin Islands

BILLING CODE 4210–32–P

Attachment A--Application Checklist

Application Checklist

This checklist identifies application submission requirements. Applicants are requested to use this checklist when preparing an application to ensure submission of all required elements. Please present the information in the application in the order outlined below and indicate on each line the page number where each of the items can be found in the application. Standard Forms and required certification are found in the **General Section** of the SuperNOFA and can be downloaded from HUD's website, www.hud.gov.

I. PART A

_____ SF-424 "Application For Federal Assistance"

_____ Transmittal Letter

_____ Application Checklist

_____ Abstract (must include no more than a two-page summary of the proposed project)
_____ Narrative Statement Addressing the Factors for Award. The narrative must not exceed 75 pages, (excluding forms, abstracts, tables, maps, budget narrative, assurances, commitment letters, memorandum of understanding, and agreements) double-spaced on one side, with one-inch margins (from top, bottom, left and right) printed in standard Times New Roman 12 point font.

____ HUD-40076, "Response Sheet Performance Narrative " (*Previously Funded HBCU Applicant Only)*
____ HUD 96010, "Logic Model"
____ HUD-40076-HBCU, Response Sheet, Budget-By-Activity (*Section Only)*

____ HUD 424-CB," Grant Application Detailed Budget"
____ Budget Narrative (No form provided and must be submitted for the total grant performance period)
____ Indirect Cost Rate Agreement (if applicable)

_____ Appendix (letters of commitment, memoranda of understanding, or agreements)

_____ Computer disk

II. PART (All Required Forms)

The following required certifications and assurance can be downloaded from HUD's website *www.hud.gov.*

_____ SF-424 "Application For Federal Assistance"

_____ HUD-424-B "Applicant Assurance and Certifications"

_____ HUD 424CB "Grant Application Detailed Budget"

_____ SF-LLL "Disclosure of Lobbying Activities"

_____ HUD-27300 "America's Affordable Communities Initiative Removal of Regulatory Barriers" (if applicable)

_____ HUD-2880 "Applicant/Recipient Disclosure Update Report"

_____ HUD-2991 "Certification of Consistency with the Consolidated Plan", **(if applicable)**

_____ HUD-2990 "Certification of Consistency with the EZ/EC/RC Strategic Plan", **(if applicable)**

_____ HUD-2993 "Acknowledgement of Applicant Receipt"

_____ HUD-2994 "Client Comments and Suggestions"

_____ SF-424 Supplement "Survey on Ensuring Equal Opportunity for Applicants"

_____ HUD-40076 "Response Sheet Performance Narrative " (*Previously Funded HBCU Applicant Only)*

_____ HUD-40076-HBCU "Budget-By-Activity" (*Section Only)*

_____ HUD 96010-"Logic Model"

Historically Black Colleges and Universities

OMB Approval No. 2506-0122 (exp. 4/30/2007)

The information collection requirements contained in this application have been approved by the Office of Management and Budget (OMB) under the paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). 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.

Information is requested in accordance with the regulatory authority contained in each program rule. The information will be used to rate applications, determine eligibility, and to establish grant amounts.

Selection of applications for funding is based on rating factors listed in the Notice of Fund Availability (NOFA), which is published each year. The information collected in the application form will only be collected for specific funding competitions.

Public reporting burden for this collection of information is estimated to average 44 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.

To the extent that any information collected is of a confidential nature, there will be compliance with Privacy Act requirements.

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)

OMB Approval No. 2506-0122 (exp. 4/30/2007)

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.

OMB Approval No. 2506-0122 (exp. 4/30/2007)

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

OMB Approval No. 2506-0122 (exp. 4/30/2007)

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 persons to be served by completion of this Grant

For the following questions, please enter a date that is no earlier than the publication date of this SuperNOFA.

Total number of Grant tasks completed as of (enter date) _____

Percentage of Grant tasks completed as of (enter date) _____

Total number of persons served as of (enter date) _____

List measurable results as of (enter 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.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

UNIVERSITIES AND COLLEGES PROGRAMS

HISPANIC-SERVING INSTITUTIONS ASSISTING COMMUNITIES (HSIAC) PROGRAM

Billing Code 4210-32-C

The Hispanic-Serving Institutions Assisting Communities (HSIAC) Program

Overview Information

A. Federal Agency Name: Department of Housing and Urban Development, Office of Policy Development and Research, Office of University Partnerships.

B. Funding Opportunity Title: Hispanic-Serving Institutions Assisting Communities (HSIAC) Program.

C. Announcement Type: Initial announcement.

D. Funding Opportunity Numbers: The **Federal Register** Number for this NOFA is FR–4900–24. The OMB Approval Number for this program is 2528–0198.

E. Catalog of Federal Domestic Assistance (CFDA) Number: The CDFA Number for this program is 14.514.

F. *Dates:* The application due date is June 25, 2004. Please see the General Section of the SuperNOFA for application submission, delivery and timely receipt requirements.

G. Additional Overview Content Information:

1. *Purpose of the Program:* The Hispanic-Serving Institutions Assisting Communities (HSIAC) Program assists Hispanic-Serving Institutions (HSI) of higher education 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, as amended.

2. *Award Information:* In Fiscal Year (FY) 2004, approximately $6.95 million has been appropriated for this program by the Consolidated Appropriations Act, 2004 (Pub.L. 108–199; approved January 23, 2004; 118 Stat. 3). The maximum amount an applicant can request for award is $600,000 for a three-year (36 months) grant performance period.

3. *Eligible Applicants:* 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) are eligible to apply for funding under this program. In order to meet this definition, at least 25 percent of the full-time undergraduate students enrolled in an institution must be Hispanic and not less than 50 percent of these Hispanic students must be low-income individuals. Institutions are not required to be on the list of eligible HSIs prepared by the U.S. Department of Education. However, an institution that is not on the list is required to provide a statement in the application that the institution meets the U.S. Department of Education's statutory definition of an HSI. HUD intends to fund at least two eligible HSIAC applications (applications that received a minimum score of 75 points) that serve Colonias (as defined in the General Section of this SuperNOFA). While it is not necessary for the institution to be located in a Colonias, all program activities must be directed to the Colonias and its residents. If less than two fundable applications are eligible for award these funds will be made available to award additional HSIAC grants.

Full Text of Announcement

I. Funding Opportunity Description

The purpose of the Hispanic Serving Institutions Assisting Communities (HSIAC) Program is to assist Hispanic Serving Institutions (HSI) of higher education 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 purpose of the Title I of the Housing and Community Development Act of 1974, as amended.

A. For the purpose 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 where the institution is located.

B. A ''target area'' is the area within the locality in which the institution will implement its proposed HSIAC grant.

C. Listed below are major modifications from the Fiscal Year (FY) 2003 program-funding announcement:

1. This program has a separate NOFA and is no longer a part of the combined Office of Universities Partnerships Program NOFA;

2. All applications must be submitted to: University Partnerships Clearinghouse; c/o Danya International; 8737 Colesville Road, Suite 1200; Silver Spring, MD 20910;

3. Points will no longer be assigned to the budget. However, a budget narrative must be submitted that addresses the total dollar amount reflected on the HUD–424–CB for the entire three-year grant performance period; and

4. Applicants must have drawn down at least 75 percent of the previous grant three weeks prior (not two weeks as stated in the FY 02 NOFA) to the program's application due date to be eligible to apply for funding under this NOFA. It is the applicant's responsibility to make sure this requirement is met.

D. HUD's authority for making this funding available under this NOFA is the Consolidated Appropriations Act, 2004 (Pub. L. 108–199, approved January 23, 2004, 118 Stat. 3). This program is being implemented through this NOFA and the policies governing its operation are contained herein.

II. Award Information

In Fiscal Year (FY) 2004, approximately $6.95 million has been appropriated by the Consolidated Appropriations Act, 2004 (Pub. L. 108–199, January 23, 2004, 118 Stat. 3). The maximum amount an applicant can request for award is $600,000 for a three-year (36 months) grant performance period.

III. Eligibility Information

A. Eligible Applicants

Nonprofit Hispanic-serving institutions of higher education that meet the definition of an HIS of higher education established in Title V of the 1998 Amendments to the Higher Education Act of 1965 (Pub. L. 105–244; enacted October 7, 1998) are eligible to apply for funding under this program. In order to meet this definition, at least 25 percent of the full-time undergraduate students enrolled in an institution must be Hispanic and not less than 50 percent of these Hispanic students must be low-income individuals. Institutions are not required to be on the list of eligible HSIs prepared by the U.S. Department of Education. However, an institution that is not on the list is required to provide a statement in the application that the institution meets the U.S. Department of Education's statutory definition of an HSI. HUD intends to fund at least two eligible HSIAC applications that serve Colonias (as defined in the General Section of the SuperNOFA). While it is not necessary for the institution to be located in a Colonias, all program activities must be directed to the Colonias and its residents. If fewer than two applications are eligible for award these funds will be made available to award additional HSIAC grants.

B. Cost Sharing or Matching

None Required.

C. Other

1. Eligible Activities

Eligible activities are listed in 24 CFR part 570, subpart C, particularly 570.201 through 570.206. Information regarding

these activities can be found at: *www.hudclips.org.*

a. Examples of eligible activities include, but are not limited to:

(1) Acquisition of real property;

(2) Clearance and demolition;

(3) Rehabilitation of residential structures including lead-based paint hazard evaluation and reduction; and encouraging accessible design features in accordance with the requirements of section 504 of the Rehabilitation Act of 1973;

(4) Facilities and improvements, such as water and sewer facilities and streets; including lead-based paint hazard evaluation and reduction; and encouraging compliance accessible with the design and construction requirements of Section 504 of the Rehabilitation Act of 1973 and the Fair Housing Act;

(5) Relocation payments and other assistance for permanently and temporarily relocated individuals, families, businesses, nonprofit organizations, and farm operations where the assistance is:

(a) Required under the provisions of 24 CFR 570.606(b) or (c); or

(b) Determined by the grantee to be appropriate under the provisions of 24 CFR 570.606(d);

(6) 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;

(7) Special economic development activities described at 24 CFR 570.203 and assistance to facilitate economic development by providing technical or financial assistance for the establishment, stabilization, and expansion of microenterprises, including minority enterprises;

(8) 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 entitlement grantee, CDBG Neighborhood Revitalization Strategy (NRS) or HUD-approved State CDBG Community Revitalization Strategy (CRS);

(9) Public service activities such as general support activities that can help to stabilize a neighborhood and contribute to sustainable redevelopment of the area, including but not limited to such activities as those concerned with employment, crime prevention, child care, health, drug abuse, education, fair housing counseling, energy conservation, homebuyer down payment assistance, or recreational needs;

(10) Up to 20 percent of the grant for payments of reasonable grant administrative costs related to planning and execution of the project (*e.g.*, preparation/submission of HUD reports). Detailed explanations of these costs are provided in the OMB circulars that can be accessed at the White House Web site at: *www.whitehouse.gov/omb/circulars/index.html;*

(11) 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; and

(12) Activities designed to promote training and employment opportunities (*e.g.*, Neighborhood Networks in federally assisted or insured housing and employment opportunities for lower income persons in connection with Assisted Projects).

b. Eligible activities that may be funded under this program are those activities that meet both a Community Development Block Grant (CDBG) Program national objective and the CDBG eligibility requirements.

c. The three national objectives of the Community Development Block Grant program are:

(1) Benefit to low- or moderate-income persons;

(2) Aid in the prevention or elimination of slums or blight; and

(3) 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.

d. The CDBG publication entitled ''Community Development Block Grant Program Guide to National Objectives and Eligible Activities for Entitlement Communities'' describes the regulations, and a copy can be obtained from HUD's NOFA Information Center at 800–HUD–8929 or 800–HUD–2209 for the hearing-impaired.

2. Threshold Requirements Applicable to All Applicants

All applicants must comply with the threshold requirements as defined in the General Section of the SuperNOFA and the requirements listed below to be evaluated, rated, and ranked.

Applications that do not meet these requirements will be considered ineligible for funding and will be disqualified:

a. The applicant must meet the eligibility requirements as defined in Section III.A, Eligible Applicants.

b. The maximum amount an applicant can request for award is $600,000.

c. In order to meet the definition of a HSIAC, at least 25 percent of the full-time undergraduate student enrolled in an institution must be Hispanic and not less than 50 percent of these Hispanic students must be low-income individuals.

d. Applicants must ensure that not less than 51 percent of the aggregated expenditures of a grant benefit low- and moderate-income persons under the criteria specified in 24 CFR 570.208(a) or 570.208(d)(5) or (6).

e. An individual campus that is one of several campuses of the same institution may apply separately from the other campus as long as the applicant's campus has a separate administrative and budget structure.

f. Only *one* application can be submitted per campus.

g. Institutions that received an HSIAC grant in FY2003 are not eligible to submit an application under this NOFA. If an institution received an HSIAC grant in FY2000, FY2001, or FY2002, the institution may apply under this NOFA as long as it: (a) Propose a different activity (activities) in their current project location, or propose replicating their current project in a new location and (b) have drawn down at least 75 percent of the previous grant three-weeks prior to this program's application due date. It is the applicant's responsibility to make sure that this requirement is met.

h. Applicants must receive a minimum score of 75 points to be considered for funding.

i. An applicant must have a DUNS number to receive HUD grant funds. (The General Section of the SuperNOFA provides information regarding the DUNS requirement.)

3. Program Requirements

In addition to the program requirements listed in the General Section of this SuperNOFA, applicants must meet the following program requirements:

a. All funds awarded under this program must be spent during a three-year (36 months) grant performance period.

b. Applicants that claim leveraging from *any source*, including their own institution, must provide letters of firm commitment, memoranda of

understanding, or agreements evidencing the extent and firmness of commitment of leveraging from other federal (*e.g.*, Department of Labor, AmeriCorps Programs), state, local, and other private sources (including the applicant's own resources). These documents must be dated no earlier than the date of this published NOFA and follow the outline provided for this program in Section V, Application Review Information ''Factor 4: Leveraging Resources'' of this NOFA.

c. Site Control. Where grant funds will be used for acquisition, rehabilitation, or new construction an applicant must demonstrate site control. Funds may be recaptured or deobligated from applicants that cannot demonstrate control of a suitable site within one year after the initial notification of award.

d. 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 in accordance with 24 CFR part 50. The results of the environmental review may require that proposed activities be modified or proposed sites be rejected. Applicants 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. An application constitutes an assurance that the 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 alternate property; and will not acquire, rehabilitate, convert, demolish, 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's written approval of the property is received. In supplying HUD with environmental information, applicants should use the same guidance as provided in the HUD Notice CPD–99–01 entitled ''Field Environmental Review Processing for HUD Colonias Initiative (HCI) Grants'' issued January 27, 1999. The General Section of the SuperNOFA provides further discussion of the environmental requirements. Further information and assistance on HUD's environmental requirements is available at: *http://www.hud.gov/offices/cpd/energyenviron/environment/index.cfm.*

e. Labor Standards. Institutions and their sub-grantees, contractors, and subcontractors must comply with the labor standards (Davis-Bacon) requirements referenced in 24 CFR 570.603.

IV. Application and Submission Information

A. Addresses To Request Application Package

Applicants may request general information, copies of the General Section, and Program Sections of the SuperNOFA from the NOFA Information Center by calling 800–HUD–8929 or 800–HUD–2209 (TTY) between the hours of 9 a.m. and 8 p.m. (Eastern Time) Monday through Friday, except on federal holidays. When requesting information, please refer to the Hispanic-Serving Institutions Assisting Communities Program. Be sure to provide your name, address (including ZIP code), and telephone number (including area code). To ensure sufficient time to prepare an application, requests for copies of this NOFA can be made immediately following publication of the SuperNOFA. The NOFA Information Center opens for business simultaneously with the publication of HUD's 2004 NOFA. Applicants can also obtain information on this SuperNOFA and download application information for this SuperNOFA through the HUD Web site, *www.hud.gov.*

B. Content and Form of Application Submission

A complete application package must include an original signed application, three copies, and one computer disk of the application (in Word 6.0 or higher) of the items listed below. (The computer disk must include the narrative portion of the application and all required forms. Forms can be downloaded from the Web site, *http//:www.hud.gov.*) In order to recycle paper, applications must not be submitted in bound form; binder clips or loose-leaf binders are acceptable. Please do not use colored paper. Applications must be submitted on 8½ by 11-inch paper, double-spaced on one side of the paper, with one-inch margins (from top, bottom, left and right) and printed in a standard Times New Roman 12-point font. Each page must include the applicant's name and be numbered. Each section must be tabbed sequentially. The application narrative, tables, and maps, must not exceed 75 pages (excluding forms, budget narrative, assurances, commitment letters, memoranda of understanding, agreements, and abstract). The double-spacing requirement applies to the application narrative (excluding the abstract, tables, maps, budget narrative, commitment letters, memoranda of understanding, and agreements). Please note that although submitting pages in excess of the page limit will not disqualify an application, HUD will not consider the information on any excess pages. This may result in a lower score or failure to meet a threshold requirement. Except where a particular form may direct otherwise, all forms included in an application, as well as the transmittal letter, must be signed by the Chief Executive Officer (this is generally the President or Provost) or an official authorized legally to make a commitment on behalf of the institution. If a designee signs, the application must contain a copy of the official designation of signatory authority.

Please include in your application each item in the order listed below:

1. *SF–424, Application for Federal Assistance.* Instructions for completing this form are found on the back of the first page of the form. Please remember the following:

a. The full grant amount (entire three years) should be entered, not the amount for just one year;

b. Include the name, title, address, telephone number, facsimile number, and email address of the designated contact. This is the person who will receive the reviewers' comments; therefore, please ensure the accuracy of the information;

c. The Employer Identification/Tax ID;

d. The DUNS Number;

e. The Catalog of Federal Domestic Assistance Number for this program is 14.514;

f. The project's proposed start date and completion date. For the purpose of this application, the program start date should be October 1, 2004; and

g. The signature of an authorized official (an individual who has the authority to make a binding commitment on behalf of the institution).

2. *Transmittal Letter.* The letter must contain a statement that the institution is an eligible institution because it is a two-or four-year fully accredited institution. The letter should state the name of the accrediting agency, and that the accrediting agency is recognized by the U.S. Department of Education. Applicants may also use the transmittal letter as one way to demonstrate the President's commitment to the institutionalization of the program. The *Chief Executive Officer* (usually the President or Provost) of the institution must sign this letter. If the Chief Executive Officer has delegated this responsibility to another official, that person may sign, but a copy of the

delegation of authority must be included or clearly stated in the letter.

3. *Application Checklist.* Applicants must include the completed checklist in their application. On the checklist, the applicant must indicate the page number where each of the items can be found in the application (See Appendix A).

4. *Abstract.* Applicants must include no more than a two-page summary of the proposed project. Please include the following:

a. A clear description of the proposed project activities, the target population that will be assisted, and the impact this project will have on the institution;

b. The designated contact person, including phone number, facsimile number, and email address (This is the person who will receive the reviewers' comments; therefore, please ensure the accuracy of the information);

c. University's name, department, mailing address, telephone number, facsimile number, and email address; and

d. The principal investigator, if different from the designated contact person, for the project, including phone number, facsimile number, and email address.

5. *Narrative statement addressing the Factors for Award.* HUD will use the narrative response to the ''Factors for Award'' to evaluate, rate, and rank applications. The statement and work plan are the main source of information. Applicants are advised to review each factor carefully for program specific requirements. The response to each factor should be concise and contain only information relevant to the factor, but detailed enough to address each factor fully. Please do not repeat material in response to the five factors; instead, focus on how well the proposal responds to each of the factors. In factors where there are subfactors, each subfactor must be presented separately, with the short title of the subfactor presented. Make sure to address each subfactor and provide sufficient information about every element of the subfactor.

6. *Budget.* The budget submission must be placed behind the narrative statement addressing the ''Factors for Award'' and include the following form:

a. HUD–424–CB, ''Grant Application Detailed Budget.'' This budget form shows the total budget by year and by line item for the program activities to be carried out with the proposed HUD grant. Each year of the program should be presented separately. Applicants must also submit this form to reflect the total cost for the entire grant performance period (Grand Total).

Make sure that the amount shown on the SF–424, the HUD–424–CB, and on all other required program forms is consistent and the budget totals are correct. Remember to check addition in totaling the categories on the HUD–424–CB form so that all items are included in the total. If there is an inconsistency between any of the forms required, the HUD–424–C will be used. All budget forms must be completed in full. If an application is selected for award, the applicant may be required to provide greater specificity to the budget during grant agreement negotiations.

b. Budget Narrative. A narrative must be submitted that explains how the applicant arrived at the cost estimates for any line item over $5,000. For example, an applicant proposes to construct a building using HUD funding totaling $200,000. The following costs estimate reflects this total. Foundation cost $75,000, electrical work $40,000, plumbing work $40,000, finishing work $35,000, and landscaping $10,000. 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 proposed in the geographical area. When necessary, quotes from various vendors or historical data should be used and included. All direct labor or salaries must be supported with mandated city/state pay scales, the Davis-Bacon rate, (if applicable) or other documentation. When an applicant proposes to use a consultant, the applicant must indicate whether there is a formal agreement or written procurement policy. For each consultant, please provide the name, if known, hourly or daily rate, and the estimated time on the project. Applicants must submit a cost estimate from a qualified firm (*e.g.*, Architectural or Engineering), vendor, and/or qualified individual (*e.g.*, independent architect) other than the institution for projects that involve rehabilitation of residential, commercial and/or industrial structures; and/or acquisition, construction, or installation of public facilities and improvements. Such an entity must be involved in the business of housing rehabilitation, construction and/or management. Equipment and contracts cannot be presented as a total estimated figure. For equipment, applicants must provide a list by type and cost for each item. Applicants using contracts must provide an individual description and cost estimate for each contract.

c. Indirect costs. Indirect costs, if applicable, are allowable based on an established approved indirect cost rate. Applicants should include a copy of their indirect cost rate agreement with their application. Applicants who are selected for funding that do not have an approved indirect cost rate agreement (established by the cognizant federal agency, Certified Public Account, or auditor) will be required to establish a rate. In such cases, HUD will issue an award with a provisional rate and enter into an agreement to have one established.

d. Audits. Applicants must ensure that their most current A–133 audit is on file at the Federal Audit Clearinghouse. Grantees that expend $500,000 or more in federal financial assistances in a single year (this can be program year or fiscal year) must be audited in accordance with the OMB requirements as established in 24 CFR parts 84 and 85. Applicants can access additional information regarding this requirement at the following Web site, *http://harvester.census.gov/sac.*

7. *Appendix.* Applicants must place all letters of commitment, memoranda of understanding, and agreements for funds/resources in response to Factor 4 in this section. An applicant may not submit general support letters or resumes or other back-up materials (unless an applicant is willing to have the additional material count toward the page limits).

C. Submission Dates and Times

A complete application package is due on or before June 25, 2004. Please see the General Section of the SuperNOFA for application submission, delivery and timely receipt requirements.

D. Intergovernmental Review

This program is excluded from an Intergovernmental Review.

E. Funding Restrictions

Ineligible CDBG Activities are listed at 24 CFR 570.207. Funding may only be provided to applicants that meet the standards for eligible applicants in Section III. A.

F. Other Submission Requirements

1. Complete Application Package

This package must be submitted to the following address: University Partnerships Clearinghouse; c/o Danya International; 8737 Colesville Road, Suite 1200; Silver Spring, MD 20910. When submitting an application package, include the following information on the outside of the envelope:

a. Office of University Partnerships;

b. Hispanic Serving-Institutions Assisting Communities Program; and

c. Applicant's name and mailing address (including zip code). Applicants must refer to the General Section of this SuperNOFA for detailed requirements governing application submission and receipt.

2. Forms, Certifications, and Assurances

The following certifications and assurances must be included in *all* application packages. These forms must be signed by the Chief Executive Officer (or official designee) of the institution and can be downloaded from: *http://www.hud.gov.*

a. Application for Federal Assistance (SF–424).

b. Applicant Assurances and Certifications (HUD–424–B).

c. Grant Application Detailed Budget (HUD–424–CB).

d. Disclosure of Lobbying Activities (SF–LLL).

e. America's Affordable Communities Initiative Removal of Regulatory Barriers (HUD–27300), if applicable.

f. Applicant/Recipient Disclosure/Update Report (HUD–2880).

g. Certification of Consistency with the Consolidated Plan (HUD–2991).

h. Certification of Consistency with the EZ/EC/RC Strategic Plan (HUD–2990). Must be signed by the certifying official of the EZ/EC/RC. The General Section of the SuperNOFA provides procedures and guidelines required to certify that proposed grant activities are being conducted in the EZ/EC/RC that serve the residents of these areas, and are certified to be consistent with the area's strategic plan.

i. Program Logic Model (HUD–96010).

j. Survey on Equal Opportunity (HUD–32004).

k. Acknowledgment of Receipt of Application (HUD–2993). To confirm that HUD has received the application package, please complete this form. Applicants are not required to include this form, but it is recommended that an applicant do so.

l. Client Comments and Suggestions (HUD–2994). This form is included to solicit information from the most valuable source, the applicant. The changes that we have instituted this year are designed to make things easier for the applicant. If applicants complete and submit this form, it will help us to assess whether the changes have had the intended results. It will also guide us in our continuing efforts to improve the competitive grant process. Applicants are not required to complete this form.

V. Application Review Information

A. Criteria

1. Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (25 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:

a. Knowledge and Experience—For Previously Unfunded or First Time Applicants (25 Points) For Previously Funded Applicants (10 Points). 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 this kind of program. Experience will be judged in terms of recent and relevant knowledge and skills of the staff to undertake eligible program activities. HUD will consider experience within the last 5 years to be recent and experience pertaining to specific activities and producing specific accomplishments to be relevant. The following categories will be evaluated:

(1) Undertaking specific successful community development projects with community-based organizations or local governments; and

(2) Providing leadership in solving community problems that have a direct bearing on the proposed activities.

b. Past Performance (15 Points) For Previously Funded Grant Applicants Only. This subfactor will evaluate the extent to which an applicant has performed successfully under all previously completed and open grants HUD HSIAC grant(s). Applicants must be demonstrate this by providing the following information:

(1) A detailed list outlining the achievement of specific measurable objectives and outcomes consistent with the approved timeline/work plan in previous grants;

(2) Comparison of the proposed required leveraged funds and/or resources in previous grants with what was actually leveraged; and

(3) A list of all HUD/HSIAC grants received, including the dollar amount awarded and the amount expended as of the date of this application.

2. Rating Factor 2: Need/Extent of the Problem (10 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(s) in the target area. The need(s) described must be relevant to the activities for which funds are being requested. The proposal will be evaluated on the extent to which the level of need for the proposed activities and the importance of meeting the need(s) are documented.

Applicants must use statistics or other analyses contained in at least one or more current data sources that are sound and reliable. The data provided must be current and specific to the area where the proposed project activities will be carried out. Sources for localized data can be found at *www.ffiec.gov or www.econdata.com.*

In rating this factor, HUD will consider data collected within the last five years to be current. To the extent that the targeted community's Five 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, applicants should include references to these documents in the response to this factor.

Other reliable data sources include, but are not limited to Census reports, HUD Continuum of Care gap analysis and its E-MAP (*www.hud.gov/emaps*), law enforcement agency crime reports, Public Housing Agencies' Comprehensive Plans, community needs analyses such as provided by the United Way, the applicant's institution, and other sound and reliable appropriate sources. Needs in terms of fulfilling court orders or consent decrees, settlements, conciliation agreements, and voluntary compliance agreements may also be addressed.

3. Rating Factor 3: Soundness of Approach (43 Points). This factor addresses the quality and effectiveness of the proposed work plan, the commitment of the institution to sustain the proposed activities, actions regarding HUD's priorities, goals and objectives, and affirmatively furthering fair housing

This factor will be evaluated based on the extent to which the proposed work plan demonstrates the following:

a. (32 Points) Quality of the Work Plan. This subfactor will be evaluated on the extent to which an applicant provides a clear outline of the proposed project and anticipated accomplishments.

(1) Specific Services and/or Activities. The work plan must describe all proposed activities and major tasks required to successfully implement the proposed project. HUD will consider the probability of success of the program, the significance of the tasks identified, how realistic are the proposed time frames, and who will be responsible for completing each proposed activity.

(a) Describe each proposed activity and the tasks required to successfully implement and complete the proposed activities in measurable terms (*e.g.*, the

number of persons to trained and employed; houses to be built or rehabilitated; or minority owned businesses to be started, etc.);

(b) List the CDBG national objective each proposed activity is designed to address and how this will be accomplished;

(c) Include target completion dates for each activity/task (in 6 month intervals, up to 36 months); and

(d) Identify the staff member, as described in Factor 1, who will be responsible for completing each activity/task.

(2) Describe how each proposed activity will:

(a) Expand the role of the institution in its community;

(b) Alleviate and/or fulfill the needs identified in Factor 2;

(c) Relate to and not duplicate other activities in the target area. Duplicative effort will be acceptable only if an applicant can demonstrate through documentation that there is a population in need that is not being served; and

(d) Involve and empower citizens of the target area the proposed project.

b. (5 Points) Involvement of the Faculty and Students. The applicant must describe the extent to which it proposes to integrate the institution's students and faculty into proposed project activities.

c. (3 Points) HUD Policy Priorities. HUD encourages applicants to undertake specific activities that will assist the Department in implementing its policy priorities and which will help the Department achieve its goals and objectives in FY2005, when the majority of grant recipients will be reporting programmatic results and achievements. In addressing this factor, HUD will evaluate the extent to which a program will further and support HUD's priorities. The quality of the responses provided to one or more of HUD's priorities will determine the score an applicant can receive. Applicants must describe how each policy priority selected will be addressed.

Applicants that just list a priority will receive no points. Each policy priority addressed has a point value of one point with the exception of the policy priority to remove regulatory barriers to affordable housing, which has a point value of up to 2 points. The total number of points available to applicants that address policy priorities is 3. It is up to the applicant to determine which of the policy priorities they elect to address to receive the available 3 points. To receive points for efforts to remove regulatory barriers to affordable housing, an applicant must submit the completed questionnaire found in the General Section. (Form HUD–27300). For the full list and explanation of each policy priority, please refer to the General Section of this SuperNOFA.

d. (3 Points) Affirmatively Furthering Fair Housing. This subfactor will be evaluated on the extent to which an applicant describes how it proposes to undertake activities designed to affirmatively further fair housing, for example:

(1) 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;

(2) 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

(3) Providing housing mobility counseling services.

4. Rating Factor 4: Leveraging Resources (10 Points). This factor addresses the ability of the applicant to secure resources that can be combined with HUD's grant funds to achieve the program's purpose.

In evaluating this factor, HUD will consider the extent to which the applicant established partnerships with other entities to secure additional resources to increase the effectiveness of the proposed project activities. Resources may include funding or in-kind contributions, such as services or equipment, allocated to the purpose(s) of the grant. Resources may be provided by governmental entities, public or private nonprofit organizations, for-profit private organizations, or other entities. Applicants may also establish partnerships with other program funding recipients to coordinate the use of resources in the target area. Overhead and other institutional costs (*e.g.*, salaries, indirect costs, etc.) that the institution has waived may be counted.

Examples of potential sources for outside assistance includes:

- Federal, state, and local governments.
- Public Housing Authorities.
- Local or national nonprofit organizations.
- Financial Institutions and/or private businesses.
- Foundations.
- Faith-based and other community-based organizations.

For each cash or in-kind contribution to the program a letter of commitment, memorandum of understanding, or agreement must be provided that shows the extent and firmness of the commitment of leveraged funds (including any commitment of resources from the applicant's own institution) in order for these resources to count in determining points under this factor. Resources will not be counted for which there is no commitment letter, memorandum of understanding, or agreement, nor quantified level of commitment. Letters, memoranda of understanding, or agreements must be submitted from the provider on the provider's letterhead and be included with the application package (Applicants must place all letters, memoranda of understanding, or agreements in the Appendices). The date of the letter, memorandum of understanding, or agreement from the CEO of the provider organization must be dated no earlier than the date of this published SuperNOFA. Applications that do not include evidence of leveraging will receive zero (0) points for this Factor.

a. A firm commitment letter, memorandum of understanding, or agreement must address the following:

(1) The cash amount contributed or dollar value of the in-kind goods and /or services committed;

(2) A specific description of how the contribution is to be used;

(3) The date the contribution will be made available and a statement that describes the duration of the contribution;

(4) Any terms or conditions affecting the commitment, other than receipt of a HUD grant; and

(5) The signature of the appropriate executive officer authorized to commit the funds and/or goods and/or services. Please remember that only items eligible for funding under this program can be counted.

5. Rating Factor 5: Achieving Results and Program Evaluation (12 Points). This factor reflects HUD's goal to embrace high standards of management and accountability. It measures the applicant's commitment to assess their performance to achieve the program's proposed objectives and goals. Applicants are required to develop an effective, quantifiable, outcome oriented evaluation plan for measuring performance and determining that objectives and goals have been achieved.

''Outcomes'' are benefits accruing to institutions of higher education and/or communities during or after participation in the HSIAC program. Applicants must clearly identify the outcomes to be measured and achieved. Examples of outcomes include increased employment opportunities in the target community by a certain

percentage, or enhanced family stability through the creation of affordable housing opportunities.

In addition, applicants must establish interim benchmarks and outputs that lead to the ultimate achievement of outcomes. ''Outputs'' are the direct products of the program's activities. Examples of outputs are the number of new affordable housing units, the number of homes that have been renovated, the number of community facilities that been constructed or rehabilitated. Outputs should produce outcomes for the program. At a minimum an applicant must address the following activities in the evaluation plan:

a. 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;

b. Measurable impacts the grant will have on the community in general and the target area or population; and

c. The impact the grant will have on assisting the university to obtain additional resources to continue this type of work at the end of the grant performance period.

This information must be placed under this section on a HUD–96010, Program Outcome Logic Model form. (Applicants may use as many copies of this form as required. It will not be included in the page count requirement). A narrative is not required; however, if a narrative is provided, those pages will be included in the page count. Additional information on this form and how to use it can be found in the General Section of this SuperNOFA.

B. Review and Selection Process

1. Application Selection Process

Two types of reviews will be conducted:

a. A threshold review to determine an applicant's basic eligibility; and

b. A technical review for all applications that pass the threshold review to rate and rank the application based on the ''Factors for Award'' listed in Section V, A. above.

Only those applications that pass the threshold review will receive a technical review and be rated and ranked.

2. Rating Panels. To review and rate applications, HUD may establish panels, which may include experts or consultants not currently employed by HUD. These individuals may be included to obtain certain expertise.

3. Ranking. HUD will fund applications in rank order, until all available program funds are awarded. In order to be funded, an applicant must receive a minimum score of 75 points out of a possible 100 points for Factors 1 through 5. In addition, two bonus points may be awarded for RC/EZ/EC, as described in the General Section of the SuperNOFA. 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 1, Capacity of the Applicant and Relevant Organizational Experience, shall be selected. HUD reserves the right to make selections out of rank order to provide for geographic distribution of grantees. HUD also reserves the right to reduce the amount of funding requested in order to fund as many highly ranked applications as possible. Additionally, if funds remain after funding the highest ranked applications, HUD may fund part of the next highest-ranking application. If an applicant turns 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, the remaining funds will be carried over to the next funding cycle's competition.

4. Correction to Deficient Applications. The General Section of the SuperNOFA provides the procedures for correction to deficient applications.

C. Anticipated Announcement and Award Dates

Announcements of awards are anticipated on or before September 30, 2004.

VI. Award Administration Information

A. Award Notice

After all selections have been made, HUD will notify all winning applicants in writing. HUD may require winning applicants to participate in additional negotiations before receiving an official award. For further discussion on this matter, please refer to the General Section of the SuperNOFA.

B. Administrative and National Policy Requirements

The provisions of the HUD Reform Act of 1989 that apply to this NOFA are explained in the General Section of the SuperNOFA.

1. Debriefing:

The General Section of the SuperNOFA provides the procedures for requesting a debriefing. All requests for debriefings must be made in writing and submitted to: Armand Carriere; Office of University Partnerships; Robert C. Weaver Federal Building; 451 Seventh Street, SW., Room 8106; Washington, DC 20410. Applicants may also write to Mr. Carriere via e-mail at *Armand_W._Carriere@hud.gov.*

2. Administrative:

Grants awarded under this NOFA 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). Applicants can access the OMB circulars at the White House website at *www.whitehouse.gov/omb/circulars/index.html.*

3. OMB Circulars and Governmentwide Regulations Applicable to Financial Assistance Programs:

The General Section of this SuperNOFA provides further discussion on this matter.

4. Executive Order 13202, Preservation of Open Competition and Government Neutrality Towards, Government Contractor's Labor Relations on Federal and Federally Funded Construction Projects: See the General Section of the SuperNOFA for further discussion.

5. Economic Opportunities for Low- and Very Low-Income Persons (Section 3)

The provisions of Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) apply to this NOFA. Regulations may be found at 24 CFR part 135.

6. Executive Order 13166, Improving Access to Services For Persons With Limited English Proficiency (LEP):

See the General Section of the SuperNOFA for further discussion.

7. Conflicts of Interest:

See the General Section of this SuperNOFA for further discussion.

C. Reporting

All grant recipients under this NOFA are required to submit semi-annual progress reports. The progress reports shall consist of two components, a narrative that must reflect the activities undertaken during the reporting period and a financial report that reflects costs incurred during the reporting period as well as a cumulative summary.

For each reporting period, as part of the required report to HUD, grant recipients must include a completed Logic Model (form HUD 96010), which identifies output and outcome achievements.

VII. Agency Contacts

Applicants may contact Madlyn Wohlman-Rodriguez at (202) 708–3061, extension 5939 or Susan Brunson, at (202) 708–3061, extension 3852. Persons with speech or hearing impairments may call the Federal Information Relay Service (TTY) at (800) 877–8339. Except for the ''800'' number, these numbers are not toll-free. Applicants may also reach Ms. Rodriguez via e-mail *at Madlyn_S._Wohlman-Rodriguez@hud.gov*, and/or Ms. Brunson at *Susan_S._Brunson@hud.gov.*

VIII. Other Information

Paperwork Reduction Act

The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2528–0198. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average 59 hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application semi-annual and final reports. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

BILLING CODE 4210–32–P

Attachment A--Application Checklist
HSIAC
Application Checklist

This checklist identifies application submission requirements. Applicants are requested to use this checklist when preparing an application to ensure submission of all required elements. Please present the information in the application in the order outlined below and indicate on each line the page number where each of the items can be found in the application. Standard Forms and required certification are found in the **General Section** of this SuperNOFA and can be downloaded from HUD's website, www.hud.gov.

I. PART A

_____ SF-424 "Application For Federal Assistance"

_____ Transmittal Letter

_____ Application Checklist

_____ Abstract (no more than a two-page summary of the proposed project)

_____ Narrative Statement addressing the Factors for Award. The narrative must not exceed 75 pages, (excluding forms, abstracts, tables, maps, budget narrative, assurances, commitment letters, memoranda of understanding, agreements) double-spaced on one side, with one-inch margins (from the top, bottom, left and right) printed in standard Times New Roman 12-point font).

_____ HUD 96010 "Logic Model"

_____ Budget

____HUD 424-CB" Grant Application Detailed Budget"

____Budget Narrative (No form provided and must be submitted for the total three-year grant period)

____ Indirect Cost Rate

_____ Appendix (letters of commitment, memoranda of understanding, or agreements)

_____ Computer disk

II. PART B (All Required Forms)

The following required certifications and assurance can be downloaded from HUD's website *www.hud.gov*.

_____ SF-424 "Application For Federal Assistance"

_____ HUD-424-B "Applicant Assurance and Certifications"

_____ HUD-424-CB" Grant Application Detailed Budget"

_____ SF-LLL "Disclosure of Lobbying Activities"

_____ HUD-27300 "America's Affordable Communities Initiative Removal of Regulatory Barriers" (if applicable)

_____ HUD-2880 "Applicant/Recipient Disclosure Update Report"

_____ HUD-2993 "Acknowledgement of Applicant Receipt"

_____ HUD-2994 "Client Comments and Suggestions"

_____ SF-424 Supplement "Survey on Ensuring Equal Opportunity for Applicants"

_____ HUD-96010 "Logic Model"

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

UNIVERSITIES AND COLLEGES PROGRAMS

ALASKA NATIVE/NATIVE HAWAIIAN INSTITUTIONS ASSISTING COMMUNITIES PROGRAM (AN/NHIAC)

Billing Code 4210-32-C

The Alaska Native/Native Hawaiian Institutions Assisting Communities (AN/NHIAC) Program

Overview Information

A. *Federal Agency Name:* Department of Housing and Urban Development, Office of Policy Development and Research, Office of University Partnerships.

B. *Funding Opportunity Title:* Alaska Native/Native Hawaiian Institutions Assisting Communities (AN/NHIAC) Program.

C. *Announcement Type:* Initial announcement.

D. *Funding Opportunity Numbers:* The **Federal Register** Number for this NOFA is FR–4900–N–23. The OMB Approval Number for this program is 2528–0205.

E. *Catalog of Federal Domestic Assistance (CFDA) Number:* The CFDA Number for this program is 14.515.

F. *Dates:* The application due date shall be on or before July 9, 2004. Please see the General Section of the SuperNOFA for application submission, delivery, and timely, receipt requirements.

G. *Additional Overview Content Information:*

1. *Purpose of the Program:* The Alaska Native/Native Hawaiian Institutions Assisting Communities (AN/NHIAC) Program assists Alaska Native/Native Hawaiian Institutions (AN/NHI) of higher education 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, as amended.

2. *Award Information:* In Fiscal Year (FY) 2004, approximately $3.479 million has been appropriated for this program by the Consolidated Appropriations Act, 2004 (Pub. L. 108–199, approved January 23, 2004, 118 Stat. 3), plus $3.1 million in previously unexpended funds are being made available for this program. The maximum amount an applicant can request for award is $800,000 for a three-year (36 months) grant performance period.

Approximately $3.2 million is being made available for ANIs and $3.2 million is being made available for NHIs. If funding remains after all eligible ANI applicants are awarded, the remaining funds will be made available to fund eligible NHI applicants. If funding remains after all eligible NHI applicants are awarded, the remaining funds will be made available to fund eligible ANI applicants.

3. *Eligible Applicants:* 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; approved October 7, 1998) are eligible to apply for funding under this program. Institutions are not required to be on the list of eligible AN/NHIs prepared by the U.S. Department of Education. However, an institution that is not on the list is required to provide a statement in the application that the institution meets the U.S. Department of Education's statutory definition of an AN/NHI institution.

Full Text of Announcement

I. Funding Opportunity Description

The purpose of the Alaska Native/Native Hawaiian Institutions Assisting Communities (AN/NHIAC) Program is to assist Alaska Native/Native Hawaiian Institutions (AN/NHI) of higher education 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, as amended. Listed below are major modifications from the Fiscal Year (FY) 2003 program-funding announcement:

1. This program has a separate NOFA and is no longer a part of the combined Office of Universities Partnerships Program NOFA.

2. All applications must be mailed to: University Partnerships Clearinghouse; c/o Danya International; 8737 Colesville Road, Suite 1200; Silver Spring, MD 20910.

3. Points will no longer be assigned to the budget. However, a budget narrative must be submitted that addresses the total dollar amount reflected on the HUD–424–CB for the entire three-year grant performance period.

4. If an applicant is one of several campuses of the same institution, the applicant may apply separately from the other campuses as long as each campus has a separate administrative structure and budget and meets the enrollment test.

5. Applicants can only submit *one* application per campus.

HUD's authority for making funding available under this NOFA is the Consolidated Appropriations Act, 2004 (Pub. L. 108–199, approved January 23, 2004, 118 Stat. 3). This program is being implemented through this NOFA and the policies governing its operation are contained herein.

II. Award Information

In Fiscal Year (FY) 2004, approximately $3.479 million has been appropriated for this program by the Consolidated Appropriations Act, 2004 (Pub. L. 108–199, January 23, 2004, 118 Stat. 3), plus $3.1 million in previously unexpended funds are being made available for this program. HUD will award two kinds of grants under this program, grants to Alaska Native Institutions (ANI) and grants to Native Hawaiian Institutions (NHI). The maximum amount an applicant can request for award is $800,000 for a three-year (36 months) grant performance period. Approximately $3.2 million is being made available for ANIs. If funding remains after all eligible ANI applicants are awarded, the remaining funds will be made available to fund eligible NHI applicants. Approximately $3.2 million is being made available for NHIs. If funding remains after all eligible NHI applicants are awarded, the remaining funds will be made available to award eligible ANI applicants.

III. Eligibility Information

A. Eligible Applicants

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) are eligible to apply for funding under this program. Institutions are not required to be on the list of eligible AN/NHIs prepared by the U.S. Department of Education. However, an institution that is not on the list is required to provide a statement in the application that the institution meets the U.S. Department of Education's statutory definition of an AN/NHI institution. If an applicant is one of several campuses of the same institution, the applicant may apply separately from the other campuses as long as each campus has a separate administrative structure and budget and meets the enrollment test.

B. Cost Sharing or Matching

None Required.

C. Other

1. Eligible Activities

Eligible activities are listed in 24 CFR part 570, subpart C, particularly § 570.201 through § 570.206. Information regarding these activities can be found at: *www.hudclips.org.*

a. Examples of eligible activities include, but are not limited to:

(1) Acquisition of real property;

(2) Clearance and demolition;

(3) Rehabilitation of residential structures, including lead-based paint hazard evaluation and reduction, and encouraging accessible design features in accordance with the requirements of section 504 of the Rehabilitation Act of 1973;

(4) Acquisition, construction, reconstruction, rehabilitation, or installation of public facilities and improvements, such as water and sewer facilities and streets; including lead-based paint hazard evaluation and reduction; and encouraging compliance accessible with the design and construction requirements of Section 504 of the Rehabilitation Act of 1973 and the Fair Housing Act;

(5) 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;

(6) Special economic development activities described at 24 CFR 570.203 and assistance to facilitate economic development by providing technical or financial assistance for the establishment, stabilization, and expansion of microenterprises, including minority enterprises;

(7) Assistance to community-based development organizations (CBDO) to carry out CDBG neighborhood revitalization, community economic development, or energy conservation projects, 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);

(8) Public service activities such as general support activities that can help to stabilize a neighborhood and contribute to sustainable redevelopment of the area, including but not limited to such activities as those concerned with employment, crime prevention, child care, health, drug abuse, education, fair housing counseling, energy conservation, homebuyer down payment assistance, or recreational needs;

(9) 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;

(10) Up to 20 percent of the grant for payments of reasonable grant administrative costs related to planning and execution of the project (*e.g.*, preparation/submission of HUD reports). Detailed explanations of these costs are provided in the OMB circulars that can be accessed at the White House Web site at: *www.whitehouse.gov/omb/circulars/index.html*; and

(11) Activities designed to promote training and employment opportunities (*e.g.*, Neighborhood Networks in federally assisted or insured housing and employment opportunities for lower income persons in connection with assisted projects).

b. Eligible activities that may be funded under this program are those activities that meet both the Community Development Block Grant (CDBG) Program national objective and the CDBG eligibility requirements.

c. The three national objectives of the Community Development Block Grant program are:

(1) Benefit to low- or moderate-income persons;

(2) Aid in the prevention or elimination of slums or blight; and

(3) 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.

d. The CDBG publication entitled ''Community Development Block Grant Program Guide to National Objectives and Eligible Activities for Entitlement Communities'' describes the regulations, and a copy can be obtained from HUD's NOFA Information Center at 800–HUD–8929 or 800–HUD–2209 for the hearing- or speech-impaired.

2. Threshold Requirements Applicable to all Applicants.

All applicants must comply with the threshold requirements as defined in the General Section of the SuperNOFA and the requirements listed below to be evaluated, rated, and ranked. Applications that do not meet these requirements will be considered ineligible for funding and will be disqualified:

a. The applicant must meet the eligibility requirements as defined in Section III.A, ''Eligible Applicants''.

b. The maximum amount an applicant can request for award is $800,000.

c. In order to meet the definition of an Alaska Native Institution, at least 20 percent of the undergraduate headcount enrollment must be Alaska Native students. If an applicant is a Native Hawaiian institution, in order to meet this definition, at least 10 percent of the undergraduate headcount enrollment must be Native Hawaiian students.

d. Applicants must ensure that not less than 51 percent of the aggregated expenditures of a grant benefit low- and moderate-income persons under the criteria specified in 24 CFR 570.208(a) or 570.208(d)(5) or (6).

e. An individual campus that is one of several campuses of the same institution may apply separately from the other campus as long as the applicant's campus has a separate administrative and budget structure.

f. Only *one* application can be submitted per campus.

g. Institutions that received grants in FY2003 are not eligible to submit an application under this NOFA.

h. Applicants must receive a minimum score of 75 points to be considered for funding.

i. An applicant must have a DUNS number to receive HUD grant funds. (The General Section of the SuperNOFA provides information regarding the DUNS requirement).

3. Program Requirements.

In addition to the program requirements listed in the General Section of the SuperNOFA, applicants must meet the following program requirements:

a. All funds awarded under this program must be spent during a three-year (36 months) grant performance period.

b. Applicants that claim leveraging from *any source*, including their own institution, must provide letters of firm commitment, memoranda of understanding, or agreements evidencing the extent and firmness of the commitment of leveraging from other federal (*e.g.*, Department of Education, AmeriCorps Programs, etc.), state, local governments, and other private sources (including the applicant's own resources). These documents must be dated no earlier than the date of this published NOFA and follow the outline provided for this program in Section V, Application

Review Information, ''Factor 4: Leveraging Resources'' of this NOFA.

c. Site Control. Where grant funds will be used for acquisition, rehabilitation, or new construction an applicant must demonstrate site control. Funds may be recaptured or deobligated from applicants that cannot demonstrate control of a suitable site within one year after the initial notification of award.

d. 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 in accordance with 24 CFR part 50. The results of the environmental review may require that proposed activities be modified or proposed sites be rejected. Applicants 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. An application constitutes an assurance that the 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 alternate property; and will not acquire, rehabilitate, convert, demolish, 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's written approval of the property is received. In supplying HUD with environmental information, applicants should use the same guidance as provided in the HUD Notice CPD–99–01 entitled ''Field Environmental Review Processing for HUD Colonias Initiative (HCI) Grants'' issued January 27, 1999. The General Section of the SuperNOFA provides further discussion of the environmental requirements. Further information and assistance on HUD's environmental requirements is available at: *http://www.hud.gov/offices/cpd/energyenviron/environment/index.cfm*.

e. Labor Standards. Institutions and their subgrantees, contractors, and subcontractors must comply with the labor standards (Davis-Bacon) requirements referenced in 24 CFR 570.603.

IV. Application and Submission Information

A. Addresses To Request Application Package

Applicants may request general information, copies of the General Section and Program Sections of the SuperNOFA from the NOFA Information Center, 800–HUD–8929 or 800–HUD–2209 (TTY) between the hours of 9 a.m. and 8 p.m. (Eastern Time) Monday through Friday, except on Federal holidays. When requesting information, please refer to the Alaska Native/Native Hawaiian Institutions Assisting Communities Program. Be sure to provide your name, address (including ZIP code), and telephone number (including area code). To ensure sufficient time to prepare an application, requests for copies of the NOFA can be made immediately following publication of the SuperNOFA. The NOFA Information Center opens for business simultaneously with the publication of HUD's 2004 NOFA. Applicants can also obtain information on the SuperNOFA and download application information for it through the HUD Web site at *http://www.hud.gov*.

B. Content and Form of Application Submission

1. *Complete Application.* A complete application package must include an original signed application, three copies, and one computer disk of the application (in Word 6.0 or higher) of the items listed below. (The computer disk must include the narrative portion of the application, and all required forms. Forms can be downloaded from the following Web site *http://www.hud.gov*.) In order to recycle paper, applications must not be submitted in bound form; binder clips or loose-leaf binders are acceptable. Please do not use colored paper. Applications must be submitted on 8½ by 11-inch paper, double-spaced on one side of the paper, with one-inch margins (from top, bottom, left and right) and printed in a standard Times New Roman 12-point font. Each page must include the applicant's name and be numbered. Each section must be tabbed sequentially. The application narrative, tables, and maps, must not exceed 75 pages (excluding forms, budget narrative, assurances, commitment letters, memoranda of understanding, agreements, and abstract). The double-spacing requirement applies to the application narrative (excluding the abstract, tables, maps, budget narrative, commitment letters, memoranda of understanding, and agreements). Please note that although submitting pages in excess of the page limit will not disqualify an application, HUD will not consider the information on any excess pages. This may result in a lower score or failure to meet a threshold requirement. Except where a particular form may direct otherwise, all forms included in an application, as well as the transmittal letter, must be signed by the Chief Executive Officer (this is generally the President or Provost) or an official authorized legally to make a commitment on behalf of the institution. If a designee signs, the application must contain a copy of the official designation of signatory authority.

Please include in your application each item in the order listed below:

1. *SF–424, Application for Federal Assistance.* Instructions for completing this form are found on the back of the first page of the form. Please remember the following:

a. The full grant amount (entire three years) should be entered, not the amount for just one year;

b. Include the name, title, address, telephone number, facsimile number, and email address of the designated contact. This is the person who will receive the reviewers' comments; therefore, please ensure the accuracy of the information;

c. The Employer Identification/Tax ID number;

d. The DUNS Number;

e. The Catalog of Federal Domestic Assistance Number for this program is 14.515;

f. The project's proposed start date and completion date. For the purpose of this application, the program start date should be October 1, 2004; and

g. The signature of an authorized official (an individual who has the authority to make a binding commitment on behalf of the institution).

2. *Transmittal Letter.* The letter should contain a statement that the institution is an eligible institution because it is a two- or four-year fully accredited institution. This letter should state the name of the accrediting agency, and that the accrediting agency is recognized by the U.S. Department of Education. Applicants can also use the transmittal letter as one way to demonstrate the President's commitment to the institutionalization of the program. The *Chief Executive Officer* (usually the President or Provost) of the institution must sign this letter. If the Chief Executive Officer has delegated this responsibility to another official, that person may sign, but a copy of the delegation of authority must be included or clearly stated in the letter.

3. *Application Checklist.* Applicants must include the completed checklist in their application. On the checklist, applicants must indicate the page number where each of the items can be found in the application (See Appendix A).

4. *Abstract.* Applicants must include no more than a two-page summary of the proposed project. Please include the following:

a. A clear description of the proposed project activities, the target population that will be assisted, and the impact this project will have on the institution;

b. The designated contact person, including phone number, facsimile number, and e-mail address. (This is the person who will receive the reviewers' comments; therefore, please ensure the accuracy of the information);

c. University's name, campus, mailing address, telephone number, facsimile number, and email address; and

d. The principal investigator, if different from the designated contact person, for the project, including phone number, facsimile number, and email address.

5. *Narrative statement addressing the Factors for Award.* HUD will use the narrative response to the ''Factors for Award'' to evaluate, rate, and rank applications. The statement and work plan are the main source of information. Applicants are advised to review each factor carefully for program specific requirements. The response to each factor should be concise and contain only information relevant to the factor, but detailed enough to address each factor fully. Please do not repeat material in response to the five factors; instead, focus on how well the proposal responds to each of the factors. In factors where there are subfactors, each subfactor must be presented separately, with the short title of the subfactor presented. Make sure to address each subfactor and provide sufficient information about every element of the subfactor.

6. *Budget.* The budget submission must be placed behind the narrative statement addressing the ''Factors for Award'' and include the following form:

a. *HUD–424–CB, ''Grant Application Detailed Budget.''* This budget form shows the total budget by year and by line item for the program activities to be carried out with the proposed HUD grant. Each year of the program should be presented separately. Applicants must also submit this form to reflect the total cost for the entire grant performance period (Grand Total).

Make sure that the amount shown on Form SF–424, the HUD–424–CB and on all other required program forms is consistent and the budget totals are correct. Remember to check addition in totaling the categories on the Form HUD–424–CB so that all items are included in the total. All budget forms must be completed in full. If an application is selected for award, the applicant may be required to provide greater specificity to the budget during grant agreement negotiations.

b. *Budget Narrative.* A narrative must be submitted that explains how the applicant arrived at the cost estimates for any line item over $5,000. For example, an applicant proposes to construct a building using HUD funding totaling $200,000. The following costs estimate reflects this total. Foundation cost $75,000, electrical work $40,000, plumbing work $40,000, finishing work $35,000, and landscaping $10,000. 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 proposed in the geographical area. When necessary, quotes from various vendors or historical data should be used and included. When an applicant proposes to use a consultant, the applicant must indicate whether there is a formal agreement or written procurement policy. For each consultant, please provide the name, if known, hourly or daily rate, and the estimated time on the project. Applicants must submit a cost estimate from a qualified firm (*e.g.*, Architectural or Engineering), vendor, and/or qualified individual (*e.g.*, independent architect) other than the institution for projects that involve rehabilitation of residential, commercial and/or industrial structures; and/or acquisition, construction, or installation of public facilities, and improvements. Such an entity must be involved in the business of housing rehabilitation, construction, and/or management. Equipment and contracts cannot be presented as a total estimated figure. For equipment, applicants must provide a list by type and cost for each item. Applicants using contracts must provide an individual description and cost estimate for each contract.

c. *Indirect costs.* Indirect costs, if applicable, are allowable based on an established approved indirect cost rate. Applicants should include a copy of their indirect cost rate agreement with their application. Applicants who are selected for funding that do not have an approved indirect cost rate agreement (established by the cognizant federal agency, Certified Public Account, or auditor) will be required to establish a rate. In such cases, HUD will issue an award with a provisional rate and enter into an agreement to have one established.

d. *Audits.* Applicants must ensure that their most current A–133 audit is on file at the Federal Audit Clearinghouse. Grantees that expend $500,000 or more in federal financial assistance in a single year (this can be program year or fiscal year) must be audited in accordance with the OMB requirements as established in 24 CFR parts 84 and 85. Additional information regarding this requirement can be accessed at the following Web site: *http://harvester.census.gov/sac.*

7. *Appendix.* Applicants must place all letters of commitment, memoranda of understanding, and agreements for funds/resources in response to Factor 4 in this section. An applicant may not submit general support letters or resumes or other back-up materials (unless an applicant is willing to have the additional material count towards the page limits).

C. Submission Dates and Times

A complete application package is due on or before July 9, 2004. Please see the General Section of the SuperNOFA for application submission, delivery, and timely receipt requirements.

D. Intergovernmental Review

This program is excluded from an Intergovernmental Review.

E. Funding Restrictions

Ineligible CDBG Activities are listed at 24 CFR 570.207. Funding may only be provided to applicants that meet the standards for eligible applicants in Section III.A.

F. Other Submission Requirements

1. Complete Application Package

This package must be submitted to the following address: University Partnerships Clearinghouse; c/o Danya International; 8737 Colesville Road, Suite 1200; Silver Spring, MD 20910. When submitting an application package, include the following information on the outside of the envelope:

a. Office of University Partnerships;

b. Alaska Native/Native Hawaiian Institutions Assisting Communities Program; and

c. Applicant's name and mailing address (including ZIP code). Applicants must refer to the General Section of the SuperNOFA for detailed requirements governing application submission and receipt.

2. Forms, Certifications, and Assurances

The following certifications and assurances must be included in *all* application packages. These forms must be signed by the Chief Executive Officer (or official designee) of the institution and can be downloaded from the HUD Web site at *http://www.hud.gov.*

a. Application for Federal Assistance (SF–424).

b. Applicant Assurances and Certifications (HUD–424–B).

c. Grant Application Detailed Budget (HUD–424–CB).

d. Disclosure of Lobbying Activities (SF–LLL).

e. America's Affordable Communities Initiative Removal of Regulatory Barriers (HUD–27300), if applicable.

f. Applicant/Recipient Disclosure/Update Report (HUD–2880).

g. Certification of Consistency with the Consolidated Plan (HUD–2991).

h. Certification of Consistency with the EZ/EC/RC Strategic Plan (HUD–2990). Must be signed by the certifying official of the EZ/EC/RC. The General Section of the SuperNOFA provides procedures and guidelines required to certify that proposed grant activities are being conducted in the EZ/EC/RC that serve the residents of these areas, and are certified to be consistent with the area's strategic plan.

i. Program Logic Model (HUD–96010).

j. Survey on Equal Opportunity (HUD–32004).

k. Acknowledgment of Receipt of Application (HUD–2993). To confirm that HUD has received the application package, please complete this form. Applicants are not required to include this form, but it is recommended that an applicant do so.

l. Client Comments and Suggestions (HUD–2994). This form is included to solicit information from the most valuable source, the applicant. The changes that we have instituted this year are designed to make things easier for the applicant. If applicants complete and submit this form, it will help us to assess whether the changes have had the intended results. It will also guide us in our continuing efforts to improve the competitive grant process. Applicants are not required to complete this form.

V. Application Review Information

A. Criteria

1. Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (25 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:

a. Knowledge and Experience For Previously Unfunded or First Time Applicants (25 Points) For Previously Funded Applicants. 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 this kind of project. Experience will be judged in terms of recent and relevant knowledge and skills of the staff to undertake eligible program activities. HUD will consider experience within the last five years to be recent and experience pertaining to specific activities and producing specific accomplishments to be relevant. The following categories will be evaluated:

(1) Undertaking specific successful community development projects with community based organizations or local governments; and

(2) Providing leadership in solving community problems.

b. Past Performance (15 Points) For Previously Funded Applicants Only. This subfactor will evaluate the extent to which an applicant has performed successfully under all previously completed and open HUD AN/NHIA grant(s). Applicants must demonstrate this by providing the following information:

(1) A detailed list outlining the achievement of specific measurable objectives and outcomes consistent with the approved timeline/work plan in previous grants; and

(2) Comparison of proposed leveraged funds and/or resources in previous grants to what was actually leveraged.

(3) A list of all HUD/AN/NHIAC grants received, including the dollar amount awarded and the amount expended as of the date of this application.

2. Rating Factor 2: Need/Extent of the Problem (10 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(s) in the target area. The need(s) described must be relevant to the activities for which funds are being requested. The proposal will be evaluated on the extent to which the level of need for the proposed activities and the importance of meeting the need(s) are documented. Applicants must use statistics and analyses contained in at least one or more current data sources that are sound and reliable. The data provided must be current and specific to the area where the proposed project activities will be carried out. Sources for localized data can be found at: *www.ffiec.gov* or *www.econdatata.com.*

In rating this factor, HUD will consider data collected within the last five years to be current. To the extent that the 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, applicants should include references to these documents in the response to this factor.

Other reliable data sources include, but are not limited to Census reports, HUD Continuum of Care gap analysis and its E–MAP (*http://www.hud.gov/emaps*), law enforcement agency crime reports, Public Housing Agencies' Comprehensive Plans, community needs analyses such as provided by the United Way, the applicant's institution, and other sound and reliable sources. Needs in terms of fulfilling court orders or consent decrees, settlements, conciliation agreements, and voluntary compliance agreements may also be addressed.

3. Rating Factor 3: Soundness of Approach (45 Points). This factor addresses the quality and effectiveness of the proposed work plan, the commitment of the institution to sustain the proposed activities, actions regarding HUD's priorities, goals and objectives, and affirmatively furthering fair housing. This factor will be evaluated based on the extent to which the proposed work plan demonstrates the following.

a. (35 Points) Quality of the Work Plan. This subfactor will be evaluated on the extent to which an applicant provides a clear outline of the proposed project and anticipated accomplishments.

(1) Specific Services and/or Activities. The work plan must describe all proposed activities and major tasks required to successfully implement the proposed project. HUD will consider the probability of success of the program, the significance of the tasks identified, how realistic are the proposed time frames, and who will be responsible for completing each proposed activity.

(a) Applicants must provide a clear description of the proposed activities and address the following:

(i) Describe each proposed activity to successfully implement and complete the proposed project in measurable terms (*e.g.*, the number of homes that will be renovated);

(ii) List the CDBG national objective each proposed activity is designed to address and how this will be accomplished;

(b) Outline the major required tasks (in sequential order) to successfully implement and complete the proposed project activities. Including the target completion dates for these tasks (in six month intervals, up to 36 months); and

(c) Identify the staff member, as described in Factor 1, who will be responsible and accountable for completing each task.

(2) Describe how each proposed activity will:

(a) Expand the role of the institution in its community;

(b) Alleviate and/or fulfill the needs identified in Factor 2;

(c) Relate to and not duplicate other activities in the target area. Duplicative effort will be acceptable only if an applicant can demonstrate through documentation that there is a population in need that is not being served; and

(d) Involve and empower citizens of the target area the proposed project.

b. (4 Points) Involvement of the faculty and students. The applicant must describe the extent to which it proposes to integrate the institution's students and faculty into proposed project activities.

c. (3 Points) HUD Policy Priorities. HUD encourages applicants to undertake specific activities that will assist the Department in implementing its policy priorities and which help the Department achieve its goals and objectives in FY2005, when the majority of grant recipients will be reporting programmatic results and achievements. In addressing this factor, HUD will evaluate the extent to which a program will further and support HUD's priorities. The quality of the responses provided to one or more of HUD's priorities will determine the score an applicant can receive. Applicants must describe how each policy priority selected will be addressed. Applicants that just list a priority will receive no points. Each policy priority addressed has a point value of one point with the exception of the policy priority to remove regulatory barriers to affordable housing, which has a point value of up to 2 points. The total number of points available to applicants that address policy priorities is 3. It is up to the applicant to determine which of the policy priorities they elect to address to receive the available 3 points. To receive points for efforts to remove regulatory barriers to affordable housing, an applicant must submit the completed questionnaire found in the General Section. (Form HUD–27300). For the full list and explanation of each policy priority, please refer to the General Section of this SuperNOFA.

d. (3 Points) Affirmatively Furthering Fair Housing. This subfactor will be evaluated on the extent to which an applicant describes how it proposes to undertake activities designed to affirmatively further fair housing, for example:

(1) 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;

(2) 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

(3) Providing housing mobility counseling services.

4. Rating Factor 4: Leveraging Resources (10 Points) This factor addresses the ability of the applicant to secure resources that can be combined with HUD's grant funds to achieve the program's purpose.

In evaluating this factor, HUD will consider the extent to which the applicant established partnerships with other entities to secure additional resources to increase the effectiveness of the proposed project activities. Resources may include funding or in-kind contributions, such as services or equipment, allocated to the purpose(s) of the grant. Resources may be provided by governmental entities, public or private nonprofit organizations, for-profit private organizations, or other entities. Applicants may also establish partnerships with other program funding recipients to coordinate the use of resources in the target area. Overhead and other institutional costs (*e.g.*, salaries, indirect costs, etc.) that the institution has waived may be counted. Examples of potential sources for outside assistance includes:

- Federal, State, and local governments.
- Public Housing Agencies.
- Local or national nonprofit organizations.
- Financial Institutions and/or private businesses.
- Foundations.
- Faith-based and other community-based organizations.

For each cash or in-kind contribution to the program a letter of commitment, memorandum of understanding, or agreement must be provided that shows the extent and firmness of the commitment of leveraged funds (including any commitment of resources from the applicant's own institution) in order for these resources to count in determining points under this factor. Resources will not be counted for which there is no commitment letter, memorandum of understanding, or agreement, nor quantified level of commitment. Letters, memoranda of understanding, or agreements must be submitted from the provider on the provider's letterhead and be included with the application package. (Applicants must place all letters, memoranda of understanding, or agreements in the Appendices). The date of the letter, memorandum of understanding, or agreement from the CEO of the provider organization must be dated no earlier than the date of this published SuperNOFA. Applications that do not include evidence of leveraging as described below will receive zero (0) points for this Factor.

a. A firm commitment letter, memorandum of understanding, or agreement must address the following:

(1) The cash amount contributed or dollar value of the in-kind goods and/or services committed;

(2) A specific description of how each contribution is to be used;

(3) The date the contribution will be made available and a statement that describes the duration of the contribution;

(4) Any terms or conditions affecting the commitment, other than receipt of a HUD Grant; and

(5) The signature of the appropriate executive officer authorized to commit the funds and/or goods and/or services. Please remember that only items eligible for funding under this program can be counted.

5. Rating Factor 5: Achieving Results and Program Evaluation (10 Points). This factor reflects HUD's goal to embrace high standards of management and accountability. It measures the applicant's commitment to assess their performance to achieve the program's proposed objectives and goals. Applicants are required to develop an effective, quantifiable, outcome oriented evaluation plan for measuring performance and determining that objectives and goals have been achieved.

''Outcomes'' are benefits accruing to institutions of higher education and/or communities during or after participation in the AN/NHIAC program. Applicants must clearly identify the outcomes to be measured and achieved. Examples of outcomes include increased community development in the target community by a certain percentage, increased employment opportunities in the target community by a certain percentage, increased incomes/wages or other assets for persons trained, and or enhanced family stability through the creation of affordable housing opportunities.

In addition, applicants must establish interim benchmarks and outputs that lead to the ultimate achievement of outcomes. ''Outputs'' are the direct products of the program's activities. Examples of outputs are the number of new affordable housing units, the number of homes that have been

renovated, the number of facilities that been constructed or rehabilitated. Outputs should produce outcomes for the program. At a minimum, an applicant must address the following activities in the evaluation plan:

a. 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);

b. Measurable impacts the grant will have on the community in general and the target area or population; and

c. The impact the grant will have on assisting the university to obtain additional resources to continue this type of work at the end of the grant performance period.

This information must be placed under this section on a HUD–96010, Program Outcome Logic Model form. (Applicants may use as many copies of this form as required. It will not be included in the page count requirement). A narrative is not required; however, if a narrative is provided, those pages will be included in the page count. Additional information on this form and how to use can be found in the General Section of the SuperNOFA.

B. Review and Selection Process

1. Application Selection Process

Two types of reviews will be conducted:

a. A threshold review to determine an applicant's basic eligibility; and

b. A technical review for all applications that pass the threshold review to rate and rank the application based on the ''Factors for Award'' listed in Section V.A above. Only those applications that pass the threshold review will receive a technical review and be rated and ranked.

2. Rating Panels

To review and rate applications, HUD may establish panels, which may include experts or consultants not currently employed by HUD. These individuals may be included to obtain certain expertise.

3. Ranking

HUD will fund applications in rank order, until all available program funds are awarded. HUD will fund applications in rank order, until all available program funds are awarded. In order to be funded, an applicant must receive a minimum score of 75 points out of a possible 100 points for Factors 1 through 5. In addition, two bonus points may be awarded for RC/EZ/EC, as described in the General Section of the SuperNOFA. 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 1, Capacity of the Applicant and Relevant Organizational Experience, shall be selected. HUD reserves the right to make selections out of rank order to provide for geographic distribution of grantees. HUD also reserves the right to reduce the amount of funding requested in order to fund as many highly ranked applications as possible. Additionally, if funds remain after funding the highest ranked applications, HUD may fund part of the next highest-ranking application. If an applicant turns 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, the remaining funds will be carried over to the next funding cycle's competition.

4. Correction to Deficient Applications

The General Section of the SuperNOFA provides the procedures for correction to deficient applications.

C. Anticipated Announcement and Award Dates

Announcements of awards are anticipated on or before September 30, 2004.

VI. Award Administration Information

A. Award Notices

After all selections have been made, HUD will notify all winning applicants in writing. HUD may require winning applicants to participate in additional negotiations before receiving an official award. For further discussion on this matter, please refer to the General Section of the SuperNOFA.

B. Administrative and National Policy Requirements

The provisions of the HUD Reform Act of 1989 that apply to this NOFA are explained in the General Section of the SuperNOFA.

1. Debriefing

The General Section of the SuperNOFA provides the procedures for requesting a debriefing. All requests for debriefings must be made in writing and submitted to: Armand Carriere; Office of University Partnerships; Robert C. Weaver Federal Building; 451 Seventh Street, SW., Room 8106; Washington DC 20410. Applicants may also write to Mr. Carriere via email at *Armand_W._Carriere@hud.gov*.

2. Administrative

Grants awarded under this NOFA 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). Applicants can access the OMB circulars at the White House Web site at: *http://www.whitehouse.gov/omb/circulars/index.html*.

3. OMB Circulars and Government-Wide Regulations Applicable to Financial Assistance Programs

The General Section of the SuperNOFA provides discussion of OMB circulars and government wide regulation.

4. Executive Order 13202, Preservation of Open Competition and Government Neutrality Towards, Government Contractor's Labor Relations on Federal and Federally Funded Construction Projects

See the General Section of the SuperNOFA for further discussion.

5. Economic Opportunities for Low- and Very-Low Income Persons (Section 3)

The provisions of Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) apply to this NOFA. Regulations may be found at 24 CFR part 135.

6. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (LEP)

See the General Section of the SuperNOFA for further discussion.

7. Conflict of Interest

See the General Section of the SuperNOFA for further discussion.

C. Reporting

All grant recipients under this NOFA are required to submit quarterly progress reports. The progress reports shall consist of two components, a narrative that must reflect the activities undertaken during the reporting period and a financial report that reflects costs incurred during the reporting period as well as a cumulative summary.

For each reporting period, as part of the required report to HUD, grant recipients must include a completed Logic Model (Form HUD–96010), which identifies output and outcome achievements.

VII. Agency Contacts

Applicants may contact Sherone Ivey at (202) 708–3061, extension 4200 or Susan Brunson at (202) 708–3061, extension 3852. Persons with speech or hearing impairments may call the Federal Information Relay Service TTY at (800) 877–8339. Except for the ''800'' number, these numbers are not toll-free. Applicants may also reach Ms. Ivey via email at *Sherone_E._Ivey@hud.gov*, and/or Ms. Brunson at *Susan_S._Brunson@hud.gov*.

VIII. Other Information

Paperwork Reduction Act

The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2528–0205. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average 59 hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application, quarterly, and final reports. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

BILLING CODE 4210–32–P

Attachment A--Application Checklist

Application Checklist

This checklist identifies application submission requirements. Applicants are requested to use this checklist when preparing an application to ensure submission of all required elements. Please present the information in the application in the order outlined below and on each line write the page number where the item is located. Standard Forms and required certification are found in the **General Section** of this SuperNOFA and can be downloaded from HUD's website, www.hud.gov.

I. PART A

_____ SF-424 "Application For Federal Assistance"

_____ Transmittal Letter

_____ Application Checklist

_____ Abstract (must include a two-page summary of the proposed project)

_____ Narrative Statement addressing the Factors for Award. The narrative must not exceed 75 pages, (excluding forms, abstracts, tables, maps, budget narrative, assurances, commitment letters, memoranda of understanding, agreements) double-spaced on one side, with one-inch margins (from the top, bottom, left and right) printed in standard Times Roman 12-point font).

_____ HUD-96010 "Logic Model"

_____ Budget

____HUD 424-CB" Grant Application Detailed Budget"

____Budget Narrative (No form provided and must be submitted for the total three-year grant period)

____ Indirect Cost Rate

_____ Appendix (letters of commitment, memoranda of understanding, or agreements)

_____ Computer disk

II. PART B (All Required Forms)

The following required certifications and assurance can be downloaded from the HUD website *www.hud.gov*.

_____ SF-424 "Application For Federal Assistance"

_____ HUD-424-B "Applicant Assurance and Certifications"

_____ HUD 424-CB" Grant Application Detailed Budget"

_____ SF-LLL "Disclosure of Lobbying Activities"

_____ HUD-27300 "America's Affordable Communities Initiative Removal of Regulatory Barriers" (if applicable)

_____ HUD-2880 "Applicant/Recipient Disclosure Update Report"

_____ HUD-2993 "Acknowledgement of Applicant Receipt"

_____ HUD-2994 "Client Comments and Suggestions"

_____ SF-424 Supplement "Survey on Ensuring Equal Opportunity for Applicants"

_____ HUD 96010 "Logic Model"

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

UNIVERSITIES AND COLLEGES PROGRAMS

TRIBAL COLLEGES AND UNIVERSITIES PROGRAM (TCUP))

Billing Code 4210-32-C

Tribal Colleges and Universities Program Overview Information

A. *Federal Agency Name:* Department of Housing and Urban Development, Office of Policy Development and Research, Office of University Partnerships.

B. *Funding Opportunity Title:* Tribal Colleges and Universities Program (TCUP).

C. *Announcement Type:* Initial announcement.

D. *Funding Opportunity Numbers:* The **Federal Register** Number for this program is FR–4900–N–13. The OMB Approval Number for this program is 2528–0215.

E. *Catalog of Federal Domestic Assistance (CFDA) Number:* The CFDA Number for this program is 14.519.

F. *Dates:* The application due date shall be on or before June 25, 2004. Please see the General Section of the SuperNOFA for application submission, delivery, and timely requirements.

G. *Additional Overview Content Information:*

1. *Purpose of the Program:* The Tribal Colleges and Universities Program (TCUP) assists Tribal Colleges and Universities (TCU) to build, expand, renovate, and equip their own facilities.

2. *Award Information:* In Fiscal Year (FY) 2004, approximately $2.98 million has been appropriated for this program by the Consolidated Appropriations Act, 2004 (Pub. L. 108–199, approved January 23, 2004, 118 Stat. 3). The maximum amount a TCUP applicant can request for award is $600,000 for a three-year (36 months) grant performance period.

3. *Eligible Applicants:* Tribal Colleges and Universities that meet the definition of a TCU established in Title III of the 1998 Amendments to the Higher Education Act of 1965 (Pub. L. 105–244, approved October 7, 1998) are eligible to apply for funding under this program. Institutions must be accredited or provide a statement in their application to verify that the institution is a candidate for accreditation by a regional institutional accrediting association recognized by the U.S. Department of Education.

Full Text of Announcement

I. Funding Opportunity Description

The purpose of this program is to assist Tribal Colleges and Universities (TCU) to build, expand, renovate, and equip their own facilities. Listed below are major modifications from the FY2003 program-funding announcement:

1. This program has a separate NOFA and is no longer a part of the combined Office of Universities Partnerships Program NOFA.

2. All applications must be mailed to: University Partnerships Clearinghouse; c/o Danya International; 8737 Colesville Road, Suite 1200; Silver Spring, MD 20910.

3. Points will no longer be assigned to the budget. However, a budget narrative must be submitted that addresses the total dollar amount reflected on the HUD–424–CB for the entire three-year grant performance period.

4. The maximum amount an applicant can request for award has been increased from $400,000 to $600,000 for a three-year (36 months) grant performance period.

HUD's authority for making funding available under this NOFA is the Consolidated Appropriations Act, 2004 (Pub. L. 108–199, approved January 23, 2004, 118 Stat. 3). This program is being implemented through this NOFA and the policies governing its operation are contained herein.

II. Award Information

In Fiscal Year (FY) 2004, $2.98 million has been appropriated for this program by the Consolidated Appropriations Act, 2004 (Pub. L. 108–199, January 23, 2004, 118 Stat. 3). The maximum amount a TCUP applicant can request for award is $600,000 for a three-year (36 months) grant performance period.

III. Eligibility Information

A. Eligible Applicants

Tribal Colleges and Universities that meet the definition of a TCU established in Title III of the 1998 Amendments to the Higher Education Act of 1965 (Pub. L. 105–244, enacted October 7, 1998) are eligible to apply for funding under this program. Institutions must be accredited or provide a statement in their application that verifies the institution is a candidate for accreditation by a regional institutional accrediting association recognized by the U.S. Department of Education.

B. Cost Sharing or Matching:

None Required

C. Other

1. Eligible Activities

Eligible activities include building, expanding, renovating, and equipping facilities owned by the institution (a long-term lease for five years or more in duration is considered an acceptable form of ownership under this program). Buildings in which an institution undertakes activities that also serve the community are eligible; however, the facilities must be predominantly for the use of the institution (*e.g.*, students, faculty, and staff). Examples of eligible activities include, but are not limited to:

a. Building of a new gymnasium for students, but also offering some physical education classes or other activities in the evening to the larger community;

b. Rehabilitating a student union building that would also serve as a community meeting facility;

c. Equipping the university's computer lab, but involving the larger community in helping the institution identify workshops that would be of interest to the community; and

d. Developing a facility solely for the use of the institution (*e.g.*, a dormitory, classrooms, or administration building).

2. Threshold Requirements Applicable to all Applicants

All applicants must comply with the threshold requirements as defined in the General Section of the SuperNOFA and the requirements listed below to be evaluated, rated, and ranked.

Applications that do not meet these requirements will be considered ineligible for funding and will be disqualified:

a. The applicant must meet the eligibility requirements as defined in Section III.A. Eligible Applicants.

b. The maximum amount a TCUP applicant can request for award is $600,000.

c. Funds awarded under this program may not be used for public services, as defined in 24 CFR part 570, subpart C 570.201(e).

d. Only *one* application is eligible for funding from an institution or campus. However, an individual campus that is one of several campuses of the same institution may apply separately as long as the applicant's campus has a separate administrative and budget structure.

e. Institutions that received grants in FY2003 are not eligible to apply under this NOFA.

f. Applicants must receive a minimum score of 75 points to be considered for funding.

g. An applicant must have a DUNS number to receive HUD grant funds. (The General Section of the SuperNOFA provides information regarding the DUNS requirement).

3. Program Requirements

In addition to the program requirements listed in the General Section of the SuperNOFA, applicants must meet the following program requirements:

a. All funds awarded under this program must be spent during a three-

year (36 months) grant performance period.

b. While community-wide use of a facility (that is purchased, leased, or built) is permissible under this program, the facility must be predominantly for the use of the institution (*i.e.*, it must be used by the staff, faculty, and/or students at least 51 percent of the time).

c. Applicants that claim leveraging from *any source* (*e.g.*, tribal, Federal and/or State governments, Tribally Designated Housing Entities, foundations, etc.), including their own institution, must provide letters of firm commitment, memoranda of understanding, or agreements evidencing the extent and firmness of the commitment. These documents must be dated no earlier than the date of this published NOFA and follow the outline provided for this program in section V, Application Review Information, ''Factor 4 Leveraging Resources'' of this NOFA.

d. Each activity proposed for funding must meet one of the following Community Development Block Grant (CDBG) Program national objectives:

(1) Benefit low- and moderate-income persons;

(2) Aid in the prevention or elimination of slums or blight; or

(3) 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 objectives are provided at 24 CFR 570.208.

e. If a TCU is a part or instrumentality of a federally recognized tribe, the applicant must comply with the Indian Civil Rights Act (25 U.S.C. 1301 *et seq.*) and all other applicable civil rights statues and authorities as set forth in 24 CFR 1000.12. If the TCU is not a part or instrumentality of a federally recognized tribe the applicant must comply with the Fair Housing Act (42 U.S.C. 3601–19) and implementing regulations at 24 CFR part 100 *et seq.*, Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d–2000d–4) (Nondiscrimination in Federally Assisted Programs) and implementing regulations at 24 CFR part 1, and section 109 of Title One of the Housing and Community Development Act of 1974 (HCDA), as amended, with respect to nondiscrimination on the basis of age, sex, religion, or disability and implementing regulations at 24 CFR part 6.

f. Labor Standards. Institutions and their subgrantees, contractors and subcontractors must comply with the labor standards (Davis-Bacon) requirements referenced in 24 CFR 570.603. However, in accordance with HCDA section 107(e)(2), the Secretary waives the provisions of HCDA section 110 with respect to the TCUP program for grants to a TCU that is part of a tribe, *i.e.*, a TCU that is legally a department or other part of a tribal government, but not a TCU that is established under tribal law as an entity separate from the tribal government. If a TCU is not part of a tribe, the labor standards of HCDA section 110, as referenced in 24 CFR 570.603, apply to activities under the grant to the TCU.

g. 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 in accordance with 24 CFR part 50. The results of the environmental review may require that proposed activities be modified or proposed sites be rejected. Applicants 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. An application constitutes an assurance that the 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 alternate property; and will not acquire, rehabilitate, convert, demolish, 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's written approval of the property is received. In supplying HUD with environmental information, applicants should use the same guidance as provided in the HUD Notice CPD–99–01 entitled ''Field Environmental Review Processing for HUD Colonias Initiative (HCI) Grants'' issued January 27, 1999.

The General Section of the SuperNOFA provides further discussion of the environmental requirements. Further information and assistance on HUD's environmental requirements is available at: *http://www.hud.gov/offices/cpd/energyenviron/environment/index.cfm*.

h. Site Control. Where grant funds will be used for acquisition, rehabilitation, or new construction, an applicant must demonstrate site control. If the recipient cannot demonstrate control of a suitable site within one year after initial notification of award of assistance, HUD may recapture or deobligate any remaining grant funds.

IV. Application and Submission Information

A. Addresses to Request Application Package

1. Applicants may request general information, copies of the General Section and Program Sections of the SuperNOFA from the NOFA Information Center (800–HUD–8929 or 800–HUD–2209 (TTY)) between the hours of 9 a.m. and 8 p.m. (eastern time) Monday through Friday, except on Federal holidays. When requesting information, please refer to the Tribal Colleges and Universities Program. Be sure to provide your name, address (including zip code), and telephone number (including area code). To ensure sufficient time to prepare an application, requests for copies of this NOFA can be made immediately following publication of the SuperNOFA. The NOFA Information Center opens for business simultaneously with the publication of HUD's 2004 NOFA. Applicants can also obtain information on the SuperNOFA and download application information for the SuperNOFA through the HUD Web site: *http://www.hud.gov*.

B. Content and Form of Application Submission

1. A complete application package must include an original signed application, three copies, and one computer disk of the application (in Word 6.0 or higher), and items listed below. (The computer disk should include the narrative portion of the application and all required forms. Forms may be downloaded from *http://www.hud.gov*.) In order to recycle paper, applications must not be submitted in bound form; binder clips or loose-leaf binders are acceptable. Please do not use colored paper. Applications must be submitted on 8½ by 11-inch paper, double-spaced on one side of the paper, with one-inch margins (from the top, bottom, left and right) and printed in a standard Times New Roman 12-point font. Each page must be numbered and include the applicant's name. Each section must be tabbed sequentially. The application narrative, tables, and maps must not exceed 75 pages (excluding forms, budget narrative, assurances, commitment letters, memoranda of understanding, agreements, and abstract). The double-spacing requirement applies to the application narrative (excluding the abstract, tables, maps, budget narrative, commitment letters, memoranda of

understanding, and agreements). Please note that although submitting pages in excess of the page limit will not disqualify an application, HUD will not consider the information on any excess page. This may result in a lower score or failure to meet a threshold requirement. Except where a particular form may direct otherwise, all forms included in an application, as well as the transmittal letter, must be signed by the Chief Executive Officer (this is generally the President or Provost) or an official authorized legally to make a commitment on behalf of the institution. If a designee signs, the application must contain a copy of the official designation of signatory authority.

Please include in *your application* each item in the order listed below:

1. *SF–424, Application for Federal Assistance.* Instructions for completing this form are found on the back of the first page of the form. Please remember the following:

a. The full grant amount (entire three-years) should be entered, not the amount for just one year;

b. Include the name, title, address, telephone number, facsimile number, and email address of the designated contact. This is the person who will receive the reviewer comments; therefore, please ensure the accuracy of the information;

c. The Employer Identification/Tax ID number;

d. The DUNS Number;

e. The Catalog of Federal Domestic Assistance Number for this program is 14.519;

f. The project's proposed start and completion date. For the purpose of this application the program start date should be October 1, 2004; and

g. The signature of an authorized official (an individual who has the authority to make a binding commitment on behalf of the institution).

2. *Transmittal Letter.* The letter should contain a statement that the institution is an eligible applicant because it is a two-or four-year fully accredited institution. This letter should state the name of the accrediting agency, and that the accrediting agency is recognized by the U.S. Department of Education. Applicants who have applied for accreditation by a regional instructional accrediting association recognized by the U.S. Department of Education must also state the name of the accrediting agency. Applicants may also use the transmittal letter as one way to demonstrate the President's commitment to the institutionalization of the program. The Chief Executive Officer (usually the President or Provost) of the institution must sign this letter. If the Chief Executive Officer has delegated this responsibility to another official, that person may sign, but a copy of the delegation of authority must be included or clearly stated in the letter. Applicants must also indicate whether their institution is a department or agency of a tribal government and is thus claiming exemption from Davis-Bacon labor standards and the non-discrimination provision of section 109 of the Housing and Community Development Act of 1974.

3. *Application Checklist.* Applicants must include the completed checklist in their application. On the checklist, applicants must indicate the page number where each of the items can be found in the application (*see* Appendix A).

4. *Abstract.* Applicants must include no more than a two-page summary of the proposed project. Please include the following:

a. A clear description of the proposed project activities, the target population that will be assisted, and the impact this project will have on the institution;

b. The designated contact person, including phone number, facsimile number, and email address (This is the person who will receive the reviewers' comments; therefore, please ensure the accuracy of the information);

c. University's name, mailing address, telephone number, facsimile number and email address; and;

d. The principal investigator, if different from the designated contact person for the project, including phone number, facsimile number, and e-mail address.

5. *Narrative statement addressing the Factors for Award.* HUD will use the narrative response to the ''Factors for Award'' to evaluate, rate, and rank applications. The statement and work plan are the main sources of information. Applicants are advised to review each factor carefully for program specific requirements. The response to each factor should be concise and contain only information relevant to the factor, but detailed enough to address the factor fully. Please do not repeat material in response to the five factors; instead focus on how well the proposal responds to each of the factors. In factors where there are subfactors, each subfactor must be presented separately, with the short title of the subfactor presented. Make sure to address each subfactor and provide sufficient information about every element of the subfactor.

6. *Budget.* The budget submission must be placed behind the narrative statement addressing the ''Factors for Award'' and include the following form:

a. HUD–424–CB, ''Grant Application Detailed Budget.'' This budget form shows the total budget by year and by line item for the program activities to be carried out with the proposed HUD grant. Each year of the program should be presented separately. Applicants must also submit this form to reflect the total cost for the entire grant performance period (Grand Total).

Make sure that the amount shown on the SF–424, HUD–424–CB, and all other required program forms is consistent and the totals are correct. Remember to check the addition in totaling the categories on the HUD 424–CB form so that all items are included in the total. All forms must be completed in full. If an application is selected for award, the applicant may be required to provide greater specificity to the budget during grant agreement negotiations.

b. Budget Narrative. A narrative must be submitted that explains how the applicant arrived at the cost estimates, for any line item over $5,000. For example, an applicant proposes to construct an addition to an existing building, which will cost approximately $200,000. The following cost estimate reflects this total: Foundation cost $75,000, electrical work $40,000, plumbing work $40,000, interior finishing work $35,000 and landscaping $10,000. 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 proposed in the geographical area. When necessary, quotes from various vendors or historical data should be used and included. All direct labor or salaries must be supported with mandated city/state pay scales, Davis-Bacon wage rates, or other documentation. When an applicant proposes to use a consultant, the applicant must indicate whether there is a formal agreement or written procurement policy. For each consultant, please provide the name, if known, hourly or daily fee, and the estimated time on the project. Applicants must submit a cost estimate from a qualified firm (*e.g.*, Architectural or Engineering firm) vendor and/or qualified individual (*e.g.*, independent architect) other than the institution for projects that involve rehabilitation of residential, commercial and/or industrial structures; and/or acquisition, construction, or installation of public facilities and improvements. Such an entity must be involved in the business of housing rehabilitation, construction, and/or management. Equipment and contracts cannot be presented as a total

estimated figure. For equipment, applicants must provide a list by type and cost for each item. Applicants using contracts must provide an individual description and cost estimate for each contract.

c. *Indirect costs.* Indirect costs, if applicable, are allowable based on an established approved indirect cost rate. Applicants should include a copy of their indirect cost rate agreement with their application. Applicants who are selected for funding that do not have an approved indirect cost rate agreement (established by the cognizant Federal agency, Certified Public Account, or auditor) will be required to establish a rate. In such cases, HUD will issue an award with a provisional rate and enter into an agreement to have one established.

d. *Audits.* Applicants must ensure that their most current A–133 audit is on file at the Federal Audit Clearinghouse. Grantees that expend $500,000 or more in Federal financial assistance in a single year (this can be program year or fiscal year) must be audited in accordance with the OMB requirements as established in 24 CFR parts 84 and 85. Additional information regarding this requirement can be accessed at the following Web site *http://harvester.census.gov/sac.*

7. *Appendix.* Applicants must place the letters of commitment, memoranda of understanding, or agreements for funds/resources in response to Factor 4 in this section. An applicant may not submit general support letters or resumes or other back-up materials (unless an applicant is willing to have the latter count toward the page limit requirement).

C. Submission Dates and Times

A complete application package is due on or before June 25, 2004. Please see the General Section of the SuperNOFA for application submission, delivery, and timely receipt requirements.

D. Intergovernmental Review

This program is excluded for an Intergovernmental Review.

E. Funding Restrictions

1. Ineligible activities for funding under this program include, but are not limited to the following:

a. Renovation of a facility in which the facility is not used at least 51 percent of the time by the institution;

b. Rental space to another entity that operates a small business assistance center; and

c. Building of a new gymnasium, where the activities are for non-students, or the activities are primarily run by an outside entity.

2. Applicants can use up to 20 percent of the grant for payments of reasonable grant administrative costs related to planning and execution of the project (*e.g.*, preparation/submission of HUD reports). A detailed explanation of these costs is provided in the OMB circulars that can be accessed at the White House Web site at: *http://www.whitehouse.gov/omb/circulars/index.html.*

F. Other Submission Requirements

1. Complete Application Package

This package must be submitted to the following address: University Partnerships Clearinghouse; c/o Danya International, 8737 Colesville Road, Suite 1200, Silver Spring, MD 20910. When submitting an application package, include the following information on the outside of the envelope:

a. Office of University Partnerships;

b. Tribal Colleges and Universities Program; and

c. Applicant's name and mailing address (including ZIP code).

Applicants must refer to the General Section of the SuperNOFA for detailed requirements governing application submission and receipt.

2. Forms, Certifications, and Assurances

The following certifications and assurances must be included in *all* application packages. These forms must be signed by the Chief Executive Officer (or official designee) of the institution and can be downloaded from *http://www.hud.gov.*

a. Application for Federal Assistance (SF–424).

b. Applicant Assurances and Certifications (HUD–424–B).

c. Disclosure of Lobbying Activities (SF–LLL).

d. Applicant/Recipient Disclosure/Update Report (HUD–2880).

e. Grant Application Detailed Budget (HUD–424–CB).

f. Program Logic Model (HUD–96010).

g. Survey on Equal Opportunity (HUD–32004).

h. Acknowledgment of Receipt of Application (HUD–2993). To confirm that HUD has received the application package, please complete this form. Applicants are not required to include this form, but it is recommended that an applicant do so.

i. Client Comments and Suggestions (HUD–2994). This form is included to solicit information from the most valuable source, the applicant. The changes that we have instituted this year are designed to make things easier for the applicant. If applicants complete and submit this form, it will help us to assess whether the changes have had the intended results. It will also guide us in our continuing efforts to improve the competitive grant process. Applicants are not required to complete this form.

V. Application Review Information

A. Criteria

1. *Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (25 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.

a. Knowledge and Experience of the Proposed Staff (15 Points). In rating this subfactor, HUD will consider the extent to which the applicant demonstrates the experience and knowledge 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 kind of projects for which funding is being requested. Experience will be judged in terms of recent and relevant knowledge and skills of the staff to undertake eligible program activities. HUD will consider experience within the last five years to be recent and experience pertaining to specific activities and producing specific accomplishments to be relevant.

b. Knowledge and Experience of the Institution (10 Points). In rating this subfactor, HUD will consider the knowledge and experience of the institution in managing and overseeing a similar project. Experience will be judged in terms of recent and successful completion of such project. HUD will consider experience within the last five years to be recent.

2. Rating Factor 2: Need/Extent of the Problem (10 Points). This factor addresses the extent to which there is a need for funding the proposed project activities and an indication of the importance of meeting the need(s). The need described must be relevant to activities for which funds are being requested. The proposal will be rated on the extent to which the level of need for the proposed project activities and the importance of meeting the need(s) are documented. Applicants must use statistics and analyses contained in at least one or more current data sources that are sound and reliable. The data provided must be current and specific to the area where the proposed project activities will be carried out. Reliable sources of data may include information

that describe the need, such as a building needs to be constructed because it is 50 years old and is deteriorating; a new computer lab has been built, but the computers are obsolete; a library has been expanded, but the books are outdated, etc. In rating this factor, HUD will consider data collected within the last five years to be current.

3. Rating Factor 3: Soundness of Approach (45 Points). This factor addresses the quality and effectiveness of the proposed work plan. There must be a clear relationship between the proposed activities and the need(s) identified in Factor 2 for an applicant to receive points for this factor.

a. Quality of Work Plan (35 Points). (1) *Specific Services and/or Activities.* The work plan must describe all proposed activities and major tasks required to implement the proposed project. HUD will consider the probability of success of the program, the significance of the tasks identified, the measurable objectives, how realistic are the proposed time frames, and who will be responsible for completing each proposed activity. Specifically, HUD will examine the proposed activities and determine to what extent the project activities are measurable (*e.g.*, the number of classrooms added, the increase in enrollment), result in improvement to the institution as a result of the project activities (*e.g.*, fifty more students will be receiving computer literacy training, etc.) and how well it is demonstrated that these objectives will be achieved/measured by the proposed management plan and team.

(2) Describe clearly how the proposed project activities will address the following:

(a) Alleviate and/or fulfill the needs identified in Factor 2; and

(b) Relate to and not duplicate other activities in the target area.

b. (2 Points) Community Involvement. HUD will consider the extent to which the applicant has involved the community in the proposed project.

c. (5 Points) Involvement of the Faculty and Students. The applicant must describe the extent to which it proposes to integrate the institution's students and faculty into proposed project activities.

d. (3 Points) HUD Policy Priorities. HUD encourages applicants to undertake specific activities that will assist the Department in implementing its policy priorities and help the Department achieve its goals and objectives in FY2005, when the majority of grant recipients will be reporting programmatic results and achievement. In addressing this factor, HUD will evaluate the extent to which a program will further and support HUD priorities. The quality of the responses provided to one or more of HUD's priorities will determine the score an applicant can receive. Applicants must describe how each policy priority will be addressed. Applicants that just list a priority will receive no points. Each policy priority addressed has a point value of one point. The total number of points available to applicants that address policy priorities is 3. It is up to the applicant to determine which of the policy priorities they elect to address to receive the available 3 points. Applicants that address more than three policy priorities will not receive additional points. For the full list and explanation of each policy priority, please refer to the General Section of this SuperNOFA.

4. Rating Factor 4: Leveraging Resources (10 Points). This factor addresses the ability of the applicant to secure resources that can be combined with HUD's grant funds to achieve the project's purpose.

In evaluating this factor, HUD will consider the extent to which the applicant established partnerships with other entities to secure additional resources to increase the effectiveness of the proposed project activities. Resources may include funding or in-kind contributions, such as services or equipment, allocated to the purpose(s) of the grant. Resources may be provided by governmental entities (*e.g.*, tribal, Federal, and/or State governments), public or private nonprofit organizations, for-profit private organizations, or other entities. Overhead and other institutional costs (*e.g.*, salaries, indirect cost) that the institution has waived may be counted.

Examples of potential sources for outside assistance include:

- Tribal, Federal, State, and local governments.
- Tribally Designated Housing Entities.
- Local or national nonprofit organizations.
- Banks and/or private businesses.
- Foundations.
- Faith-based and other community-based organizations.

For each cash or in-kind contribution, a letter of commitment, memorandum of understanding, or agreement must be provided that shows the extent and firmness of the commitments of leveraged funds (including any commitment of resources from the applicant's own institution) in order for these resources to count in determining points under this factor. Resources will not be counted for which there is no commitment letter, memorandum of understanding or agreement, nor quantified level of commitment. Letters, memoranda of understanding, or agreements must be submitted from the provider on the provider's letterhead and be included with the application package (applicants must place all letters, memoranda of understanding, or agreements in the Appendices). The date of the letter, memorandum of understanding, or agreement from the CEO of the provider's organization must be dated no earlier than the date of this published SuperNOFA. Applicants that do not include evidence of leveraging will receive zero (0) points for this Factor.

a. A firm commitment letter, memorandum of understanding or agreement must address the following:

(1) The cash amount contributed or dollar value of the in-kind goods and/or services committed;

(2) A specific description of how each contribution is to be used;

(3) Any terms or conditions affecting the commitment, other than receipt of a HUD grant; and

(4) The signature of the appropriate executive officer authorized to commit the funds and/or goods and/or services.

Please remember that only items eligible for funding under this program can be counted.

5. Rating Factor 5: Achieving Results and Program Evaluation (10 Points). This factor reflects HUD's goal to embrace high standards of management and accountability. The factor measures the applicant's commitment to assess their performance to achieve the project's proposed objectives and goals. Applicants are required to develop an effective, quantifiable, outcome-oriented evaluation plan for measuring performance and determining that objectives and goals have been achieved.

''Outcomes'' are benefits accruing to institutions of higher education during or after participation in the TCUP program. Applicants must clearly identify the outcomes to be measured and achieved. Examples of outcomes include an increased number of campus facilities (*e.g.*, newly built or renovated), an increased number of classroom space available, and an increased student enrollment and graduation rate. In addition, applicants must establish interim benchmarks and outputs that lead to the ultimate achievement of outcomes.

''Outputs'' are the direct products of the project's activities. Examples of

outputs are the number of new facilities renovated, or the number of new dormitories built. Outputs should produce outcomes for the project. At a minimum, an applicant must address the following activities in the evaluation plan:

a. Short and long term objectives to be achieved;

b. Measurable impacts the grant will have on the university or the target population; This information must be placed under this section on a HUD–96010, Program Outcome Logic Model form. (Applicants can use as many copies of this form as required. It will not be included in the page count requirement). A narrative is not required for this factor; however, if a narrative is provided, those pages will be included in the page count. Additional information on this form and how to use it can be found in the General Section of the SuperNOFA.

B. Review and Selection Process

1. Application Selection Process

Two types of reviews will be conducted:

a. A threshold review to determine an applicant's basic eligibility; and

b. A technical review for all applications that pass the threshold review to rate and rank the application based on the ''Factors for Award'' listed in Section V.A. above. Only those applications that pass the threshold review will receive a technical review and be rated and ranked.

2. Rating Panels

To review and rate applications, HUD may establish panels that may include experts or consultants not currently employed by HUD. These individuals may be included to obtain certain expertise.

3. Ranking

HUD will fund applications in rank order, until all available program funds are awarded. In order to be funded, an applicant must receive a minimum score of 75 points out of a possible 100 points for Factors 1 through 5. The RC/EZ/EC bonus points described in the General Section of the SuperNOFA do not apply to this NOFA. 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 1, Capacity of the Applicant and Relevant Organizational Experience, shall be selected. HUD reserves the right to make selections out of rank order to provide for geographic distribution of grantees. HUD also reserves the right to reduce the amount of funding requested in order to fund as many highly ranked applications as possible. Additionally, if funds remain after funding the highest ranked applications, HUD may fund part of the next highest-ranking application. If an applicant turns 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, the remaining funds will be carried over to the next funding cycle's competition.

4. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

C. Anticipated Announcement and Award Dates

Announcements of awards are anticipated on or before September 30, 2004.

VI. Award Administration Information

A. Award Notice:

After all selections have been made, HUD will notify all winning applications in writing. HUD may require winning applicants to participate in additional negotiations before receiving an official award. For further discussion on this matter, please refer to the General Section of the SuperNOFA.

B. Administrative and National Policy Requirements

The provisions of the HUD Reform Act of 1989 that apply to this NOFA are explained in the General Section of this SuperNOFA.

1. Debriefing

The General Section of the SuperNOFA provides the procedures for requesting a debriefing. All requests for debriefings must be made in writing and submitted to: Armand Carriere; Office of University Partnerships; Robert C. Weaver Federal Building; 451 Seventh Street, SW., Room 8106; Washington, DC 20410–6000. Applicants may also write to Mr. Carriere via e-mail at *Armand_W._Carriere@hud.gov.*

2. Administrative

Grants awarded under this NOFA 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). Applicants can access the OMB circulars at the White House website at *http://www.whitehouse.gov/omb/circulars/index.html.*

3. OMB Circulars and Governmentwide Regulations Applicable to Financial Assistance Programs

The General Section of the SuperNOFA provides discussion of OMB circulars and governmentwide regulations.

4. Conflicts of Interest

See the General Section of the SuperNOFA for further discussion.

5. Executive Order 13202, Preservation of Open Competition and Government Neutrality Toward Government Contractors' Labor Relations of Federal and Federally Funded Construction Projects:

See the General Section of the SuperNOFA for further discussion.

C. Reporting

All grant recipients under this NOFA are required to submit quarterly progress reports. The progress reports shall consist of two components, a narrative that must reflect the activities undertaken during the reporting period and a financial report that reflects costs incurred during the reporting period as well as a cumulative summary.

For each reporting period, as part of the required report to HUD, grant recipients must include a completed Logic Model (form HUD 96010), which identifies output and outcome achievements.

VII. Agency Contacts

Applicants may contact Sherone Ivey at (202) 708–3061, extension 4200, or Susan Brunson at (202) 708–3061, extension 3852. Persons with speech or hearing impairments may call the Federal Information Relay Service TTY at (800) 877–8339. Except for the ''800'' number, these numbers are not toll-free. Applicants may also reach Ms. Ivey via e-mail at *Sherone_E._Ivey@hud.gov,* and Ms. Brunson at *Susan_S._Brunson@hud.gov.*

VIII. Other

Paperwork Reduction Act: The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2528–0215. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection

of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average 68 hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application, quarterly and final report. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

BILLING CODE 4210–32–P

Attachment A--Application Checklist

Application Checklist

This checklist identifies application submission requirements. Applicants are requested to use this checklist when preparing an application to ensure submission of all required elements. Please present the information in the application in the order outlined below and indicate on each line the page number where each of the items can be found in the application. Standard Forms and required certification are found in the **General Section** of this SuperNOFA and can be downloaded from HUD's website, www.hud.gov.

I. PART A

_____ SF-424 "Application For Federal Assistance"

_____ Transmittal Letter

_____ Application Checklist

_____ Abstract (must include a two-page summary of the proposed project)

_____ Narrative Statement addressing the Factors for Award. The narrative must not exceed 75 pages, (excluding forms, abstracts, tables, maps, budget narrative, assurances, commitment letters, memoranda of understanding, agreements) double-spaced on one side, with one-inch margins (from the top, bottom, left and right) printed in standard New Times Roman 12-point font).

_____ HUD-96010 "Logic Model"

_____ Budget

____HUD 424-CB" Grant Application Detailed Budget"

____Budget Narrative (No form provided and must be submitted for the total three-year grant period)

____ Indirect Cost Rate Agreement

_____ Appendix (letters of commitment, memoranda of understanding, or agreements)

_____ Computer disk

II. PART B (All Required Forms)

The following required certifications and assurance can be downloaded from *www.hud.gov*.

_____ SF-424 "Application For Federal Assistance"

_____ HUD 424-CB " Grant Application Detailed Budget"

_____ SF-LLL "Disclosure of Lobbying Activities"

_____ HUD-2880 "Applicant/Recipient Disclosure Update Report"

_____ HUD-2993 "Acknowledgement of Applicant Receipt"

_____ HUD-2994 "Client Comments and Suggestions"

_____ SF-424 Supplement "Survey on Ensuring Equal Opportunity for Applicants"

_____ HUD 96010 "Logic Model"

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

UNIVERSITIES AND COLLEGES PROGRAMS

COMMUNITY OUTREACH PARTNERSHIPS CENTERS (COPC)

Billing Code 4210-32-C

The Community Outreach Partnership Centers (COPC) Program

Overview Information

A. *Federal Agency Name:* Department of Housing and Urban Development, Office of Policy Development and Research, Office of University Partnerships.

B. *Funding Opportunity Title:* Community Outreach Partnership Centers (COPC) Program.

C. *Announcement Type:* Initial announcement.

D. *Funding Opportunity Numbers:* The **Federal Register** Number is FR–4900–N–26. The OMB Approval Number for this program is 2506–0180.

E. *Catalog of Federal Domestic Assistance (CFDA) Number:* The CFDA Number for this program is 14.511.

F. *Dates:* The application due date shall be on or before July 9, 2004. Please *see* the General Section of the SuperNOFA for application submission, delivery and timely receipt requirements.

G. *Additional Overview Content Information:*

1. *Purpose of the Program.* The Community Outreach Partnership Centers (COPC) Program provides funds to two-year and four-year colleges and universities to establish and operate COPCs to address the problems of urban areas.

2. *Award Information.* In Fiscal Year (FY) 2004, approximately $6.9 million has been appropriated for this program by the Consolidated Appropriations Act, 2004 (Pub. L. 108–199, approved January 23, 2004, 118 Stat. 3), plus $7,113 in previously unexpended funds. HUD will award two kinds of grants under this program, New Grants and New Directions Grants.

a. New Grants will be awarded to applicants who have never received a COPC grant to undertake eligible work. The maximum amount an applicant can request for award is $400,000 for a three-year (36 months) grant performance period.

b. New Directions Grants will be awarded to applicants who have previously received a COPC grant to undertake new directions in their activities. The maximum amount an applicant can request for award is $200,000 for a two-year (24 months) grant performance period.

HUD will use up to $5.5 million to fund approximately 13 New Grants and up to $1.4 million to fund approximately seven (7) New Directions Grants.

3. *Eligible Applicants:* Public or private nonprofit institutions of higher education granting two-or four-year degrees that are accredited by a national or regional accrediting agency recognized by the U.S. Department of Education are eligible to apply. Consortia of eligible institutions may also apply for funding under this program, as long as one institution is designated the lead applicant (Note: Institutions that participated in a COPC grant as a member of a consortium are eligible to apply for a New Grant if they received 25 percent or less of the funding from the earlier grant). HUD intends to fund at least two eligible COPC applications (applications that receive a minimum score of 75 points) that serve Colonias, (as defined in the General Section of the SuperNOFA). While it is not necessary for the institution to be located in a Colonia, all program activities must be directed to the Colonia and its residents. If less than two fundable applications are eligible for award these funds will be used to award additional COPC grants.

Full Text of Announcement

I. Funding Opportunity Description

The main purpose of the Community Outreach Partnership Centers (COPC) program is to assist in establishing or carrying out outreach and applied research activities that address problems of urban areas. The program also seeks to encourage structural change, both within an institution of higher education and in the way the institution relates to its neighbors.

A. Funding under this program shall be used to establish and operate local Community Outreach Partnership Centers (COPCs). The five key concepts that a COPC Program should include are:

1. Outreach and technical assistance

2. Empowerment efforts that engage community-based organizations and residents as partners with the institution throughout the life of the project and beyond;

3. Applied research related to the project's outreach activities (**Note:** Applicants are not required to undertake any research as part of their project and may apply for a project that is totally outreach focused);

4. Assistance to target communities primarily from the faculty, students, and to a limited extent by neighborhood residents and community-based organizations funded by the university; and

5. Support from the university's senior officials to make the program part of the institution's broader effort to meet its urban mission.

B. Listed below are major modifications from the FY2003 program funding announcement:

1. This program has a separate NOFA and is no longer a part of the combined Office of Universities Partnerships Program NOFA;

2. All applications must be mailed to: University Partnerships Clearinghouse, c/o Danya International, 8737 Colesville Road, Suite 1200, Silver Spring, MD 20910;

3. Points will no longer be assigned to the budget. However, a budget narrative must be submitted that addresses the total dollar amount reflected on the HUD–424–CB for the entire grant performance period (three years for New Grant applicants and two years for New Directions grant applicants);

4. New Directions applicants can now request $200,000 for a two-year (24 months) grant performance period; and

5. New Directions Grant applicants must have drawn down at least 75 percent of its grant funds from any previous COPC award three weeks prior (not two weeks as stated previously) to the program's application due date to be eligible to apply for and receive a New Directions Grant. It is the applicant's responsibility to make sure this requirement is met.

C. The COPC 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 authorized $7.5 million for each year of the 5-year demonstration to create Community Outreach Partnership Centers as authorized in the COPC Act. The Consolidated Appropriations Act, 2004 (Pub. L. 108–199, approved January 23, 2004, 118 Stat. 3) continues this program beyond the initial five-year demonstration by providing funding for Community Outreach Partnership Centers for FY2004. This program is being implemented through this NOFA and the policies governing its operation are contained herein.

II. Award Information

In FY2004, approximately $6.9 million has been appropriated for this program by the Consolidated Appropriations Act, 2004 (Pub. L. 108–199, approved January 23, 2004, 118 Stat. 3), plus $7,113 in previously unexpended funds. HUD will award two kinds of grants under this program, New Grants and New Directions Grants.

a. New Grants will be awarded to applicants who have never received a COPC grant to undertake eligible work. The maximum amount an applicant can request for award is $400,000 for a

three-year (36 months) grant performance period.

b. New Directions Grants will be awarded to applicants who have previously received a COPC grant to undertake new directions in their activities. The maximum amount an applicant can request for award is $200,000 for a two-year (24 months) grant performance period.

HUD will use up to $5.5 million to fund approximately 13 New Grants and up to $1.4 million to fund approximately seven (7) New Directions Grants.

III. Eligibility Information

A. Eligible Applicants

Public or private nonprofit institutions of higher education granting two- or four-year degrees that are accredited by a national or regional accrediting agency recognized by the U.S. Department of Education. Consortia of eligible institutions may also apply, as long as one institution is designated the lead applicant. (**Note:** Institutions that participated in a COPC grant as a member of a consortium are eligible to apply for a New Grant if they received 25 percent or less of the earlier grant funds.) HUD intends to fund at least two eligible COPC applications (applications that receive a minimum score of 75 points) that serve Colonias (as defined in the General Section of this SuperNOFA). While it is not necessary for the institution to be located in a Colonia, all program activities must be directed to the Colonia and its residents. If less than two fundable applications are eligible for award these funds will be used to award additional COPC grants.

B. Cost Sharing or Matching

Applicants are required to meet the following match requirements:

1. New Grant Applicants Match Requirements

a. *Research Activities.* 50 percent of the total project costs of establishing and operating research activities.

b. *Outreach Activities.* 25 percent of the total project costs of establishing and operating outreach activities.

2. New Directions Grant Applicants Match Requirements

a. *Research Activities.* 60 percent of the total project costs of establishing and operating research activities.

b. *Outreach Activities.* 35 percent of the total project costs of establishing and operating outreach activities.

For each match, cash or in-kind contribution to the program, applicants must submit a signed letter of commitment (*see* section V, Application Review Information, Factor 4: Leveraging Resources). Applicants may not count as match any costs that would be ineligible for funding under the program (*e.g.*, housing rehabilitation). In previous competitions, some applicants incorrectly based their match calculations on the federal grant amount only. An applicant's match is evaluated as a percentage of the total cost of establishing and operating research and outreach activities, not just the Federal grant amount.

Assume that the total project cost for a New COPC Grant was $500,000, with $125,000 for research and $375,000 for outreach. Note that this project meets the requirement that no more than one-quarter of the total project costs be allocated for research as defined in section III, Eligibility Information, Other. The total amount of the required match would be $156,250. The research match would be $62,500 ($125,000 × 50 percent) and the outreach match would be $93,750 ($375,000 × 25 percent). The Federal grant requested would be $343,750 ($500,000 minus the match of $156,250). In calculating the match, administrative costs should be applied to the appropriate attributable outreach or research component.

C. Other

1. Eligible Activities

COPC Programs may combine outreach activities with research (if applicable) and work with communities and local governments to address the multidimensional problems that beset urban areas. Examples of urban problems include, but are not limited to housing, economic development, neighborhood revitalization, health care, job training, education, crime prevention, planning, the environment, and community organizing.

a. Outreach, technical assistance, and information exchange activities must be designed to address specific urban problems in designated communities and neighborhoods served by the grant.

b. Research activities (if applicable, research activities are not required) must have a clear near-term potential and practical application for solving specific, significant urban problems in designated communities and neighborhoods, including evaluation of the effectiveness of the outreach activities and how they relate to HUD programs. Applicants must have the capacity to apply the research results directly to the proposed outreach activities outlined in the application's work plan. In addition, applicants must work with communities and local institutions, including neighborhood groups, local governments, and other appropriate community stakeholders, in applying these results to real-life urban problems.

(1) Examples of outreach activities include, but are not limited to:

(a) Assistance to communities to improve consolidated housing and community development plans and eliminate impediments to the design and implementation of such plans;

(b) Innovative use of funds to provide direct technical expertise and assistance to local community groups, residents, and other appropriate community stakeholders to resolve local problems such as homelessness, housing discrimination, and impediments to fair housing choice;

(c) 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;

(d) Technical assistance to local public housing agencies on welfare-to-work initiatives and physical transformations of public or assisted housing, including development of accessible and visitable housing;

(e) Job training and other training projects, such as workshops, seminars, and one-on-one and on-the-job training; and

(f) Assistance to communities in eliminating or reducing excessive, unnecessary or duplicative regulations, processes or policies that restrict the development or rehabilitation of affordable housing (For further discussion of Regulatory Barriers see the General Section of this SuperNOFA).

c. Funds for faculty development, including paying for course time or summer support, to enable faculty members to work with the COPC.

d. Funds for stipends or salaries for students (but the program cannot cover tuition and fees) while students are working with the COPC.

e. Up to 20 percent of the grant for payments of reasonable grant administrative costs related to planning and execution of the project (*e.g.*, preparation/submission of HUD reports). Detailed explanations of these costs are provided in the Office of Management and Budget (OMB) circulars that can be accessed at the White House Web site at: *http://www.whitehouse.gov/omb/circulars/index.html.*

f. Activities to carry out the ''Program Requirements'' as defined in this NOFA. These activities may include leases for

office space in which to house the Community Outreach Partnership Center, under the following conditions:

(1) The lease must be for existing facilities not requiring rehabilitation or construction;

(2) No repairs or renovations of the property may be undertaken with Federal funds; and

(3) 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.

g. Components of the program may address metropolitan or regional strategies. Applicants must clearly demonstrate how:

(1) Strategies are directly related to what the targeted neighborhoods and neighborhood-based organizations have decided is needed; and

(2) Neighborhoods and neighborhood organizations are involved in both the development and implementation of the metropolitan or regional strategies.

2. Threshold Requirements Applicable to All Applicants

All applicants must comply with the threshold requirements as defined in the General Section of the SuperNOFA and the requirements listed below to be evaluated, rated, and ranked. Applications that do not meet these requirements will be considered ineligible for funding and will be disqualified: There will be two separate competitions, one for New Grants applicants and one for New Directions Grant applicants. For each type of grant applicants will be rated, ranked, and selected separately.

a. The applicant must meet the eligibility requirements as defined in section III A Eligible Applicants.

b. The maximum amount an applicant applying for a New Grant can request for award is $400,000. The maximum amount an applicant applying for a New Directions Grant can request for award is $200,000.

c. Applicants must meet the program's statutory match requirement (the requirement is defined in section III.B Cost Sharing or Matching).

d. New Grant applications must be multifaceted, address three or more urban problems, and propose at least one distinct activity to address each separate urban problem. Single purpose applications are not eligible.

e. New Directions Grant applications must address two urban problems and undertake at least one activity for each of these problems. Applicants must also 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). Single purpose applications are not eligible.

f. New Directions Grant applicants must have drawn down at least 75 percent of the grant funds from any previous COPC award three weeks prior to the program's application due date to be eligible to apply for and receive a New Directions Grant. It is the applicant's responsibility to make sure that this requirement is met.

g. Applicants who were a member of a consortium and received more than 25 percent of the earlier funding are not eligible to apply for a New Grant. However applicants may submit an application for a New Directions Grant (Applicants may submit an application individually or as part of the old consortium).

h. Only one New Grant or New Directions application will be eligible for funding from an institution. However different campuses of the same university system are eligible to apply, even if one campus has already received COPC funding if they have an administrative and budgeting structure independent of other campuses in the system.

i. Applicants may be part of only one consortium or submit only one application, or all applications will be disqualified. HUD will hold the applicant responsible for ensuring that neither the applicant nor any part of their institution, including specific faculty, participates in more than one application.

j. Programs must operate in an urban area. The statute creating COPC is very specific that programs 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. Applicants cannot meet this test by aggregating several places smaller than the population threshold in order to meet this requirement. (However, because of the size of the grant and the three-year performance period, HUD encourages applicants to target activities in a minimum number of definable neighborhoods or communities.)

k. In order to ensure that the primary focus of the proposed project is on outreach, there is a limit on the amount of money that can be budgeted for research costs for this program. No more than 25 percent of the total project costs (federal share plus match) can be spent on research activities. However, applicants are not required to undertake any research as part of their project and may apply for a project that is totally outreach focused.

l. Applicants must receive a minimum score of 75 points to be considered for funding.

m. An applicant must have a DUNS number to receive HUD grant funds. (The General Section of the SuperNOFA provides information regarding the DUNS requirement).

3. Program Requirements

In addition to the program requirements listed in the General Section of the SuperNOFA, applicants must meet the following program requirements:

a. All funds awarded under this program to New Grant applicants must be spent during a three-year (36 months) grant performance period. All funds awarded under this NOFA to New Directions grant applicants must be spent during a two-year (24 months) grant performance period.

b. Employ the outreach and research resources of the institution of higher education to solve specific urban problems identified by communities served by the Center;

c. Establish outreach activities in areas identified in the application as the communities to be served;

d. 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;

e. Coordinate outreach activities in communities to be served by the Center;

f. Facilitate public service projects in the communities served by the Center;

g. Act as a regional or local clearinghouse for dissemination of information;

h. Develop instructional programs, convene conferences, and provide training for local community leaders, when appropriate;

i. Exchange information with other Centers. The clearinghouse function described in section III Eligibility Information, refers to a local or regional clearinghouse for dissemination of information and is separate and distinct from this function, which relate to the provision of information to the University Partnerships Clearinghouse, which is the national clearinghouse for the program; and

j. Grant funds will pay for activities conducted directly, rather than passing funds to other entities (in order for an application to be competitive, no more than 25 percent of the grant funds should be passed through to other entities).

IV. Application and Submission Information

A. Addresses To Request Application Package

Applicants may request general information, copies of the General Section and Program Sections of the SuperNOFA from the NOFA Information Center 800–HUD–8929 or 800–HUD–2209 (TTY) between the hours of 9 a.m. and 8 p.m. (eastern time) Monday through Friday, except on Federal holidays. When requesting information, please refer to the Community Outreach Partnership Centers Program. Be sure to provide your name, address (including ZIP code), and telephone number (including area code). To ensure sufficient time to prepare an application, requests for copies of the NOFA can be made immediately following publication of the SuperNOFA. The NOFA Information Center opens for business simultaneously with the publication of HUD's 2004 NOFA.

Applicants can also obtain information on the SuperNOFA and download applications through the HUD Web site, *http://www.hud.gov.*

B. Content and Form of Application Submission

A complete application package must include an original signed application, three copies, and one computer disk of the application (in Word 6.0 or higher) of the items listed below. (The computer disk must include the narrative portion of the application, and all required forms. Forms can be downloaded from the Web site, *http://www.hud.gov.*) In order to recycle paper, applications must not be submitted in bound form; binder clips or loose-leaf binders are acceptable. Please do not use colored paper. Applications must be submitted on 8½ by 11-inch paper, double-spaced on one side of the paper, with one-inch margins (from top, bottom, left and right) and printed in a standard Times New Roman 12-point font. Each page must include the applicant's name and be numbered. Each section must be tabbed sequentially. The application narrative, including tables, and maps must not exceed 75 pages (excluding forms, budget narrative, assurances, commitment letters, memoranda of understanding, agreements and abstract). The double-spacing requirement applies to the application narrative (excluding the abstract, tables, maps, budget narrative, commitment letters, memoranda of understanding, and agreements). Please note that although submitting pages in excess of the page limit will not disqualify an application, HUD will not consider the information on any excess page. This may result in a lower score or failure to meet a threshold requirement. Except where a particular form may direct otherwise, all forms included in an application, as well as the transmittal letter, must be signed by the Chief Executive Officer (this is generally the President or Provost) or an official authorized legally to make a commitment on behalf of the institution. If a designee signs, the application must contain a copy of the official designation of signatory authority.

Please include in your application each item in the order listed below:

1. *SF–424, Application for Federal Assistance.* Instructions for completing this form are found on the back of the first page of the form. Please remember the following:

a. The full grant amount (New Grant applicants entire three-years and New Directions applicants entire two-years) should be entered, not the amount for just one year;

b. Include the name, title, address, telephone number, facsimile number, and email address of the designated contact. This is the person who will receive the reviewers' comments; therefore, please ensure the accuracy of the information;

c. The Employer Identification/Tax ID;

d. The DUNS Number;

e. The Catalog of Federal Domestic Assistance Number for this program is 14.511;

f. The project's proposed start date and completion date. For the purpose of this application, the program start date should be October 1, 2004; and

g. The signature of an authorized official (an individual who has the authority to make a binding commitment on behalf of the institution).

2. *Transmittal Letter.* The letter should contain a statement that the institution is an eligible applicant because it is a two-or four-year fully accredited institution. This letter should state the name of the accrediting agency, and that the accrediting agency is recognized by the U.S. Department of Education. Applicants may also use the transmittal letter as one way to demonstrate the President's commitment to the institutionalization of the program. The *Chief Executive Officer* (usually the President or Provost) of the institution must sign this letter. If the Chief Executive Officer has delegated this responsibility to another official, that person may sign, but a copy of the delegation must be included or clearly stated in the letter.

3. *Application Checklist.* Applicants must include the completed checklist in their application. On the checklist, applicants must indicate the page number where each of the items can be found in the application (*see* Appendix A).

4. *Abstract.* Applicants must include no more than a two-page summary of the proposed project. Please include the following:

a. A clear description of the proposed project activities, the target population that will be assisted, and the impact this project will have on the institution;

b. The designated contact person, including phone number, facsimile number, and email address (this is the person who will receive the reviewers' comments; therefore, please ensure the accuracy of the information);

c. University's name, department, mailing address, telephone number, facsimile number, and email address; and

d. The principal investigator, if different from the designated contact person, for the project, including phone number, facsimile number, and email address.

5. *Narrative statement addressing the Factors for Award.* HUD will use the narrative response to the ''Factors for Award'' to evaluate, rate, and rank applications. The statement and work plan are the main source of information. Applicants are advised to review each factor carefully for program specific requirements. The response to each factor should be concise and contain only information relevant to the factor, but detailed enough to address each factor fully. Please do not repeat material in response to the five factors; instead, focus on how well the proposal responds to each of the factors. In factors where there are subfactors, each subfactor must be presented separately, with the short title of the subfactor presented. Make sure to address each subfactor and provide sufficient information about every element of the subfactor.

6. *Budget.* The budget submission must be placed behind the narrative statement addressing the Factors for Award and include the flowing form:

a. *HUD–424–CB ''Grant Application Detailed Budget.''* This form shows the total budget by year and by line item for the program activities to be carried out with the proposed HUD grant. Each year of the program should be presented separately. Applicants must also submit this form to reflect the total cost for the entire grant performance period (Grand Total).

Make sure that the amount shown on the SF–424, the budget form HUD–424–

CB and all other required program forms is consistent and the budget totals are correct. Remember to check addition in totaling the categories on the HUD–424–CB form so that all items are included in the total. All forms must be completed in full. If an application is selected for award, the applicant may be required to provide greater specificity to the budget during grant agreement negotiations.

b. *Budget Narrative.* A narrative must be submitted that explains how the applicant arrived at the cost estimates for any line item, including match items, over $5,000. For example, a van rental, $150 per month x 36 months equals $5,400. 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 proposed in the geographical area. When necessary, quotes from various vendors or historical data should be used and included. When an applicant proposes to use a consultant, the applicant must indicate whether there is a formal agreement or written procurement policy. For each consultant, please provide the name, if known, hourly or daily rate, and the estimated time on the project. For equipment, applicants must provide a list by type and cost for each item and explain how it will be used. Applicants using contracts must provide an individual description and cost estimate for each contract.

c. *Indirect costs.* Indirect costs, if applicable, are allowable based on an established approved indirect cost rate. Applicants should include a copy of their indirect cost rate agreement with their application. Applicants who are selected for funding that do not have an approved indirect cost rate agreement (established by the cognizant Federal agency, Certified Public Account, or auditor) will be required to establish a rate. In such cases, HUD will issue an award with a provisional rate and enter into an agreement to have one established.

d. *Audits.* Applicants must ensure that their most current A–133 audit is on file at the Federal Audit Clearinghouse. Grantees that expend $500,000 or more in Federal financial assistance in a single year (this can be program year or fiscal year) must be audited in accordance with the OMB requirements as established in 24 CFR parts 84 and 85. Additional information regarding this requirement at the following Web site: *http://harvester.census.gov/sac.*

7. *Match and Research Compliance.* All applicants must include the following forms:

a. *HUD–30001, ''Community Outreach Partnership Centers Matching Requirements.''* This form should show how the match requirements have been met. Under each category, list the specific project activities. Only the dollar totals for research and outreach activities should be listed; costs by activity do not need to be listed. For the purpose of this form, administrative costs should be allocated between research and outreach activities, as appropriate. Applicants must provide letters, memoranda of understanding or agreements that show the extent and firmness of commitments of leveraged funds (including an applicant's own resources) in order for these resources to count. 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. Each letter must include the specific dollar amount and the use of the funds. If a dollar amount and use is not shown, the source cannot be counted toward the match requirement in Factor 4. This form is included in Appendix B.

b. *HUD–30002, ''Community Outreach Partnership Centers Breakdown of Outreach and Research Activities.''* This form is used to demonstrate that the applicant has not allocated more than 25 percent of the total budget (including federal and matching funds) to research activities. This form is included in Appendix B. For purposes of this form, all costs (including administrative costs) must be categorized or apportioned as either research or outreach, as appropriate.

(**Note:** While indirect costs can count toward meeting the required match, they will not be used to calculate the match percentage above the match requirement. Only direct costs can count in this factor). Letters, memoranda of understanding, and agreements must be signed by an authorized representative of the funding source. If any matching sources are for more than one year, the commitment letter, memorandum of understanding, or agreement must state the number of years, the per year commitment, and the total commitment. Items eligible for program funding can be counted as match. Include matching documentation at the end of the narrative statement addressing the Factors for Award (*see* below) and note in this section a list of the letters that have been placed there.)

c. *HUD–30011 or HUD–30012, ''Verification of the Match.''* Applicants must include a multiple page worksheet (included in Appendix B) to determine if a sufficient match has been provided. This worksheet must be included in the application. Please note on this form by each commitment listed if the match is an inside or outside match commitment.

8. *Appendix.* Applicants must place all letters of commitment, memoranda of understanding, and agreements for funds/resources in response to Factor 4 in this section. An applicant may not submit general support letters or resumes or other back-up materials (unless an applicant is willing to have the additional material count toward the page limit requirements).

C. Submission Dates and Times

A complete application package is due on or before July 9, 2004.

D. Intergovernmental Review:

This program is excluded from an Intergovernmental Review.

E. Funding Restrictions

1. Activities such as, but not limited to, the following are ineligible for funding:

a. Research activities that account for more than 25 percent of the total project cost (federal share plus match) and/or that have no clear and immediate practical application for solving urban problems or do not address specific problems in designated communities and neighborhoods or have any specific link to HUD programs.

b. Any type of construction, rehabilitation, or other physical development costs.

c. Costs used for routine operations and day-to-day administration of institutions of higher education, local governments, or neighborhood groups.

2. Funding may only be provided to applicants that meet the standards for eligible applicants in section III.A.

F. Other Submission Requirements

1. Complete Application Package

This package must be submitted to the following address: University Partnerships Clearinghouse, c/o Danya International, 8737 Colesville Road, Suite 1200, Silver Spring, MD 20910. When submitting an application package, also please include the following information on the outside of the envelope:

a. Office of University Partnerships;

b. Community Outreach Partnerships Center Program;

c. Applicant's name and mailing address (including ZIP code).

Applicants must refer to the General Section of this SuperNOFA for detailed requirements governing application submission and receipt.

2. Forms, Certifications, and Assurances

The following certifications and assurances must be included in all application packages. These forms must be signed by the Chief Executive Officer (or official designee) of the institution and can be downloaded from the HUD Web site at *http://www.hud.gov.*

a. Application for Federal Assistance (SF–424).

b. Applicant Assurances and Certifications (HUD–424–B).

c. Grant Application Detailed Budget (HUD–424–CB).

d. Disclosure of Lobbying Activities (SF–LLL).

e. America's Affordable Communities Initiative Removal of Regulatory Barriers (HUD–27300), if applicable.

f. Applicant/Recipient Disclosure/ Update Report (HUD–2880).

g. Certification of Consistency with the Consolidated Plan (HUD–2991).

h. Certification of Consistency with the EZ/EC/RC Strategic Plan (HUD–2990). Must be signed by the certifying official of the EZ/EC/RC. The General Section of the SuperNOFA provides procedures and guidelines required to certify that proposed grant activities are being conducted in the EZ/EC/RC that serve the residents of these areas, and are certified to be consistent with the area's strategic plan.

i. Program Logic Model (HUD–96010).

j. Survey on Equal Opportunity (HUD–32004).

k. Community Outreach Partnership Centers Matching Requirements (HUD–30001).

l. Community Outreach Partnership Centers Breakdown of Outreach and Research Activities (HUD–30002).

m. Verification of the Match (HUD–30011 or HUD–30012).

n. Survey on Ensuring Equal Opportunity for Applicants (SF–424 Supplement)

o. Acknowledgment of Receipt of Application (HUD–2993). To confirm that HUD has received the application package, please complete this form. Applicants are not required to include this form, but it is recommended that an applicant do so.

p. Client Comments and Suggestions (HUD–2994). This form is included to solicit information from the most valuable source, the applicant. The changes that we have instituted this year are designed to make things easier for the applicant. If applicants complete and submit this form, it will help us to assess whether the changes have had the intended results. It will also guide us in our continuing efforts to improve the competitive grant process. Applicants are not required to complete this form.

V. Application Review Information

A. Criteria

1. *Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 Points).* This factor addresses the extent to which the institution 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:

a. Knowledge and Experience *For New Grant Applicants* (20 Points); *For New Directions Grant Applicants* (10 Points). The knowledge and experience possessed by the proposed overall project director and staff, including the day-to-day program manager, consultants (including technical assistance providers), and contractors for planning and managing this kind of program. Experience will be judged in terms of recent and relevant knowledge and skills of the staff to undertake eligible program activities. HUD will consider experience within the last five years to be recent and experience pertaining to specific activities and producing specific accomplishments to be relevant. The more recent and substantial the experience of the staff, particularly the institution's own staff who will work on the project have in successfully conducting and completing similar activities, the higher the number of points an applicant can receive for this rating factor. The following areas will be evaluated:

(1) Outreach activities in communities to solve or ameliorate significant urban issues;

(2) Projects with community-based organizations or local governments;

(3) Solving community problems that have a direct bearing on the proposed activities and that make a national contribution to solving long-term and immediate urban problems/issues; and

(4) Research activities (if applicable) that have a practical application to significant urban issues.

b. Past Performance (10 points). *New Directions Grant Applicants Only.* This subfactor will evaluate the extent to which an applicant has performed successfully under a previous COPC grant. Applicants must demonstrate this by providing the following information:

(1) A detailed list outlining the achievement of specific measurable objectives and outcomes consistent with the approved timeline/work plan in the previously awarded grant; and

(2) Comparison of proposed required match funds and resources in a previous grant with what was actually matched.

2. Rating Factor 2: Need/Extent of the Problem (10 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(s) in the target area. The need(s) described must be relevant to the activities for which funds are being requested. The proposal will be evaluated on the extent to which the level of need for the proposed activities and the importance of meeting the need(s) are documented.

Applicants must use statistics or other analyses contained in at least one or more current data sources that are sound and reliable. Sources for localized data can be found at: *http://www.ffiec.gov* or *http://www.econdatata.com.* In rating this factor, HUD will consider data collected within the last five years to be current. To the extent that the targeted community's Five 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, applicants should include references to these documents in response to this factor. Other reliable sources of data include, but are not limited to, Census reports, HUD Continuum of Care gap analysis and its E-Map (To find additional information go to HUD's Web site: *http://www.hud.gov/emaps*), law enforcement agency crime reports, Public Housing Agencies' Comprehensive Plans, community needs analyses such as provided by the United Way, the applicant's institution, and other sound and reliable appropriate sources. Needs in terms of fulfilling court orders or consent decrees, settlements, conciliation agreements, and voluntary compliance agreements may also be addressed.

The data used must be specific to the area where the proposed activities will be carried out. Needs must be documented as they apply to the area where the activities will be targeted (not the entire locality or state). Remember the statute creating COPC is very specific that the program addresses problems 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. (However, because of the size of the grant and the three-year period of performance, HUD encourages applicants to target activities in a minimum number of definable neighborhoods or communities.)

3. Rating Factor 3: Soundness of Approach (40 Points). This factor addresses the quality and effectiveness of the proposed work plan. There must be a clear relationship between

proposed activities and community needs for an applicant to receive points for this factor. This factor will be evaluated based on the extent to which the proposed work plan demonstrates the following:

a. Quality of Work Plan (25 Points).

(1) Specific Services and/or Activities. The work plan must describe all proposed activities and major tasks required to successfully implement the proposed project. HUD will consider the probability of success of the program, the significance of the tasks identified, how realistic are the proposed time frames, and who will be responsible for completing each proposed activity. (Note: applicants are not required to undertake research as part of the grant.)

(a) Describe a clear outreach agenda and demonstrate this by providing the following:

(i) Identifiable outreach activities;

(ii) Required tasks to be completed (in sequential order) for each proposed activity;

(iii) Target completion date for each proposed task/activity to be successfully implemented (in six-month intervals); and

(iv) The staff member, as described in Factor 1, who will be responsible and accountable for completing each task.

(b) Describe how the project will:

(i) Involve the institution as a whole (*i.e.*, variety of academic disciplines and administrative offices);

(ii) Provide for on-site or frequent presence in the target area; and

(iii) Ensure proposed activities do not duplicate outreach activities by the institution or others for the target area previously completed or currently underway.

(c) Applicants proposing research activities must describe a clear research agenda that applies the proposed research results directly to the proposed outreach activities and demonstrate this by providing the following:

(i) Identifiable research activities and outcomes (*e.g.*, reports, surveys, etc.);

(ii) Required tasks to be completed (in sequential order) for each proposed activity;

(iii) Time necessary for each proposed task/activity to be successfully implemented (in six-month intervals) and target completion date;

(iv) The staff member, as described in Factor 1, who will be responsible for it and accountable for completing each task;

(v) Ensure that the proposed research is tied to the proposed outreach agenda (*e.g.*, a proposed study of the extent of housing abandonment in a neighborhood is followed by a plan for reusing this housing demonstrates a link between the proposed research and outreach strategies); and

(vi) Describe how the research does not duplicate the research by the institution or others for the target area previously completed or currently underway. If similar research is underway, describe how the proposed research agenda would complement it.

b. (5 Points) Community Involvement. The applicant must describe the extent to which it proposes to integrate the community as partners in the planning and implementation of proposed program activities. In reviewing this subfactor, HUD will look at the extent to which:

(1) One or more Community Advisory Committees have been formed that represent the communities' diversity (including businesses, community groups, residents, and others) and will serve to develop and implement strategies to address the needs identified in Factor 2. In addressing this subfactor, applicants must demonstrate by providing evidence that such a committee(s) has been in place and what groups are represented, or that commitments have been secured from the appropriate persons to serve on a committee(s), rather than just describing generally the types of people whose involvement will be sought.

(2) The committee and partners play an active role in all stages of the project and not serve as merely advisors or monitors.

(3) The outreach agenda includes training projects for local community leaders to increase their capacity to direct their organizations or undertake various kinds of community development projects.

c. (4 Points) Innovative Strategies or Best Practices. This subfactor will be evaluated based on the extent to which an applicant has the potential to yield strategies or best practices that can be replicated and disseminated to other organizations, including nonprofit organizations, and State and local governments. In reviewing this subfactor, HUD will assess the applicant's demonstrated ability to disseminate results of outreach and research activities to other COPCs and communities. In addition, to the scope and quality of the applicant's plan to disseminate information results, strategies, and lessons learned through such means as conferences, cross-site technical assistance, Web sites, publications, etc.

d. (3 Points) Affirmatively Further Fair Housing. This subfactor will be evaluated on the extent to which an applicant describes how they propose to undertake activities designed to affirmatively further fair housing, for example:

(1) 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;

(2) 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

(3) Providing housing mobility counseling services.

e. (3 Points) HUD Policy Priorities. HUD encourages applicants to undertake specific activities that will assist the Department in implementing its policy priorities that will help the Department achieve its goals and objectives in FY2005, when the majority of grant recipients will be reporting programmatic results and achievements. In addressing this subfactor, HUD will evaluate the extent to which a program will further and support HUD's priorities. The quality of the responses provided to one or more of HUD's priorities will determine the score an applicant can receive. Applicants must describe how each policy priority selected will be addressed. Applicants that just list a priority will receive no points.

Each policy priority addressed has a point value of one point with the exception of the policy priority to remove regulatory barriers to affordable housing, which has a point value of up to 2 points. The total number of points available to applicants that address policy priorities is 3. It is up to the applicant to determine which of the policy priorities they elect to address to receive the available 3 points. To receive points for efforts to remove regulatory barriers to affordable housing, an applicant must submit the completed questionnaire found in the General Section. (Form HUD–27300). For the full list and explanation of each policy priority, please refer to the General Section of this SuperNOFA.

4. *Rating Factor 4: Matching Resources and Institutionalization of Program (20 Points).* This factor addresses the ability of the applicant to secure resources and make the program activities part of the institution's future mission. In evaluating this factor, HUD will consider the extent to which the applicant established partnerships with other entities (other than HUD) to secure additional resources to increase the effectiveness of the proposed program activities.

a. (10 Points) *Matching Resources.* This subfactor addresses the applicant's ability to secure community resources combined with HUD's grant funds to achieve the program's purpose. Resources may include funding or in-kind contributions, such as services or equipment, allocated to the purpose(s) of the grant being sought. Resources may be provided by governmental entities, public or private nonprofit organizations, for-profit private organizations, or other entities willing to establish partnerships. Applicants may also establish partnerships with funding recipients in other grant programs to coordinate the use of resources in the target area. Please note that the value of the time of individuals serving on an applicant program advisory board cannot be counted as an in-kind contribution. Applicants may count overhead and other institutional costs (*e.g.*, salaries, indirect costs, etc.) that the institution has waived. In evaluating this subfactor, HUD will allocate points as follows:

(1) (5 Points) will be awarded for a match that is 25 percent over the required match, as described in section V, Application Review Information. Fewer points will be assigned depending on the extent of the match overage provided. Matching funds must be provided unconditionally in order to be counted for this subfactor.

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 toward meeting the required match, they will not be used in calculating match overage. Only direct costs can count in this factor.

(2) (5 Points) will be awarded for the extent to which applicant documents that matching funds are provided from eligible sources other than the 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 amount of the outside match.

For each match, cash or in-kind contribution, a letter of commitment, memorandum of understanding, or agreement must be provided that shows the extent and firmness of the commitment of leveraged funds (including any commitment of resources from the applicant's own institution) in order for the resources to count in determining points under this factor. Resources will not be counted for which there is no commitment letter, memorandum of understanding, or agreement, nor quantified level of commitment. Letters, memoranda of understanding, or agreements must be submitted from the provider on the provider's letterhead and be included with the application package. (Applicants must place all letters, memoranda of understanding, or agreements in the Appendices.) The date of the letter, memorandum of understanding, or agreement from the CEO of the provider organization must be dated no earlier than the date of this published SuperNOFA. Applications that do not include evidence of matching will receive zero (0) points for this Factor and will be disqualified.

a. A firm commitment letter, memorandum of understanding, or agreement must address the following:

(1) The cash amount contributed or dollar value of the in-kind goods and/or services committed (If a dollar amount and use is not shown, the source cannot be counted toward the match requirement);

(2) A specific description of how the match is to be used;

(3) The date the match will be made available and a statement that describes the duration of the contribution. If any of the matching sources are for more than one year, the commitment letter, memorandum of understanding, or agreement must state the number of years, the per year commitment, and the total commitment. Without this statement, HUD will assume that the commitment is for only one year;

(4) Any terms or conditions affecting the commitment, other than receipt of a HUD grant; and

(5) The signature of the appropriate executive officer authorized to commit the funds and/or goods and/or services. Please remember that only items eligible for funding under this program can be considered as a match.

b. (10 Points) *Institutionalization.* This subfactor looks at how the institution plans to make the COPC function and related activities a part of its urban mission and ensure funding in the future by sources other than HUD.

(1) New Grant Applicants. In reviewing this subfactor for a New Grant, HUD will consider the extent to which the New Grant applicant addresses the institution's capacity and commitment to undertake outreach activities. HUD will evaluate the following:

(a) COPC activities as they relate to the institution's urban mission;

(b) Support and involvement of the institution's executive leadership (*e.g.*, department chairs, deans, etc.) faculty, staff and students from across many disciplines in order to demonstrate the institution's commitment to these kinds of activities;

(c) Commitment of the institution to establish a climate that rewards faculty and staff for work in COPC neighborhoods by including this work in decisions affecting rank, tenure, and promotion;

(d) Benefit to students through the implementation of service learning programs or professional training at the institution that are reflected in the curriculum (rather than just volunteer activities);

(e) Commitment to a formal organizational structure within the university related to outreach and community partnerships as reflected in the university's budget and planning documents of the university.

(2) New Directions Applicants. In reviewing this subfactor for a New Directions Grant, HUD will consider the extent to which the New Directions applicant's proposed project will sustain the institutional capacity and commitment of the institution to undertake outreach activities. HUD will evaluate the following:

(a) Increases in the number of faculty undertaking this kind of work;

(b) Increases in the number of courses linked to outreach activities and the number of students taking these courses; and

(c) Formal changes in institutional policies related to support of outreach.

5. *Rating Factor 5: Achieving Results and Program Evaluation (10 Points).* This factor reflects HUD's goal to embrace high standards of management and accountability. It measures the applicant's commitment to assess their performance to achieve the program's proposed objectives and goals. Applicants are required to develop an effective, quantifiable, outcome oriented evaluation plan for measuring performance and determining that objectives and goals have been achieved.

''Outcomes'' are benefits accruing to institutions of higher education and/or communities during or after participation in the COPC program. Applicants must clearly identify the outcomes to be measured and achieved. Examples of outcomes are increased business start-up in the target community by a certain percentage, or increased family financial stability (*e.g.*, increased assets to families and communities through the development of incubators).

In addition, applicants must establish interim benchmarks and outputs that lead to the ultimate achievement of outcomes. ''Outputs'' are the direct products of the program's activities.

Examples of outputs are the number of new businesses developed, the number of students involved in service learning activities, the number of new courses an institution developed that focus on community outreach activities, the number of newly formed partnerships that aid in community capacity building. Outputs should produce outcomes for the program. At a minimum, an applicant must address the following activities in the evaluation plan:

a. Specific time-phased short and long-term measurable objectives to be accomplished.

b. Measurable impacts the grant will have on the community in general and the target area or population.

c. The impact the grant will have on the long-term commitment of the university to the faculty and students to provide opportunities to continue this type of work.

d. The impact the grant will have on assisting the university to obtain additional resources to continue this type of work at the end of the grant performance period.

This information must be placed under this section on a HUD–96010 Program Outcome Logic Model form. (Applicants may use as many copies of this form as required. It will not be included in the page count requirement). A narrative is not required; however, if a narrative is provided, those pages will be included in the page count. Additional information on this form and how to use it can be found in the General Section of this SuperNOFA.

B. Review and Selection Process

1. Application Selection Process

Two types of reviews will be conducted:

a. A threshold review to determine an applicant's basic eligibility; and

b. A technical review for all applications that pass the threshold review to rate and rank the application based on the ''Factors for Award'' listed in section V.A above.

Only those applications that pass the threshold review will receive a technical review and be rated and ranked.

2. Rating Panels

To review and rate applications, HUD may establish panels, which may include experts or consultants not currently employed by HUD. These individuals may be included to obtain certain expertise.

3. Ranking

HUD will fund applications in rank order, until all available program funds are awarded. In order to be funded, an applicant must receive a minimum score of 75 points out of a possible 100 points for Factors 1 through 5. In addition, two bonus points may be awarded for RC/EZ/EC, as described in the General Section of the SuperNOFA. 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 1, Capacity of the Applicant and Relevant Organizational Experience, shall be selected. HUD reserves the right to make selections out of rank order to provide for geographic distribution of grantees. In addition, HUD intends to fund at least two eligible COPC applications that serve Colonias (as defined in the General Section of this SuperNOFA). While it is not necessary for the institution to be located in a Colonia, all program activities must be directed to the Colonia and its residents. If less than two fundable applications are eligible for award these funds will be made available to award additional COPC grants. HUD also reserves the right to reduce the amount of funding requested in order to fund as many highly ranked applications as possible. Additionally, if funds remain after funding the highest ranked applications, HUD may fund part of the next highest-ranking application. If an applicant turns 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, the remaining funds will be carried over to the next funding cycle competition.

4. Correction to Deficient Applications

The General Section of the SuperNOFA provides the procedures for correction to deficient applications.

C. Anticipated Announcement and Award Dates

Announcements of awards are anticipated on or before September 30, 2004.

VI. Award Administration Information

A. Award Notice

After all selections have been made, HUD will notify all winning applications in writing. HUD may require winning applicants to participate in additional negotiations before receiving an official award. For further discussion on this matter, please refer to the General Section of the SuperNOFA.

B. Administrative and National Policy Requirements

Applicants are directed to Section III.C of the General Section of the SuperNOFA, which provides the statutory, regulatory, threshold, and public policy requirements applicable to all HUD grantees. The provisions of the HUD Reform Act of 1989 that apply to this NOFA are explained in the General Section of the SuperNOFA.

1. Debriefing

The General Section of the SuperNOFA provides the procedures for requesting a debriefing. All requests for debriefings must be made in writing and submitted to: Armand Carriere; Office of University Partnerships, Robert C. Weaver Federal Building, 451 Seventh Street, SW., Room 8106, Washington, DC 20410–6000. Applicants may also write to Mr. Carriere via e-mail at *Armand_W._Carriere@hud.gov.*

2. Administrative

Grants awarded under this NOFA 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). Applicants can access the OMB circulars at the White House Web site at: *http://www.whitehouse.gov/omb/circulars/index.html.*

3. OMB Circulars and Governmentwide Regulations Applicable to Financial Assistance Programs

The General Section of the SuperNOFA provides further discussion of OMB circulars and governmentwide regulation.

4. Conflicts of Interest

See the General Section of the SuperNOFA for further discussion.

5. Recovered Materials

The General Section of the SuperNOFA provides further discussion of the federal law governing the procurement of recovered materials.

6. Environmental Requirements

In accordance with 24 CFR 50.19(b) of the HUD regulations, activities under the COPC program are categorically excluded from the requirements of the National Environment Policy Act and are not subject to environmental review under related laws and authorities.

C. Reporting

All grant recipients under this NOFA are required to submit semi-annual progress reports. The progress reports shall consist of two components, a narrative that must reflect the activities undertaken during the reporting period and a financial report that reflect costs incurred during the reporting period as well as a cumulative summary.

For each reporting period, as part of the required report to HUD, grant recipients must include a completed Logic Model (Form HUD–96010), which identifies output and outcome achievements.

VII. Agency Contacts

Applicants may contact Kinnard Wright at (202) 708–3061, extension 7495 or Susan Brunson, at (202) 708–3061, extension 3852. Persons with speech or hearing impairments may call the Federal Information Relay Service (TTY) at (800) 877–8339. Except for the ''800'' number, these numbers are not toll-free. Applicants may also reach Mr. Wright via e-mail at *Kinnard_D._Wright@hud.gov*, and/or Ms. *Brunson at Susan_S._Brunson@hud.gov.*

VIII. Other Information

Paperwork Reduction Act: The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2506–0180. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average 144 hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application, quarterly, semi-annual and final reports. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

BILLING CODE 4210–32–P

Attachment A--Application Checklist

Application Checklist

This checklist identifies application submission requirements. Applicants are requested to use this checklist when preparing an application to ensure submission of all required elements. Please present the information in the application in the order outlined below and on each line write the page number where the item is located. Standard Forms and required certification are found in the **General Section** of the SuperNOFA, program specific forms are found at the end of this NOFA in Appendix A and B.

I. PART A

_____ SF-424 "Application For Federal Assistance"

_____ Transmittal Letter

_____ Application Checklist

_____ Abstract (must include no more than a two-page summary of the proposed project)

_____ Narrative Statement Addressing the Factors for Award. The narrative must not exceed 75 pages, (excluding forms, abstracts, tables, maps, budget narrative, assurances, commitment letters, memorandum of understanding, and agreements) double-spaced on one side of the paper, with on-inch margins (from top, bottom, left and right) printed in standard Times New Roman 12 point font).

____ HUD-96010 "Logic Model"

_____ Budget

____HUD 424-CB "Grant Application Detailed Budget"
____Budget Narrative (No form provided and must be submitted for the total grant performance period)

____ Indirect Cost Rate

_____ Match and Compliance Forms
____HUD-30001 "Community Outreach Partnership Center Program Matching Requirements"
____ HUD-30002 "Community Outreach Partnership Center Program Breakdown of Outreach and Research Activities"
____ HUD-30011 or HUD-30012 "Verification of Match"

_____ Appendix (letters of commitment, memoranda of understanding, or agreements)

_____ Computer disk

II. PART B (All Required Forms)

The following required certifications and assurance can be downloaded from *www.hud.gov*.

____ SF-424 "Application For Federal Assistance"

____ HUD-424-B "Applicant Assurance and Certifications"

____ HUD-424-CB "Grant Application Detailed Budget"

____ HUD-27300 "America's Affordable Communities Initiative Removal of Regulatory Barriers" (if applicable)

____ HUD-2880 "Applicant/Recipient Disclosure Update Report"

____ HUD-2991 "Certification of Consistency with the Consolidated Plan", **(if applicable)**

____ HUD-2990 "Certification of Consistency with the EZ/EC/RC Strategic Plan", **(if applicable)**

____ HUD-2993 "Acknowledgement of Applicant Receipt"

____ HUD-2994 "Client Comments and Suggestions"

____ HUD-30001 "Community Outreach Partnership Center Program Matching Requirements"

____ HUD-30002 "Community Outreach Partnership Center Program Breakdown of Outreach and Research Activities"

____ HUD-30011 or HUD 30012 "Verification of Match"

____ SF-424 Supplement "Survey on Ensuring Equal Opportunity for Applicants"

____ SF-LLL "Disclosure of Lobbying Activities"

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. 05/31/2006)

	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)

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.

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. 05/31/2006)

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		

Verification of Match for New Directions Grants

U.S. Department of Housing and Urban Development
Office of Policy Development and Research

OMB Approval No. 2528-0180
(exp. 05/31/2006)

Public reporting burden for this collection of information is estimated to average 5 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. The information collected on this form is utilized to calculate and verify the amount of matching resources as a percentage of total project costs. This collection of information is authorized by Public Law 100-242, section 501. 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 has submitted a request for Office of Management and Budget (OMB) approval to collect this information. That approval is pending.

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.	

form **HUD-30011** (3/2003)

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)(from 3)= _____
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 = _____
Total Actual Match (w/o indirect costs) (from 3)

Verification of Match for New Grants

U.S. Department of Housing
and Urban Development
Office of Policy Development and Research

OMB Approval No. 2528-0180
(exp. 05/31/2006)

Public reporting burden for this collection of information is estimated to average 5 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. The information collected on this form is utilized to calculate and verify the amount of matching resources as a percentage of total project costs. This collection of information is authorized by Public Law 100-242, section 501. 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 has submitted a request for Office of Management and Budget (OMB) approval to collect this information. That approval is pending.

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.	

form **HUD-30012** (3/2003)

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)(from 3)= _____
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 = _____
Total Actual Match (w/o indirect costs) (from 3)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

STUDENT RESEARCH AND STUDY PROGRAMS

Early Doctoral Student Research Grant Program

Doctoral Dissertation Research Grant Program

Billing Code 4210-32-C

The Early Doctoral Student Research Grant Program and Doctoral Dissertation Research Grant Program

Overview Information

A. *Federal Agency Name:* Department of Housing and Urban Development, Office of Policy Development and Research, Office of University Partnerships.

B. *Funding Opportunity Title:* The Early Doctoral Student Research Grant (EDSRG) Program and the Doctoral Dissertation Research Grant (DDRG) Program.

C. *Announcement Type:* Initial announcement.

D. *Funding Opportunity Number:* The **Federal Register** number for these programs is FR–4900–N–02. The OMB Approval Numbers for these programs are as follows:

1. Early Doctoral Student Research Grant Program is 2528–0216.

2. Doctoral Dissertation Research Grant Program is 2528–0213.

E. *Catalog of Federal Domestic Assistance (CFDA) Number(s):* The CFDA Numbers for these programs are as follows:

1. Early Doctoral Student Research Grant Program is 14.517

2. Doctoral Dissertation Research Grant Program is 14.516

F. *Dates:* The application due date shall be on or before June 16, 2004. Please see the General Section of the SuperNOFA for application submission, delivery and timely receipt requirements.

G. *Optional, Additional Overview Content Information:*

1. *Purpose of the University Partnership Dissertation Programs:*

a. *Early Doctoral Student Research Grant (EDSRG) Program.* The purpose of the EDSRG program is to enable doctoral students enrolled at accredited institutions of higher education recognized by the U.S. Department of Education to cultivate their research skills through the preparation of research manuscripts that focus on policy-relevant housing and urban development issues.

b. *Doctoral Dissertation Research Grant (DDRG) Program.* The purpose of the DDRG program is to enable Ph.D. candidates enrolled at accredited institutions of higher education recognized by the U.S. Department of Education to complete their research and dissertations on policy-relevant housing and urban development issues.

2. *Award Information:* Approximately $550,000 in Fiscal Year (FY) 2004 appropriations is available for the following Office of University Partnerships (OUP) dissertation programs.

a. *Early Doctoral Student Research Grant Program*—Approximately $150,000 is available for funding under this program. The maximum grant period is 12 months. The performance period will commence on the effective date of the grant agreement. The maximum amount that can be requested by a doctoral student for award is $15,000.

b. *Doctoral Dissertation Research Grant Program*—Approximately $400,000 is available for funding under this program. The maximum grant period is 24 months. The performance period will commence on the effective date of the grant agreements. The maximum amount that can be requested by a doctoral student for award is $25,000.

3. *Eligible Applicants:*

a. *Early Doctoral Student Research Grant Program.* Doctoral students applying for funding under this program must meet the following requirements:

(1) Be a U.S. citizen or lawful permanent resident (recipient of an Alien Registration Recipient Card-Form I–551, commonly referred to as a Green Card) currently enrolled, as a full-time student in an accredited doctoral program at an accredited institution of higher education recognized by the U.S. Department of Education;

(2) Have a major or concentration within a field related to housing and urban development;

(3) Have not taken the preliminary/comprehensive examinations;

(4) Completed at least two semesters or three terms of a doctoral studies program (depending on the course structure of the institution);

(5) Have an assigned faculty advisor to supervise the research manuscript (provide the advisor's name, address, phone number, facsimile number, and e-mail address);

(6) Submit support letter from the assigned faculty advisor of the doctoral student's department that confirms the student meets all of the conditions above and that the proposed research manuscript can be completed within the one-year grant period; and

(7) Provide a support letter from the institution that includes in detail the type of support the university is providing. Such support may include tuition waivers, office space, computer time, assumption of indirect costs, or similar items the doctoral student might need in order to complete the required product. This support may not replace support or assistance the institution would otherwise provide to the student.

b. *Doctoral Dissertation Research Grant Program.* Doctoral students applying for funding under this program must meet the following requirements:

(1) Be a U.S. citizen or lawful permanent resident (recipient of an Alien Registration Recipient Card-Form I–551, commonly referred to as a Green Card) currently enrolled and matriculated who has been accepted into candidacy in an accredited doctoral program at an accredited institution of higher education recognized by the U.S. Department of Education;

(2) Developed an approved dissertation proposal;

(3) Provide documentation from the dissertation committee chairperson that states the feasibility of the likelihood of the following:

(a) By the application due date, the student's dissertation proposal will be accepted by the full dissertation committee;

(b) The student will have an assigned dissertation advisor (provide the advisor's name, address, phone number, facsimile number, and e-mail address);

(c) By September 1, 2004, the student will have satisfactorily completed all other written and oral Ph.D. requirements, including all examinations and defense of the proposal, except the dissertation; and

(d) The proposed dissertation can be prepared and delivered within the two-year grant period.

(4) Provide a support letter from the institution that includes in detail the type of support the university is providing. Such support might include tuition waivers, office space, computer time, assumption of indirect costs, or similar items the student might need in order to complete the required product. This support may not replace support or assistance the institution would otherwise provide to the student.

Full Text of Announcement

I. Funding Opportunity Description

A. Early Doctoral Student Research Grant (EDSRG) Program

The purpose of the EDSRG program is to enable doctoral students enrolled at an accredited institution of higher education recognized by the U.S. Department of Education to cultivate their research skills through the preparation of research manuscripts that focus on policy-relevant housing and urban development issues. The FY2004 EDSRG program seeks to fund research studies that may impact federal problem solving and policymaking and that are relevant to HUD's policy priorities and annual goals and objectives (*see* the General Section of the SuperNOFA for discussion of these priorities and annual goals and objectives).

B. Doctoral Dissertation Research Grant (DDRG) Program

The purpose of the DDRG program is to enable Ph.D. candidates enrolled at accredited institution of higher education recognized by the U.S. Department of Education to complete their research and dissertations on policy-relevant housing and urban development issues. The FY2004 DDRG program seeks to fund research studies that may impact federal problem solving and policymaking and that are relevant to HUD's policy priorities and annual goals and objectives (*see* the General Section of the SuperNOFA for discussion of these priorities and annual goals and objectives).

C. Topics

Examples of topics addressing these issues (applicable to both the EDSRG and DDRG programs) include but are not limited to:

1. Increase Homeownership Opportunities

a. Increase Minority Homeownership.
b. Simplify the Home Buying Process (RESPA reform) and Reduce Settlement Costs.
c. Set Appropriate Housing Goals for the GSEs.
d. Counter Predatory Lending.
e. Help Low-Income Homeowners Avoid Default and Foreclosure.
f. Evaluate Housing Counseling.

2. Promote Decent Affordable Housing

a. Reduce Regulatory Barriers to the Development of Affordable Housing, as well as All Forms of Multifamily Housing.
b. Develop Creative Strategies for Expanding the Availability of Affordable Housing.
c. Strengthen the Delivery of HUD-Funded Rental Assistance and Assistance Provided Through the Low-Income Housing Tax Credit.
d. Promote Self-Sufficiency Among Residents of Public and Assisted Housing.
e. Meet the Housing-Related Needs of the Elderly.
f. Meet the Housing-Related Needs of Persons with Disabilities.
g. Improve Housing Quality and Affordability through Technology and Design.

3. Strengthen Communities

a. End Chronic Homelessness.
b. Prevent Homelessness.
c. Strengthen Cities.
d. Meet the Housing and Community and Economic Development Needs of Residents of High-Needs Areas, including the Colonias, Appalachia, the Mississippi Delta, and Indian Country.

4. Ensure Equal Opportunity In Housing

a. Reduce Housing Discrimination.
b. Improve Housing Accessibility for Persons with Disabilities.

5. Embrace High Standards Of Ethics, Management, And Accountability

a. Reduce Fraud, Waste, and Abuse in HUD-Funded Programs.
b. Improve the Effectiveness of HUD Programs Through Program Evaluations.

6. Promote Participation Of Faith-Based And Community Organizations

a. Strengthen the Capacity of Faith-Based and Community Organizations.

D. Authority

HUD's authority for making funding available under this NOFA is the Consolidated Appropriations Act, 2004 (Pub. L. 108–199, January 23, 2004, Stat. 3). These programs are being undertaken under HUD's research authority under Title V of the Housing and Urban Development Act of 1970. They are being implemented through this NOFA and the policies governing their operation are contained herein.

II. Award Information

Approximately $550,000 in FY2004 appropriations is available for the Office of University Partnerships (OUP) dissertation programs as follows:

A. Early Doctoral Student Research Grant Program

Approximately $150,000 will be made available for funding under this program. The maximum grant period is 12 months. The performance period will commence on the effective date of the grant agreement. The maximum amount that can be requested by a doctoral student for award is $15,000.

B. Doctoral Dissertation Research Grant Program

Approximately $400,000 will be made available for funding under this program. The maximum grant period is 24 months. The performance period will commence on the effective date of the grant agreements. The maximum amount that can be requested by a doctoral student for award is $25,000.

III. Eligibility Information

A. Eligible Applicants

1. *Early Doctoral Student Research Grant Program.* Doctoral students applying for funding under this program *must* meet the following requirements:

a. Be a U.S. citizen or lawful permanent resident (recipient of an Alien Registration Recipient Card-Form I–551, commonly referred to as a Green Card) currently enrolled, as a full-time student in an accredited doctoral program at an accredited institution of higher education recognized by the U.S. Department of Education;
b. Have not taken the preliminary/comprehensive examinations;
c. Completed at least two semesters or three terms of a doctoral studies program (depending on the course structure of the institution);
d. Have an assigned faculty advisor to supervise the research manuscript (provide the advisor's name, address, phone number, facsimile number, and e-mail address);
e. Submit support letter from the assigned faculty advisor of the doctoral student that confirms the student meets all of the conditions above and that the proposed research manuscript can be completed within the one-year grant period; and
f. Provide a support letter from the institution that includes in detail the type of support the university is providing. Such support might include tuition waivers, office space, computer time, assumption of indirect costs, or similar items the doctoral student might need in order to complete the required product. This support may not replace support or assistance the institution would otherwise provide to the student.

2. *Doctoral Dissertation Research Grant Program.* Doctoral students applying for funding under this program must meet the following requirements:

a. Be a U.S. citizen or lawful permanent resident (recipient of an Alien Registration Recipient Card-Form I–551, commonly referred to as a Green Card) currently enrolled and matriculated and who has been accepted into candidacy in an accredited doctoral program at an accredited institution of higher education recognized by the U.S. Department of Education;
b. Developed an approved dissertation proposal;
c. Provide letter from the dissertation committee chairperson that confirms the following:
(1) By the application due date, the student's dissertation proposal has been accepted by the full dissertation committee and the student has been assigned a dissertation advisor (provide the advisor's name, address, phone number, facsimile number, and e-mail address);
(2) By September 1, 2004, the student will have satisfactorily completed all other written and oral Ph.D. requirements, including all examinations and defense of the proposal, except the dissertation; and

(3) The proposed dissertation can be prepared and delivered within the two-year grant period.

d. Provide a support letter from the institution that includes in detail the type of support the university is providing. Such support might include tuition waivers, office space, computer time, assumption of indirect costs, or similar items the student might need in order to complete the required product. This support may not replace support or assistance the institution would otherwise provide to the student.

B. Cost Sharing or Matching

None Required

C. Other

1. Eligible Activities

Grant funds awarded for programs in this NOFA must be used to support direct costs incurred in the timely completion of the research product. Eligible costs include stipends, computer software, purchase of data, travel expenses to collect data, transcription services, and compensation for interviews.

2. Threshold Requirements Applicable to All Applicants

All applicants must comply with the applicable threshold requirements as defined in the General Section of the SuperNOFA and the requirements listed below to be evaluated, rated, and ranked. Applications that do not meet these requirements will be considered ineligible for funding and will be disqualified.

a. The doctoral student must meet the eligibility requirement for the program for which they are requesting funding as defined in section III.A, Eligible Applicants;

b. University sponsorship. The university shall enter into a Grant Agreement with HUD that provides for payment of the grant by HUD to the university and from the university to the approved doctoral student, and that further provides all required certifications and assurances. The university shall agree to provide as the Principal Investigator under the Grant Agreement a faculty advisor or chairperson of the doctoral student's dissertation committee who shall supervise the student's work under the Grant Agreement;

c. The student has provided a letter from the faculty advisor or chairperson of the doctoral student's dissertation committee confirming the applicant is eligible as outlined in section III A, Eligible Applicants above;

d. The student's institution has provided a letter agreeing to provide support and outlines the specific type of support they will provide as part of this grant as defined in section III A, Eligible Applicants above;

e. The student has requested no more funding than the grant maximum allocated as outlined in section II, Award Information;

f. Only *one* application package can be submitted per doctoral student.

g. Applicants must receive a minimum score of 75 points to be considered for funding; and

h. An applicant must have a DUNS number to receive HUD grant funds. (The General Section of the SuperNOFA provides information regarding the DUNS requirement).

IV. Application and Submission Information

A. Addresses to Request Application Package

Applicants may request general information, copies of the General Section and Program Sections of the SuperNOFA from the NOFA Information Center (800–HUD–8929 or 800–HUD–2209 (TTY) between the hours of 9 a.m. and 8 p.m. (eastern time) Monday through Friday, except on Federal holidays. When requesting information, please refer to the OUP Doctoral Programs. Be sure to provide your name, address (including zip code), and telephone number (including area code). To ensure sufficient time to prepare an application, requests for copies of the NOFA can be made immediately following publication of the SuperNOFA. The NOFA Information Center opens for business simultaneously with the publication of HUD's 2004 NOFA. Applicants can also obtain information on the SuperNOFA and download applications through the HUD Web site, *http://www.hud.gov* or OUP's Web site at *http://www.oup.org.*

B. Content and Form of Application Submission

A complete application package *must* include an original signed application, three copies, and one computer disk (in Word 6.0 or higher) of the items listed below. (The computer disk must include the narrative portion of the application, and all required forms. Forms can be downloaded from the following Web site, *http://www.hud.gov*). In order to recycle paper, doctoral students must not submit applications in bound form; binder clips or loose-leaf binders are acceptable. Please do not use colored paper. The application narrative, bibliographies, and any supporting references must not exceed 20 pages in length (excluding forms, assurances, Table of Contents, Executive Summary, agreements, and letters) and must be submitted on 8½ by 11-inch paper, double-spaced on one side of the paper, with one inch margins (from the top, bottom, left, and right side of the document) and printed in standard Times New Roman 12-point font. Each page must be numbered, section tabbed, and the name of the student and university on each page. The double-spacing requirement applies to all parts of an application, excluding references, bibliographies, agreements, and letters. Please note that although submitting pages in excess of the page limit will not disqualify the application, HUD will not consider the information on any excess pages. Except where a particular form may direct otherwise, all forms included in an application must be signed by the Chief Executive Officer (this is generally the President or Provost) or an official authorized legally to make a binding commitment on behalf of the institution. This may result in a lower score or failure to meet a threshold requirement.

Please include in your application each item in the order listed below:

1. SF–424, Application for Federal Assistance. Instructions for completing this form are found on the back of the first page of the form and/or refer to the General Section of the SuperNOFA. Please remember the following:

a. The name of the applicant for these programs is the University. Please make sure that the University's address is listed on this form (not the students information);

b. Include the name, title, address, telephone number, facsimile number, and e-mail address of the designated contact person. This is the University contact that will receive all information pertinent to this grant;

c. The total grant amount requested;

d. The University's Employer Identification/Tax ID;

e. The DUNS Number;

f. The Catalog of Federal Domestic Assistance Number for the program from which you are requesting funding; and

(1) Early Doctoral Student Research Grant Program is 14.517

(2) Doctoral Dissertation Research Grant Program is 14.516.

Please remember that this form should reflect the University as the applicant and should be signed by an authorized official (an individual who has the authority to make a binding commitment on behalf of the institution).

2. *Transmittal Letter.* This letter is from the student and must contain the following information:

a. Student's home address, telephone number, and e-mail address;

b. Student's address, telephone number, facsimile number, and e-mail address at the university;

c. University's department, mailing address, telephone and facsimile numbers; and

d. The faculty/chairperson advisor's name, title, department, address, telephone number, facsimile number, and e-mail address. This must be the person who will serve as the Principal Investigator for the grant.

3. *Table of Contents.*

4. *Application Checklist.* Students must include the completed checklist in their application. On the checklist, indicate the page number where each of the items listed can be found in the application (*see* Appendix A).

5. *Executive Summary* (500 words or less). The Executive Summary should, at a minimum, include a summary of the proposed research project that addresses the following information:

a. Specific purpose of the manuscript/dissertation;

b. Methodology being used; and

c. How the student meets the eligibility criteria for the program from which she/he is requesting funding.

6. *Narrative statement responding to the Factors for Award.* HUD will use the narrative response to the ''Factors for Award'' to evaluate, rate, and rank applications. This statement is the main source of information. Therefore, it is very important that the student becomes fully familiar with the rating factors for the program from which he/she is requesting funding. The narrative should be numbered in accordance with each factor and subfactor. Please do not repeat material response to the four factors; instead focus on how well the proposal responds to each of the factors. Make sure to address each factor and subfactor and provide sufficient information about every element.

7. *Faculty Advisor/Dissertation Advisor Support Letter.* This letter must provide a statement from the doctoral student's department chairperson verifying the doctoral student has met all the eligibility criteria described in section III.A, Eligible Applicant.

8. *University Support Letter.* This letter must provide a statement from the appropriate official at the university that describes in detail the type of support the University will be providing, as described in section III.A, Eligible Applicant. Please remember that this support may not replace support or assistance that the institution would otherwise provide the student.

9. *Budget.* The budget submission must be placed behind the narrative statement addressing the ''Factors for Award'' and include the following form:

a. *HUD–424–CB, ''Grant Application Detailed Budget.''* This budget form shows the total budget by year and by line item for the program activities to be carried out with the proposed HUD grant. Each year of the program should be presented separately.

Make sure that the amount shown on the SF–424, the HUD–424–CB form and on all other required program forms is consistent and the budget totals are correct. Remember to check addition in totaling the categories on the forms and that that all items are included in the total. If this correction puts an application over the grant maximum, the applicant will not be able to correct the amount requested and the application will be disqualified. The budget form must be completed in full. If an application is selected for award, the applicant may be required to provide greater specificity to the budget during grant agreement negotiations.

b. *Budget Narrative.* A narrative must be submitted that explains how the applicant arrived at the cost estimates. 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 proposed.

C. Submission Dates and Times

A complete application package is due on or before June 16, 2004. Please see the General Section of the SuperNOFA for application submission, delivery and timely receipt requirements.

D. Intergovernmental Review

This program is excluded from an Intergovernmental Review.

E. Funding Restrictions

1. Grant funds awarded for programs under this NOFA may not be used to pay for tuition, computer hardware, or meals.

2. *Early Doctoral Student Research Grant (EDSRG) Program*—Three thousand dollars of the grant funds will be held until the doctoral student's research manuscript has been completed and accepted for presentation at a conference or publication in a refereed journal by the end of the grant period, or a committee of three faculty members (including the faculty sponsor, as the principal investigator of the grant) has determined and certified to HUD that the manuscript is of high quality and worthy of submission to conferences or journals and two copies of the research product are submitted to HUD in its final version.

3. *Doctoral Dissertation Research Grant (DDRG) Program*—Six thousand dollars of the grant funds will be held until the doctoral student's dissertation has been completed, approved by the committee, and two final copies are submitted to HUD in its final version.

4. Institutions that have had previously awarded grants under these programs terminated for non-performance and have outstanding funds owed to HUD resulting from the termination will be excluded from competition until the outstanding funds are repaid. (Applicants must comply with the Delinquent Federal Debt Requirement as defined in the General Section of the SuperNOFA.)

F. Other Submission Requirements

1. Complete Application Package

This package must be submitted to the following address: University Partnerships Clearinghouse, c/o Danya International, 8737 Colesville Road, Suite 1200, Silver Spring, MD 20910. When submitting an application package, indicate the following information on the outside of the envelope:

a. Office of University Partnerships;

b. Name of the program under which funding is being requested; and

c. Applicant's name and mailing address (including zip code).

Applicants must refer to the General Section of the SuperNOFA for application submission, delivery, and timely receipt requirements.

2. Forms, Certifications, and Assurances

The following certifications and assurances must be included in all application packages. These forms must be signed by the Chief Executive Officer (or official designee, not the student) of the institution and can be downloaded from the HUD Web site at *http://www.hud.gov*.

a. Application for Federal Assistance (SF–424).

b. Grant Application Detailed Budget (HUD–424–CB).

c. Applicant Assurances and Certification (HUD–424B) (if applicable).

d. Disclosure of Lobbying Activities (SF–LLL) (if applicable).

e. Acknowledgment of Receipt of Applications (HUD–2993). To confirm that HUD received the student's application, please complete this form. Applicants are not required to include this form, but it is recommended that an applicant do so.

f. Client Comments and Suggestions (HUD–2994). This form is included so

that we can solicit information from the most valuable source-the student, or customers. If the student completes and submits this form, it will help HUD to assess whether the changes made to this document have had the intended results. It will also guide us in our continuing efforts to improve the competitive grant process. This form is optional and can be completed by the student.

V. Application Review Information

A. Criteria

1. *Rating Factor 1: Capacity to do the Research (20 Points).* In reviewing this factor, HUD will determine the extent to which:

a. The student's skills and experience are relevant to the proposed research manuscript/dissertation (*e.g.*, course work, teaching, research projects, and presentations);

b. The student provides a research outline that identifies the preliminary steps that have been undertaken (*e.g.*, literature review, research hypotheses, questions to be answered) to produce the proposed manuscript/dissertation; and

c. For Early Doctoral Program Applicants only; The proposed research will help to further the student's research skills (*i.e.*, it is relevant to the kind of projects the student will continue to work on as she/he earns his/her Ph.D.).

d. For Doctoral Dissertation Research Applicants only; The doctoral student's previous research experience (*e.g.*, graduate-level research projects, presentations at conferences, publications, etc.) is relevant to and supportive of the proposed dissertation.

2. *Rating Factor 2: Need for the Research (35 Points).* In reviewing this factor, HUD will determine the extent to which the research manuscript/dissertation will produce policy-relevant information that is directly related to HUD's research priorities and/or annual goals and objectives as defined in the General Section of the SuperNOFA (*i.e.*, the research that will be produced could have an effect on HUD's strategic goals and programs and policies to achieve these goals). The more direct the relationship is between the doctoral student's manuscript/dissertation and one of these topics, the higher number of points awarded. For example a study of minorities' housing choice decisions would have high relevance to HUD's strategic goals; a study of transportation inequities would have medium relevance; and a study of the effects of global warming on urban development would have low relevance.

3. *Rating Factor 3: Soundness of Approach (35 Points).* This factor addresses the quality and effectiveness of the proposed research and methodology and the actions regarding HUD's policy priorities. This factor will be evaluated based on the extent to which the proposed work plan will demonstrate the following:

a. Quality of Research (33 Points). (1) The research design and methodology proposed is likely to produce data and information that will successfully answer the research hypothesis; and

(2) The methodology proposed is sound and generally accepted by the relevant research community and is in line with research already completed or existing publications in the field as they relate to the scholarly standard for the research questions.

b. (2 Points) HUD Policy Priorities. An important purpose of these programs is to fund research that may impact federal problem solving and policymaking and is relevant to HUD's policy priorities and annual goals and objectives. (*See* General Section of the SuperNOFA for further discussion.) HUD encourages applicants to undertake research that will assist the Department in implementing its policy priorities and which help the Department achieve its goals and objectives in FY2005. In addressing this factor, HUD will evaluate the extent to which the research will further and support HUD's priorities. The quality of an applicant's response to one or more of HUD's priorities will determine the score an applicant can receive. Applicants must describe how each policy priority selected will be addressed. Applicants that just list a priority will receive no points. Each policy priority addressed has a point value of one point with the exception of the policy priority to remove regulatory barriers to affordable housing, which has a point value of up to 2 points. The total number of points available to applicants that address policy priorities is 2. It is up to the applicant to determine which of the policy priorities they elect to address to receive the available 2 points. To receive points for efforts to remove regulatory barriers to affordable housing, an applicant must submit the completed questionnaire found in the General Section (Form HUD–27300). For the full list and explanation of each policy priority, please refer to the General Section of this SuperNOFA.

4. *Rating Factor 4: Issuance of the Research Product (10 Points).* In reviewing this factor, HUD will determine the following:

a. For Early Doctoral Program Applicants only. The extent to which the proposed research manuscript will be completed within the grant performance period and be suitable for presentation at a conference or publication in a refereed journal.

b. For Doctoral Dissertation Program Applicant only. The extent to which the proposed research can feasibly be prepared and delivered to HUD by the end of the grant period.

c. Applicants must demonstrate the feasibility of completing their research within the grant performance period by providing the following information:

(1) Major tasks involved in completing the proposed research;

(2) Indicate the sequence in which these tasks will be performed; and

(3) Identify any key individuals responsible for carrying out any proposed activities.

The sequence and duration of this effort should be presented in quarterly (3 month) intervals for the entire life of the grant (use of a milestone chart to present this information is recommended).

(4) Efforts on the part of the doctoral student who proposes extremely complex and time-consuming data collection efforts (*e.g.*, major longitudinal studies or a very large number of site visits within the grant period) will be determined less feasible for completion within the allotted grant period. For example, if the proposed methodology is based on information that may not be publicly available until after the end of the grant period (*e.g.*, Census information), or a data collection plan that will take longer than the allotted grant period, zero points will be awarded for this factor.

(5) HUD will also evaluate the student's plan to disseminate the research through other means (*e.g.*, seminars, university publications, or relevant Internet listserves).

B. Review and Selection Process

1. Application Selection Process

Two types of reviews will be conducted:

a. A threshold review to determine an applicant's basic eligibility; and

b. A technical review for all applications that pass the threshold review to rate and rank the application based on the ''Factors for Award'' listed in Section V.A above. Only those applications that pass the threshold review will receive a technical review and be rated and ranked.

2. Rating Panels

To review and rate applications, HUD may establish panels which may include experts or consultants not

currently employed by HUD. These individuals may be included to obtain certain expertise.

3. Ranking

In order to be funded, an application must receive a minimum score of 75 points. HUD will fund applications under each program in rank order, until all available program funds are awarded. If two or more applications have the same number of points, the application with the higher points for Factor 1, Capacity to do the Research, shall be selected. If there is still a tie, the application with the higher points for Factor 2, Need for the Research, shall be selected. HUD reserves the right to reduce the amount of funding requested in order to fund as many highly ranked applications as possible. Additionally, if funds remain after funding the highest ranked applications, HUD may fund part of the next highest-ranking application. If an applicant turns down the award offer, HUD will make the same determination for the next highest-ranking application. The RC/EZ/EC bonus points described in the General Section of the SuperNOFA do not apply to this NOFA.

C. Anticipated Announcement and Award Dates

Announcements of awards are anticipated on or before September 30, 2004.

VI. Award Administration Information

A. Award Notices

After all selections have been made, HUD will notify all winning applicants in writing. HUD may require winning applicants to participate in additional negotiations before receiving an official award. For further discussion on this matter, please refer to the General Section of the SuperNOFA.

B. Administrative and National Policy Requirements

The provisions of the HUD Reform Act of 1989 that apply to this NOFA are explained in the General Section of the SuperNOFA.

1. *Environmental Requirements.* The provision of assistance under these programs is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and not subject to compliance actions for related environmental authorities under 24 CFR 50.19(b)(1) and (b)(9).

2. *Administrative.* Applicants must comply with the requirements for funding competitions established by the HUD Reform Act of 1989 (42 U.S.C. 3531 *et seq.*) as defined in the General Section of the SuperNOFA.

3. *Debriefing.* The General Section of the SuperNOFA provides the procedures for requesting a debriefing. All requests for debriefings must be made in writing and submitted to Armand Carriere, Office of University Partnerships, Robert C. Weaver Federal Building, 451 Seventh Street, SW., Room 8106, Washington, DC 20410. Applicants may also write to Mr. Carriere via e-mail at *Armand_W._Carriere@hud.gov*.

C. Reporting Requirements

All recipients of grant funds for programs in this NOFA are required to submit a report, halfway through the grant period, on the progress to date that has been made toward completion of the research product and the likelihood that it will be completed on time.

For each reporting period, as part of the required report to HUD, a grant recipient must include a completed Logic Model (Form HUD–96010), which identifies output and outcome achievements.

VII. Agency Contacts

Doctoral students may contact Armand Carriere, Office of University Partnerships at (202) 708–3061, extension 3181 or Susan Brunson at (202) 708–3061, extension 3852. Persons with speech or hearing impairments may call the Federal Information Relay Service TTY at 800–877–8339. Except for the ''800'' number, these telephone numbers are not toll-free. Students may also reach Mr. Carriere via the Internet at *Armand_W._Carriere@hud.gov* and/or Ms. Brunson at *Susan_S._Brunson@hud.gov*.

VIII. Other Paperwork Reduction Act

The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2528–0216 (for the Early Doctoral Student Research Grant Program) and 2528–0213 (for the Doctoral Dissertation Research Grant Program). In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average 44 hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application, semi-annual reports, and final report. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

BILLING CODE 4210–32–P

APPENDIX A

EARLY DOCTORAL STUDENT RESEARCH GRANT PROGRAM AND DOCTORAL DISSERTATION RESEARCH GRANT PROGRAM

APPLICATION CHECKLIST

This checklist identifies application submission requirements. Applicants are requested to use this checklist when preparing an application to ensure submission of all required elements. Please present the information in the application in the order outline below and indicate on each line the page number where each of the items can be found in the application. Standard Forms and required certifications are found in the **General Section** of this SuperNOFA and can be downloaded from HUD's website, www.hud.gov.

I. PART A

_____ SF-424, "Application for Federal Assistance"

_____Transmittal Letter

_____ Table of Contents

_____ Application Checklist

_____ Executive Summary (500 words or less)

_____ Narrative statement addressing selection factors for award including bibliographies and any supporting reference must not exceed 20 pages in length (excluding required forms, assurances, budget narrative, table of content, executive summary, agreements and letters), double-spaced on one side, with one-inch margins (from top, bottom, left and right) printed in standard Times New Roman 12-point font.

____Support Letter (From the Applicant's Faculty Advisor/Dissertation Advisor)

____Support Letter (From the University)

_____ Budget

____HUD 424-CB" Grant Application Detailed Budget"

____Budget Narrative (No form provided and must be submitted for the total three-year grant period)

_____ Computer disk

II. PART B (All Required Forms)

The following required certifications and assurance can be downloaded from *www.hud.gov*.

_____ HUD-424-CB, Grant Application Detailed Budget

_____ HUD Form 424B, Applicant Assurances and Certifications (if applicable)

_____ Disclosure of Lobbying Activities (SF LLL)

_____ HUD Form 2993, Acknowledgement of Application Receipt

_____ HUD Form 2994, Client Comments and Suggestions

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

STUDENT RESEARCH AND STUDY PROGRAMS

COMMUNITY DEVELOPMENT WORK STUDY PROGRAM

Billing Code 4210-32-C

The Community Development Work Study Program

Overview Information

A. *Federal Agency Name:* Department of Housing and Urban Development, Office of Policy Development and Research, Office of University Partnerships.

B. *Funding Opportunity Title:* The Community Development Work Study program (CDWSP).

C. Announcement Type: Initial announcement.

D. *Funding Opportunity Number:* The **Federal Register** number is FR–4900–N–03. The OMB approval number for this program is 2528–0175.

E. *Catalog of Federal Domestic Assistance (CFDA) Number:* The CFDA Number for this program is 14.512.

F. *Dates:* The application due date is June 16, 2004. Please see the General Section of the SuperNOFA for application submission, delivery, and timely receipt requirements.

G. Additional Overview Content Information:

1. *Purpose of the Program:* The Community Development Work Study Program (CDWSP) funds two-year grants to accredited institutions of higher education, Area Planning Organizations (APOs), and states applying on behalf of institutions of higher education to provide assistance to economically disadvantaged and minority graduate students who participate in a community development work study program. Students must be U.S. citizens or lawful permanent residents (recipient of an Alien Registration Recipient Card—Form I–551, commonly referred to as a Green Card) and enrolled full-time in a graduate community building academic degree program. Grants will cover the academic period August 2004 through August 2006.

2. *Award Information:* In Fiscal Year (FY) 2004, approximately $2.98 million has been appropriated by the Consolidated Appropriations Act, 2004 (Pub. L. 108–199, approved January 23, 2004, 118 Stat. 3) for this program. In addition, $378,844 in previously unexpended funds is made available for this program. The grant performance period is two years (24 months). The performance period will commence on the effective date of the grant agreement. Institutions may request no more than $15,000 per year per student for a total of $30,000 for a two-year (24 months) grant performance period. The minimum number of students that can be assisted under this program per participating institution is three. The maximum number of students that can be assisted under this program per participating institution is five. The maximum amount an institution can request for funding is $150,000.

3. *Eligible Applicants:* Organizations are eligible if they are:

a. An accredited institution of higher education recognized by the U.S. Department of Education that offers a graduate degree in a community development academic program;

b. An APO applying on behalf of two or more eligible accredited institutions of higher education recognized by the U.S. Department of Education that offer a graduate degree in a community development academic program and that are located in the same Standard Metropolitan Statistical Area (SMSA) or non-SMSA as the APO (in accordance with the regulations at 24 CFR 570.415, institutions of higher education are permitted to choose whether to apply independently or through an APO); or

c. A State applying on behalf of two or more eligible accredited institutions of higher education recognized by the U.S. Department of Education that offer a graduate degree in a community development academic program and that are located in the State. If a State is approved for funding, accredited institutions of higher education located in that State may not apply independently.

Full Text of Announcement

I. Funding Opportunity Description

The Community Development Work Study Program (CDWSP) funds two-year grants to accredited institutions of higher education, Area Planning Organizations (APOs), and states applying on behalf of institutions of higher education to provide assistance to economically disadvantaged and minority graduate students who participate in a community development work study program.

A. Listed below are major modifications to the Fiscal Year (FY) 2003 program-funding announcement:

1. This program has a separate NOFA and is no longer a part of the combined Office of Universities Partnership Program NOFA.

2. All institutions are eligible to apply for these funds (including those that have received funding in prior years).

3. Applicants that have graduate degree programs in community organizing are now eligible to apply for funding under this program.

4. Applications must be submitted to: University Partnerships Clearinghouse; c/o Danya International, 8737 Colesville Road, Suite 1200, Silver Spring, MD 20910.

5. An applicant can request less than $90,000 for the two-year grant performance period, as long as three (the minimum number) students are being assisted per participating institution.

B. HUD's authority for making funding available under this NOFA is section 107(c) of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 *et seq.*). Regulations for the program appear at 24 CFR 570.415.

II. Award Information

In Fiscal Year (FY) 2004, approximately $2.98 million has been appropriated by the Consolidated Appropriations Act, 2004 (Pub. L. 108–199, approved January 23, 2004, 118 Stat. 3). In addition, $378,844 in previously unexpended funds is made available for this program. Institutions may request no more than $15,000 per year per student for a total of $30,000 for a two-year (24 months) grant performance period. The performance period will commence on the effective date of the grant agreement. The minimum number of students that can be assisted per participating institution is three. The maximum number of students that can be assisted under this program is five per participating institution. The maximum amount an institution can request for funding is $150,000.

III. Eligibility Information

A. Eligible Applicants

Organizations are eligible if they are:

1. An accredited institution of higher education recognized by the U.S. Department of Education that offers a graduate degree in a community development academic program;

2. An APO applying on behalf of two or more eligible accredited institutions of higher education recognized by the Department of Education that offer a graduate degree in a community development academic program and that are located in the same Standard Metropolitan Statistical Area (SMSA) or non-SMSA as the APO (in accordance with the regulations at 24 CFR 570.415, institutions of higher education are permitted to choose whether to apply independently or through an APO); or

3. A State applying on behalf of two or more eligible accredited institutions of higher education recognized by the Department of Education that offer a graduate degree in a community development academic program that are located in the State. If a State is approved for funding, accredited institutions of higher education located in that State may not apply independently.

B. Cost Sharing or Matching

None Required

C. Other

1. Threshold Requirements Applicable to all Applicants

All applicants must comply with the threshold requirements as defined in the General Section of the SuperNOFA and the requirements listed below to be evaluated, rated, and ranked. Applications that do not meet these requirements will be considered ineligible for funding and will be disqualified:

a. The applicant must meet the eligible requirement as defined in Section III.A, Eligible Applicants.

b. Applicants must comply with all statutory and regulatory requirements applicable to this program. CDWSP regulations can be found at 24 CFR 570.415. Copies of the regulations are available on request from *http://www.HUDUSER.org.*

c. An eligible community building academic program includes, but is not limited to, accredited graduate degree programs in community and economic development, community planning, community management, community organizing, public administration, public policy, urban economics, urban management, and urban planning.

d. The minimum number of students that may be assisted per participating institution is three. If an APO or state receives assistance for a program that is conducted by two or more institutions, each participating institution must have a minimum of three students per program. The maximum number of students that can be assisted under this program is five per participating institution. The maximum amount an institution can request for funding is $150,000.

e. Only *one* application is eligible for funding from an institution.

f. Applicants must receive a minimum score of 75 points to be considered for funding.

g. An applicant must have a DUNS Number to receive HUD grant funds. (The General Section of the SuperNOFA provides information regarding the DUNS requirement.)

2. Program Requirements

In addition to the program requirements listed in the General Section of the SuperNOFA, applicants must meet the following program requirements:

a. All funds awarded under this program must be spent during a two-year (24 months) grant performance period.

b. Applicants must have on file a signed agreement with each student that covers the purpose of the work placement, responsibilities of both parties, including financial support and work components. This agreement should also address the student's responsibilities as described in the program regulations.

c. Applicants must have on file a signed agreement with each work placement agency that covers the purpose of the work placement, and the respective roles of all parties. Among other matters determined to be appropriate, this agreement should address the work placement agency's responsibilities described in the program regulations.

(**Note:** HUD does not provide a model or sample format for either of these agreements.)

IV. Application and Submission Information

A. Address to Request Application Package

Applicants may request general information, copies of the General Section and Program Sections of the SuperNOFA from the NOFA Information Center by calling 800–HUD–8929 or persons with hearing or speech impairments may call 800–HUD–2209 (TTY) between the hours of 9 a.m. and 8 p.m. (eastern time) Monday through Friday, except on Federal holidays. When requesting information, please refer to the Community Development Work Study Program. Be sure to provide your name, address (including zip code), and telephone number (including area code). To ensure sufficient time to prepare an application, requests for copies of the SuperNOFA can be made immediately following publication of the SuperNOFA. The NOFA Information Center opens for business simultaneously with the publication of HUD's 2004 NOFA. Applicants can also obtain information on the SuperNOFA and download application information for the SuperNOFA through the HUD Web site, *http://www.hud.gov.*

B. Content and Form of Application Submission

A completed application package *must* include an original signed application, three copies, and one computer disk of the application (in Word 6.0 or higher) of the items listed below. (The computer disk must include the narrative portion of the application and all required forms. Forms can be downloaded from the HUD Web site, *http://www.hud.gov.*) In order to recycle paper, applicants must not submit applications in bound form; binder clips or loose-leaf binders are acceptable. Please do not use colored paper. The application narrative must not exceed 50 pages in length (excluding forms and assurances, Executive Summary, agreements and letters) and must be submitted on 8½ by 11-inch paper, double-spaced on one side of the paper, with one inch margins (from the top, bottom, left and right) and printed in standard Times New Roman 12-point font. The double-spacing requirement applies to all parts of the program narrative (the Executive Summary, maps, tables, agreements, letters, photocopies of excerpts from official publications of the educational institution or department are excluded from this requirement). Please do not provide any additional exhibits, appendices, or resumes to support responses. No additional attachments are permitted. Please note that although submitting pages in excess of the page limit will not disqualify an application, HUD will not consider the information on any excess pages. This may result in a lower score or failure to meet a threshold. Please make sure that all items are submitted in the order listed below and that all pages are numbered and the name of the university on each page. Except where a particular form may direct otherwise, all forms included in an application, as well as the transmittal letter, must be signed by the Chief Executive Officer (this is generally the President or Provost) or an official designee legally authorized to make a commitment on behalf of the institution. If a designee signs, the application must contain a copy of the official delegation of signatory authority.

Please include in your application each item listed in the order below:

1. *SF–424, Application for Federal Assistance.* Applicants can find instructions for completing this form on the back of the first page of the form. Please remember the following:

a. The full grant amount for the entire two years should be entered, not the amount for just one year;

b. Include the name, title, address, telephone number, facsimile number, and e-mail address of the designated contact. This is the person who will receive the reviewers' comments; therefore, please ensure the accuracy of the information;

c. The Employer Identification/Tax ID;

d. The DUNS Number;

e. The Catalog of Federal Domestic Assistance Number for this program is 14.512;

f. The project's proposed start date and completion date. For the purpose of

this application, the program start date should be October 1, 2004; and

g. The signature of an authorized official (an individual who has the authority to make a binding commitment on behalf of the institution).

2. *Transmittal Letter.* This letter should contain a statement that the institution of higher education (not the department or program) that will be receiving funds under this grant is fully accredited. This letter must state not only the name of the accrediting agency but also that the particular accrediting agency is recognized by the U.S. Department of Education. If a state or APO is the applicant, the transmittal letter must set forth this assurance for each institution of higher education with whom they will be working. The Chief Executive Officer (usually the President or Provost) of the institution must sign this letter. If the Chief Executive Officer has delegated this responsibility to another official, that person may sign, but a copy of the delegation must be included or clearly stated in the letter.

3. *Application Checklist.* Applicants must include the completed checklist in their application. On the checklist, the applicant must indicate the page number where each of the items can be found in the application (*See* Appendix A).

4. *Executive Summary.* Applicants must include no more than three pages in length. The Executive Summary must, at a minimum, describe:

a. The academic degree programs for which the students will be selected;

b. The type of work placement agencies (including specific examples) that have committed to participate in the program (students cannot be placed at a federal government agency);

c. The plans and resources/facilities for administering the program and assisting students to pursue post-academic or community building opportunities; and

d. The contact person and the address where correspondence and all other information should be sent. If this is not included, all information will be forwarded to the address and the official named on the Form SF–424.

5. *Designation of Applicable Graduate Degree Program(s) Form HUD–30013 (Community Development Work Study Program Designation of Applicable Graduate Academic Degree Program).* Review carefully the regulations dealing with eligible types of degree programs before completing this form. If the proposed program is other than one listed as an eligible degree program, please contact Madlyn Wohlman-Rodriguez or Susan Brunson for additional guidance.

6. *Narrative statement addressing the Factors for Award.* HUD will use the narrative response to the ''Factors for Award'' to evaluate, rate, and rank applications. This statement and management plan are the main source of information. Applicants are advised to review each factor carefully for program specific requirements. The response to each factor should be concise and contain only information relevant to the factor, but detailed enough to address each factor fully. Please do not repeat material in response to the five factors; instead, focus on how well the proposal responds to each of the factors. In factors where there are subfactors, each subfactor must be presented separately, with the short title of the subfactor presented. Make sure to address each subfactor and provide sufficient information about every element of the subfactor.

7. *Budget.* Use the budget form HUD–30015 (Community Development Work Study Program Student Budget Sheet) for the August 2004 through August 2006 funding period. An APO and/or state must also complete the HUD–30014 (Community Development Work Study Program State/Area-wide Planning Organization Budget Summary). Please provide any necessary back-up documentation (*e.g.*, pages from course catalogues listing the fees) to demonstrate concisely that the amounts requested are reasonable and customary. Applicants are not required to submit documentation for the administrative allowance amount. Any anticipated increases to these project costs should be included and an explanation for the basis of the increases provided. If documentation is not included, the award amount will be based on current tuition rates, regardless of any subsequent tuition increase. HUD will not increase the amount of the grant once awarded to reflect any tuition or fee increases that have not been set forth in the application. Also, HUD will not cover any costs exceeding the per-student maximum.

8. *Audits.* Applicants must ensure that their most current A–133 audit is on file at the Federal Audit Clearinghouse. Grantees that expend $500,000 or more in Federal financial assistance in a single year (this can be program year or fiscal year) must be audited in accordance with the OMB requirements as established in 24 CFR parts 84 and 85. Additional information regarding this requirement can be accessed at the following Web site *http://harvester.census.gov/sac.*

9. *Appendix.* Applicants must place the letters of support and agreements in this section. An applicant may not submit general support letters or resumes or other back-up materials (unless an applicant is willing to have the latter count toward the page limit requirement).

C. Submission Dates and Times

An application package is due June 16, 2004. Please see the General Section of the SuperNOFA for application submission, delivery, and timely receipt requirements.

D. Intergovernmental Review

This program is excluded from an Intergovernmental Review.

E. Funding Restrictions

Funding may only be provided to applicants that meet the standards for eligible applicants defined in section III.

F. Other Submission Requirements

1. Complete Application Package

This package must be submitted to the following address: University Partnerships Clearinghouse, c/o Danya International 8737 Colesville Road, Suite 1200, Silver Spring, MD 20910. When submitting an application package, also please include the following information on the outside of the envelope:

a. Office of University Partnerships;

b. Community Development Work Study Program; and

c. Applicant's name and mailing address (including ZIP code).

2. Forms, Certifications, and Assurances

The following certifications and assurances must be included in *all* application packages. These forms must be signed by the Chief Executive Officer (or official designee, not the student) of the institution and can be downloaded from *http://www.hud.gov.*

a. Application for Federal Assistance (SF–424).

b. Applicant Assurances and Certification (SF–424B).

c. Disclosure of Lobbying Activities (SF–LLL).

d. America's Affordable Communities Initiative Removal of Regulatory Barriers (HUD–27300), if applicable.

e. Applicant/Recipient Disclosure Update Report (HUD–2880).

f. Program Logic Model (HUD–96010).

g. Acknowledgment of Receipt of Applications (HUD–2993). To confirm that HUD received the application package, please complete this form. Applicants are not required to include this form, but it is recommended that an applicant do so.

h. Client Comments and Suggestions (HUD–2994). This form is included to solicit information from the most valuable source, the applicant. The changes that we have instituted this year are designed to make things easier for the applicant. If applicants complete and submit this form, it will help HUD to assess whether the changes made to this document have had the intended results. It will also guide us in our continuing efforts to improve the competitive grant process. Applicants are not required to complete this form.

V. Application Review Information

A. Criteria

1. *Rating Factor 1: Capacity of the Academic Program and Relevant Past Experience (25 Points).* This factor addresses the extent to which an applicant's academic program has the capacity to prepare students for careers in community building. In evaluating this factor, HUD will consider:

a. Capacity of the Academic Program *For Previously Unfunded Applicants* (20 Points). *For Previously Funded Applicants* (15 Points). Applicants must describe the quality of the academic program the institution offers (or in the case of an application from an APO or state, those offered by the institutions included in the application) including, without limitation, the following:

(1) The course offerings in terms of their depth and emphasis on applied coursework;

(2) The necessities of the courses offered to prepare students for professional careers in community building; and

(3) Qualifications of the faculty, such as the number of relevant Ph.D.s, specific accomplishments and the percentage of their time devoted to teaching and research in community building.

As a supplement to the narrative response, applicants can include photocopies of excerpts from official publications of the educational institution or department. Please make sure to place these documents after the narrative and include them in the page count.

b. Rates of Graduation. *For Previously Unfunded Applicants* (5 Points). *For Previously Funded Applicants* (10 Points). HUD will evaluate the graduation rates of students previously enrolled in a community building academic degree program, specifically (where applicable) graduation rates from any previously funded CDWSP academic programs or similar programs. This factor measures the rate of graduation for all applicable years and awards points based on the extent to which the applicant exceeds a 50 percent graduation rate each applicable year. Previously funded CDWSP programs should include copies of the final Community Development Work Study Program Student Data Sheet, HUD–30007, for each previously enrolled student who received assistance from the program.

2. *Rating Factor 2: Need for the Program (10 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 responding to this factor, HUD will evaluate the applicant's commitment to meeting the needs of economically disadvantaged and minority students as demonstrated by the institution's policies and plans, past efforts and successes recruiting, enrolling, and financially assisting economically disadvantaged and minority students, including the provision of reasonable accommodations for students with disabilities. If the applicant is an APO or State, HUD will consider the demonstrated commitment of each accredited institution of higher education on whose behalf the APO or State is applying.

3. *Rating Factor 3: Soundness of Approach (45 Points).* This factor addresses the quality and effectiveness of the proposed student work placement assignments.

a. Quality of the Work Placement Assignments (13 Points). HUD will evaluate the extent to which participating students will receive a variety of work placement assignments. (**Note:** Students cannot be placed with a Federal government agency.) The assignments should provide practical and useful experience to students participating in the program and further the participating students' preparation for professional careers in community building. In rating this subfactor, HUD will consider the variety of work placement agencies, and the variety of projects/experiences at each agency and overall. Applicants must also include a description of the plan for rotating students among work placement agencies. **Note:** Students engaging in community building projects through an institution of higher education (rather than being directly supervised by local work placement sites) may do so only through a HUD-funded Community Outreach Partnership Center (COPC), which will be considered a work placement agency even if the community building projects are undertaken with or through a separate organization or entity. Accordingly, students engaging in community building through an institution of higher education's outreach center should do so during only part of their academic program and should rotate to other work placement agency responsibilities as well. In order to receive higher points on this subfactor, applicants must propose at least three different work placement experiences for each student (typically, one each school year and one during the summer between the two school years) and include executed agreements with their proposed work study sites, rather than just listing the sites.

b. Effectiveness of Program Administration (15 Points). HUD will evaluate the degree to which the applicant will be able to coordinate and administer the program. HUD will allocate the maximum points available under this criterion equally among the following three considerations, except that the maximum points available under this criterion will be allocated equally only between (a) and (b), if the applicant has not previously administered a CDWSP-funded program. If an applicant received a CDWSP grant in FY2000 or before and has not received one since, the applicant is considered a new applicant, for the purposes of this factor. Applicants must include a Management Work Plan that addresses the following details at a minimum:

(1) The strength and clarity of the plan for placing CDWSP students on rotating work placement assignments and for monitoring CDWSP students' progress both academically and in their work placement assignments. In addition, include plans, procedures, schedules, and preferably a milestone chart that indicates the sequence in which these tasks will be performed, noting areas of work that will be performed simultaneously and continually during the life of the grant, along with the name of the responsible individual. Also, include plans for recruiting and selecting students, monitoring and guidance of students' academic progress, coordinating and monitoring student work placement agencies, and other matters deemed significant;

(2) The key personnel responsible for administering, managing, and evaluating the project, the experience, responsibilities, available time, and authority of the individual who will coordinate and administer the program; and

(3) The effectiveness of prior coordination and administration of a CDWSP-funded program, where applicable. In addressing this factor,

applicants should describe the timeliness of report submissions. Applicants should review their prior CDWSP grant agreements and reports and compare when reports were due with when the reports actually were submitted. Applicants should also describe their timeliness in expending grant funds. Applicants are encouraged to provide a chart that outlines report submissions for each grant by the submission date and the pattern of drawing down of funds.

c. Likelihood of Fostering Students' Permanent Employment in Community Building (15 Points). HUD will evaluate the extent to which the proposed program will lead participating students directly and immediately to permanent employment in community building. Include a statement that describes, at a minimum, the following:

(1) Past success (in the last four years) in placing graduates (particularly CDWSP-funded and similar program graduates, where applicable) in permanent employment in community building; and

(2) How the institution will assist students (particularly students in CDWSP-funded and similar programs, where applicable) in finding permanent employment in community building. Include the amount/type of faculty/staff time and resources that will be devoted to assisting students.

d. HUD Policy Priorities (2 Points). HUD encourages applicants to undertake specific activities that will assist the Department in implementing its policy priorities and which will help the Department achieve its goals and objectives in FY2005, when the majority of grant recipients will be reporting programmatic results and achievements. In addressing this factor, HUD will evaluate the extent to which an applicant will provide students with work place assignments that undertake specific activities that will further and support HUD's policy priorities and FY2005 goals. In rating this factor, HUD will evaluate the quality of the responses provided to one or more of HUD's priorities to determine the score an applicant can receive. Applicants must describe how each policy priority selected will be addressed. Applicants that just list a priority will receive no points. Each policy priority addressed has a point value of one point with the exception of the policy priority to remove regulatory barriers to affordable housing, which has a point value of up to 2 points. The total number of points available to applicants that address policy priorities is 2. It is up to the applicant to determine which of the policy priorities they elect to address to receive the available 2 points. To receive points for efforts to remove regulatory barriers to affordable housing, an applicant must submit the completed questionnaire found in the General Section. (Form HUD–27300). For the full list and explanation of each policy priority, please refer to the General Section of this SuperNOFA.

4. *Rating Factor 4: Leveraging Resources (10 points).* HUD will evaluate the applicant's commitment and ability to assure that CDWSP students will receive sufficient financial assistance above and beyond the CDWSP funding to complete their academic program in a timely manner and without working in excess of 20 hours a week during the school year. When addressing this issue, delineate the full costs budgeted annually per student (including living expenses, fees, etc), explain the basis for the budget and how the financial assistance package offered to each CDWSP student will meet that budget. Applicants must explain how variations in the budget needs and emergency financial needs will be addressed among students. Loans are less preferred than grants because of the burden placed on the student to repay them. Therefore, higher points will be given to applicants that provide assistance in the form of grants rather than loans.

5. *Rating Factor 5: Achieving Results and Program Evaluation (10 Points).* This factor reflects HUD's goal to embrace high standards of management and accountability. The factor measures the applicant's commitment to assess their performance to achieve the project's proposed objectives and goals. Applicants are required to develop an effective, quantifiable, outcome-oriented evaluation plan for measuring performance and determining that objectives and goals have been achieved. All performance indicators should be objectively quantifiable and measure actual achievements against anticipated achievements. Applicants must also describe the steps that will be taken to make adjustments to the work plan if performance targets are not met within the established time frame associated with each activity. At a minimum, the evaluation plan should address the following activities:

a. Student recruitment;

b. Student completion of degree program; and

c. Long-term placement after graduation (1 year after graduation).

This information must be placed under this section on a HUD–96010, Program Outcome Logic Model form. (Applicants can use as many copies of this form as required. It will not be included in the page count requirement.) A narrative is not required for this factor; however, if a narrative is provided, those pages will be included in the page count. Additional information on how to use this form can be found in the General Section of the SuperNOFA.

B. Review and Selection Process

1. Application Selection Process

Two types of reviews will be conducted.

a. A threshold review to determine an applicant's basic eligibility; and

b. A technical review based on the ''Factors for Award'' listed above.

Only those applications that pass the threshold review will receive a technical review and be rated and ranked.

2. Rating Panels

To review and rate applications, HUD may establish panels which may include persons not currently employed by HUD. These individuals may be included to obtain certain expertise.

3. Ranking

HUD will fund applications in rank order, until all available program funds are awarded. In order to be funded, an application must receive a minimum score of 75 points. The maximum number of points available for this program is 100. The RC/EZ/EC points described in the General Section of the SuperNOFA do not apply to this program. HUD may make awards out of rank order to achieve geographic diversity, and may provide assistance to support a number of students that is less than the number requested under an application or a lower funding level per student, in order to provide assistance to as many highly ranked applications as possible. If there is a tie in the point scores of two applications, the rank order will be determined by the scores on Rating Factor 3 entitled ''Soundness of Approach.'' The application with the higher points on this factor will be given the higher rank. If there is still a tie, the rank order will be determined by the applicants' scores on Rating Factor 1 entitled ''Capacity of the Applicant's Academic Program and Relevant Past Experience.'' The application with the higher points for this selection factor will be given the higher rank.

4. Correction to Deficient Applications

The General Section of the SuperNOFA provides the procedures for correction to deficient applications.

C. Anticipated Announcement and Award Dates

Announcements of awards are anticipated on or before September 30, 2004.

VI. Award Administration Information

A. Award Notice

After all selections have been made, HUD will notify all winning applicants in writing. HUD may require winning applicants to participate in additional negotiations before receiving an official award. For further discussion on this matter, please refer to the General Section of the SuperNOFA.

B. Administrative and National Policy Requirements

The provisions of the HUD Reform Act of 1989 that apply to this NOFA are explained in the General Section of this SuperNOFA.

1. Debriefing

The General Section of the SuperNOFA provides the procedures for requesting a debriefing. All requests for a debriefing must be made in writing and submitted to Armand Carriere, Office of University Partnerships, Robert C. Weaver Federal Building, 451 7th Street, SW., Room 8106, Washington, DC 20410.

2. Environmental Requirements

In accordance with 24 CFR 50.19 (b) (3) and (b) (9) 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.

C. Reporting

All grant recipients under this NOFA are required to submit semi-annual progress reports. The progress reports shall consist of two components, a narrative (including forms) that must reflect the activities undertaken during the reporting period and a financial report that reflects costs incurred during the reporting period, as well as a cumulative summary.

For each reporting period, as part of the required report to HUD, a grant recipient must include a completed Logic Model (Form HUD–96010), which identifies output and outcome achievements.

VII. Agency Contacts

Applicants may contact Madlyn Wohlman-Rodriguez at (202) 708–3061, extension 5939 or Susan Brunson, at (202) 708–3061, extension 3852. Person with speech or hearing impairments may call the Federal Information Relay Service TTY at (800) 877–8339. Except for the ''800'' number, these numbers are not toll-free. Applicants may also reach Ms. Rodriguez via e–mail at *Madlyn_S._Wohlman-Rodriguez@hud.gov,* and/or Ms. Brunson at *Susan_S._Brunson@hud.gov.*

VIII. Other Information

1. *Paperwork Reduction Act:* The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2528–0175. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average 60 hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application, semi-annual reports, and final report. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

BILLING CODE 4210–32–P

APPENDIX A

COMMUNITY DEVELOPMENT WORK STUDY PROGRAM APPLICATION CHECKLIST

This checklist identifies application submission requirements. Applicants are requested to use this checklist when preparing an application to ensure submission of all required elements. Please present the information in the application in the order outline below and indicate on each line the page number where each of the items can be found in the application. Standard Forms and required certifications are found in the **General Section** of the SuperNOFA and can be downloaded from HUD's website, www.hud.gov.

I. PART A

_____ SF-424, "Application for Federal Assistances"

_____Transmittal Letter

_____Application Checklist

_____ Executive Summary (no more than three (3) pages in length)

_____ HUD-30013 "Community Development Work Study Program Designation of Applicable Degree Program"

_____ Narrative statement addressing selection factors for award must not exceed 50 pages in length (excluding required forms, assurances, Executive Summary, agreements and letters), double-spaced on one side, with one-inch margins (from top, bottom, left and right) printed in standard Times New Roman 12-point font.

____ Management Workplan (no form provided)

_____HUD-30007 "Community Development Work Study Program Student Data Sheets"

____ HUD-96010, "Program Outcome Logic Model"

_____Appendix (letters of support and agreements)

____Recipient/Student Binding Agreement (No form provided)

____Recipient/Work Placement Agreement (No form provided)

_____ Computer disk

II. PART B

_____ HUD-30015, "Community Development Work Study Program Student Budget Sheet"

_____ HUD-30014, "Budget Cover Sheet for State/Area-Wide Planning Organizations Budget Summary Sheet (applicable only for States and APOs)"

_____SF-424-B, "Applicant Assurances and Certifications"

_____ HUD-27300 "America's Affordable Communities Initiative Removal of Regulatory Barriers" (if applicable)

_____ HUD Form 2880, Applicant/Recipient Disclosure Update Report

_____ HUD Form 2993, Acknowledgement of Application Receipt (not required)

_____ HUD Form 2994, Client Comments and Suggests (not required)

Community Development Work Study Program Student Data Sheet

U.S. Department of Housing and Urban Development
Office of University Partnerships

OMB Approval No. 2528-0175
(exp. 10/31/2003)

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 Development Work Study Program, (CDWSP). Total reporting burden for collection of this information is estimated to average 1hour. This includes time for reviewing instructions, searching existing data resources, 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 CDWSP is subject to the disclosure requirements of the Department of Housing and Urban Development Reform Act of 189 (Pub. L. 101-235, approved December 15, 1989, U.S.C. 3545). The agency may not conduct or sponsor, and a person is not required to, a collection of information unless the collection displays a valid control number.

Institution:_____ Grant #: CDWS____-____-_____

Date of Report :_____ Interim:_____ Final: _____

Student::_____ Gender:_____

Ethnicity: (Select one) Hispanic or Latino ☐ Not Hispanic or Latino ☐

Race: (Select one or more)
American Indian or Alaska Native ☐ Asian ☐ Black or African-American ☐
Native Hawaiian or Other Pacific Islander ☐ White ☐

Date Student Entered Program: _____

Degree/Major/Concentration: _____

Hours Required for Degree: _____ Qtr. Hrs. or _____ Semester Hrs.

Hours Completed Through Reporting Period: _____ Cumulative GPA:_____

Work Placements: Initial ☐ Second ☐ Third ☐
(Check appropriate placement)

Agency Name:_____

Position:_____

Start Date: _____ End Date: _____

Date Student Will Graduate/Did Graduate From Program: _____

Date Student Withdrew* From Program Without Completion: _____

Grant Funds Expended Through This Reporting Period:

Administrative Allowance _____
Work Stipend _____
Tuition and Fees _____
Additional Supprt _____

* An explanation of students's withdrawal must accompany the Student Data Sheet

Previous versions obsolete

form **HUD-30007** (10/2002)

Community Development Work Study Program Designation of Applicable Graduate Academic Degree Program

U.S. Department of Housing and Urban Development
Office of University Partnerships

OMB Approval No. 2528-0175
(exp. 10/31/2003)

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 Development Work Study Program, (CDWSP). Total reporting burden for collection of this information is estimated to average 1 hour. This includes time for reviewing instructions, searching existing data resources, gathering, and maintaining the data needed, completing, and reviewing the collection of information. The information submitted in response to the notice of funding availability for CDWSP is subject to the disclosure requirements of the Department of Housing and Urban Development Reform Act of 189 (Pub.L. 101-235, approved December 15, 1989, U.S.C. 3545). The agency may not conduct or sponsor, and a person is not required to, a collection of information unless the collection displays a valid control number.

To be eligible for participation in the Community Development Work Study Program (CDWSP), an institution must have a graduate academic degree program in one of the relevant fields as defined in the program's regulations. Closely examine the definitions of "community building" and "community building academic program" in the regulations and, if in doubt, speak with the program staff in the Office of University Partnerships before preparing an application.

Below are the degree programs that the institution has determined as eligible programs to implement this CDWSP grant.

Academic Degree Program(s)

_____

_____

_____

_____

Attached are photocopies of excerpts from an official publication of the educational institution(s) or department setting forth the degree requirements and listing the courses applicable for the particular academic program(s) to which this grant will apply.

_____

Signature of Dean (or Equivalent) of Academic Department Granting Degree(s)

Previous versions obsolete
Submit and Original and three copies

form **HUD 30013** (10/2002)

Community Development Work Study Program
State/Areawide Planning Organization
Budget Summary Sheet

U.S. Department of Housing and Urban Development
Office of University Partnerships

OMB Approval No. 2528-0175
(exp.03/31/2007)

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 Development Work Study Program, (CDWSP). Total reporting burden for collection of this information is estimated to average 1 hour. This includes time for reviewing instructions, searching existing data resources, gathering and maintaining the data needed, completing and reviewing the collection of information. The information submitted in response to the notice of funding availability for CDWSP is subject to the disclosure requirements of the Department of Housing and Urban Development Reform Act of 189 (Pub.L. 101-235, approved December 15, 1989, U.S.C. 3545). The agency may not conduct or sponsor, and a person is not required to, a collection of information unless the collection displays a valid control number

Name of State/Areawide Planning Organization: _____

Date Submitted: _____

Total Application Budget

Administrative Allowance: _____

Work Stipend: _____

Tuition and Fees: _____

Additional Support: _____

TOTAL _____

Total number of students _____

Participating Institutions of Higher Education:

_____

_____

_____

_____

_____

_____

_____

_____

Previous versions obsolete
Submit and Original and three copies

form **HUD 30014** (10/2002)

Community Development Work Study Program Student Budget Sheet

U.S. Department of Housing and Urban Development
Office of University Partnerships

OMB Approval No. 2528-0175
(exp. 10/31/2003)

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 Development Work Study Program, (CDWSP). Total reporting burden for collection of this information is estimated to average 1 hour. This includes time for reviewing instructions, searching existing data resources, gathering and maintaining the data needed, completing and reviewing the collection of information. The information submitted in response to the notice of funding availability for CDWSP is subject to the disclosure requirements of the Department of Housing and Urban Development Reform Act of 189 (Pub.L. 101-235, approved December 15, 1989, U.S.C. 3545). The agency may not conduct or sponsor, and a person is not required to, a collection of information unless the collection displays a valid control number.

Name of Institution of Higher Education _____ Date Submitted: _____

CATEGORY	YEAR ONE (Per Student)		YEAR TWO (Per Student)		Number of Students		TOTAL (Both years, All students)
	Resident	**Non-Resident**	**Resident**	**Non-Resident**	**Resident**	**Non-Resident**	
Administrative Allowance (Maximum = $1,000)							
Work Stipend (Maximum = $9,000)							
Tuition, Fee and Additional Support (Maximum = $5,000)							
Totals							

Total requested **per resident student** for the two **years combined**: $ _____
Total requested **non resident student** for the two **years combined**: $ _____

The requested **WORK STIPEND** is based on the prevailing hourly rate of $ _____for initial entry positions in the community and economic development field for graduate students multiplied by_____ hours per semester/quarter multiplied by semesters/quarters and if applicable, _____ hours during the summer for the yearly per student total work stipend.

The request **TUITION AND FEES per resident student** for the two **years combined**: $ _____
The request **TUITION AND FEES resident student** for the two **years combined**: $ _____
To support the request above, a tuition and fee schedule is attached to this document:
Yes_____ No _____

ADDITIONAL SUPPORT may cover books and other educational supplies ($_____), travel expenses for the students ($ _____), Professional association dues ($_____), and other, i.e., computer diskettes _____ ($_____).

Previous versions obsolete
Submit and Original and three copies

form **HUD 30015** (10/2002)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

FAIR HOUSING INITIATIVES PROGRAMS

Fair Housing – Private Enforcement Initiative (PEI)

Fair Housing Education and Outreach Initiative (EOI)

Fair Housing Organizations Initiative (FHOI)

Billing Code 4210-32-C

Fair Housing Initiatives Program

Overview Information

A. *Federal Agency Name:* Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity.

B. *Funding Opportunity Title:* Fair Housing Initiatives Program (FHIP).

C. *Announcement Type:* Initial announcement.

D. *Funding Opportunity Number:* The **Federal Register** number for this NOFA is FR–4900–N–22. The OMB Approval Number is: 2539–0033.

E. *Catalog of Federal Domestic Assistance (CFDA) Number(s):* Private Enforcement Initiative (PEI) 14.410; Fair Housing Organizations Initiative (FHOI) 14.413; Education and Outreach Initiative (EOI) 14.409.

F. *Dates:* The application due date shall be on or before June 29, 2004. Please see the General Section for information on submission and timeliness requirements.

G. *Optional, Additional Overview Content Information:*

1. FHIP funds are used to increase compliance with the Fair Housing Act (the Act) and with substantially equivalent State and local fair housing laws.

2. Approximately $17,730,525 in FY2004 funds and any potential recapture is allocated to three (3) initiatives as follows:

a. Private Enforcement Initiative (PEI) $11,850,000.

b. Education and Outreach Initiative (EOI) $ 3,780,525.

c. Fair Housing Organizations Initiative (FHOI) $2,100,000.

3. HUD expects to award a cost reimbursable cooperative agreement or grant agreement to each applicant selected for award. Upon completion of negotiations, HUD reserves the right to use the funding instrument it determines is most appropriate. Eligible applicants are Qualified Fair Housing Enforcement Organizations (QFHOs) and Fair Housing Enforcement Organizations (FHOs); *see* 24 CFR 125.103; public or private, for-profit or not-for-profit organizations or institutions, and other public or private entities that are formulating or carrying out programs to prevent or eliminate discriminatory housing practices (including entities that will be established as a result of receiving an award under this FHIP NOFA); agencies of state or local governments; and agencies that participate in the Fair Housing Assistance Program. Except for applicants under FHOI, applicants may not submit multiple applications under this NOFA;

If you are interested in applying for funding under the Fair Housing Initiatives Program (FHIP), please review carefully the General Section of the SuperNOFA (hereafter, the General Section), the FHIP Authorizing Statute (sec. 561 of the Housing and Community Development Act of 1987, as amended), the FHIP Regulations (24 CFR 125.103–501),

For planning purposes, assume a start date no later than September 30, 2004.

Full Text of Announcement

I. Funding Opportunity Description

For Fiscal Year 2004, $20,130,525 is appropriated for the Fair Housing Initiatives Program. Of this amount, $17,730,525 is being made available on a competitive basis to eligible organizations responding to this FHIP program section of the SuperNOFA.

Authority. Section 561 of the Housing and Community Development Act of 1987, as amended, (42 U.S.C. 3616) established the Fair Housing Initiatives Program (FHIP)) and the implementing regulations are found at 24 CFR part 125.

A. FHIP Initiatives and Components

The Fair Housing Initiatives Program (FHIP) and its regulations at 24 CFR part 125, assists fair housing activities that increase compliance with the Fair Housing Act (the Act) and with substantially equivalent fair housing laws administered by state and local government agencies under the Fair Housing Assistance Program (FHAP).

1. Private Enforcement Initiative (PEI)

This Initiative assists private, tax-exempt fair housing enforcement organizations in the investigation and enforcement of alleged violations of the Act and substantially equivalent state and local fair housing laws.

2. Education and Outreach Initiative (EOI)

This Initiative assists projects that inform the public about the rights and obligations under the Act and substantially equivalent state and local fair housing laws. Under this Initiative, you must develop a complaint referral process so that activities funded under this Initiative will result in referrals to HUD of fair housing complaints and other information regarding possible discriminatory housing practices. Applications are solicited for this Initiative under the EOI-Regional/Local/Community-Based Program (R/L/C–B)—in which activities are conducted on a regional/local/community-based level, or under a National Program in which activities are conducted on a national level. Applicants who apply under EOI R/L/C/B may apply under one of four components, as follows: EOI General Component; EOI Disability Component; EOI Hispanic Fair Housing Awareness Component; or the EOI Fair Housing and Minority Homeownership Component. Applicants applying under the EOI National Program only apply for one component, the Media Campaign Component. Applications submitted under EOI are required to describe a complaint referral process that should result in referrals to HUD of fair housing complaints and other information regarding discriminatory housing practices.

3. Fair Housing Organizations Initiative (FHOI)

This Initiative provides assistance to projects (sponsoring organizations) that establish or build the capacity of organizations to become viable fair housing enforcement organizations that conduct fair housing activities in underserved areas (as defined in section III Program Definitions) or in rural areas and areas with new immigrants (especially racial and ethnic minorities who are not English-speaking or have limited English proficiency). This is accomplished with the assistance of a sponsoring organization. The sponsoring organization must submit the application and must certify that the sponsored organization has the ability to become a QFHO or FHO. The period of performance for the award of funds to assist in capacity building activities is renewable for a period of up to three years, based upon successful performance of the sponsored organization. Funds are distributed to the sponsored organization by the sponsoring organization. All fund distributions are based on the performance of both the sponsoring and the sponsored organization. The sponsoring organization may expend FHIP funds for administrative costs as described below. HUD has targeted for funding under this Initiative projects that will provide fair housing enforcement services to rural areas, to underserved areas, and to immigrants (especially racial and ethnic minorities who are not English speaking or have limited English proficiency).

B. Program Definitions

The definitions that apply to this FHIP section of the NOFA are as follows:

1. *Broad-based proposals* are those that include activities that are not limited to a single fair housing issue; instead, they cover multiple issues related to housing discrimination

covered under the Act, such as: rental, sales and financing of housing. (*See also* Full Service Projects below).

2. *Complaint* means the person, including the Assistant Secretary for Fair Housing and Equal Opportunity at HUD, who files a complaint under section 810 of the Fair Housing Act.

3. *Disability Advocacy Groups* means organizations that traditionally have provided for the civil rights of persons with disabilities. This would include organizations such as Independent Living Centers and cross-disability legal services groups. Such organizations must be experienced in providing services to persons with a broad range of disabilities, including physical, cognitive, and psychiatric/mental disabilities. Such organizations must demonstrate actual involvement of persons with disabilities throughout their activities, including on staff and board levels.

4. *Enforcement proposals* are potential complaints under the Act that are timely, jurisdictional, and well-developed, that 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 or FHAP Agency involvement.

5. *Fair Housing Act* means Title VIII of the Civil Rights Act of 1968 as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3600–3620).

6. *Fair Housing Assistance Program (FHAP) Agencies* mean State and local fair housing enforcement government agencies that receive FHAP funds because they administer laws deemed substantially equivalent to the Act, as described in 24 CFR part 115.

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

8. *Full-service projects* must include the following enforcement-related activities in your project application: Interviewing potential victims of discrimination; analyzing housing-related issues; 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.

9. *Grassroots organizations. See* General Section.

10. *Jurisdiction* means that the complaint must be timely filed; the complainant must have standing; the respondent and the dwelling involved (where the complaint involves a provision or denial of a dwelling) must be covered by the Act; and the subject matter or issue, and the basis of the alleged discrimination, must constitute illegal practices as defined by the Act.

11. *Meritorious claims* means enforcement activities by an organization that resulted in lawsuits, consent decrees, legal settlements, HUD and/or substantial equivalent agency (under 25 CFR 115.6) conciliations and organization initiated settlements with the outcome of monetary awards for compensatory and/or punitive damages to plaintiffs or complaining parties, or other affirmative relief, including the provision of housing (24 CFR 125.103).

12. *Minority Serving Institutions* (*See* General Section).

13. *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.

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

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

16. *Rural Areas,* according to the Rural Housing and Economic Development Program of Community Planning and Development (CPD), may be defined in one of the following five ways:

a. A place having fewer than 2,500 inhabitants (within or outside of metropolitan areas);

b. A county with no urban population (*i.e.*, city) of 20,000 inhabitants or more; territory, persons and housing units in the rural portions of 'extended cities;'

c. The rural portions of extended cities in the United States as identified by the U.S. Census Bureau;

d. Open country that is not part of or associated with an urban area. The United States Department of Agriculture (USDA) describes open country as a site separated by open space from any adjacent densely populated urban area. Open space includes undeveloped land, agricultural land, or sparsely settled areas, but does not include physical barriers (such as rivers or canals), public parks, commercial and industrial developments, small areas reserved for recreational purposes, and open space set aside for future development; or

e. Any place with a population not in excess of 20,000 and that is not located in a Metropolitan Statistical Area.

17. *Traditional Civil Rights Organizations* mean 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 Act or substantially equivalent state or local laws and that are engaged in programs to prevent or eliminate discriminatory housing practices.

18. *Underserved Areas* mean jurisdictions where there are no Fair Housing Initiatives Program or Fair Housing Assistance Program agencies and where either no public or private fair housing enforcement organizations exist or the jurisdiction is not sufficiently served by one or more public or private enforcement fair housing organizations and there is a need for service.

19. *Underserved Populations* mean groups of individuals who fall within one or more of the categories protected under the Act and who are also:

a. Of an immigrant population (especially racial and ethnic minorities who are not English-speaking or with limited English proficiency);

b. In rural populations;

c. The homeless;

d. Persons with disabilities who 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; and

e. Areas that are heavily impacted with minorities and there is inadequate protection and ability to provide service from the state or local government or private fair housing organizations.

II. Award Information

The amount available for each initiative or component and the maximum amount of funds that can be awarded for each award are specified as follows:

A. *Private Enforcement Initiative (PEI).* Approximately $11,850,000 is allocated; maximum award is $275,000 per grant; project duration is 12–18 months. For PEI, the estimated number of awards is 43.

B. *Education and Outreach Initiative (EOI).* Approximately $3,780,525 is allocated to five components under this initiative for EOI, the estimated number of awards is 33. The maximum award is $100,000 for the R/L/CB Program and the project duration is 12–18 months. These components are as follows:

1. EOI–General Component. Approximately $1,980,525 is allocated.

2. EOI–Disability Component. Approximately $500,000 is allocated.

3. Hispanic Fair Housing Awareness Component. Approximately $400,000 is allocated.

4. Fair Housing and Minority Homeownership Component. Approximately $400,000 is allocated.

The fifth Component falls under the EOI-National Program:

5. Media Campaign Component. Approximately $500,000 is allocated. The maximum award for the EOI National Program ''Media Campaign Component is $500,000 and the project duration is 12 months.

C. *Fair Housing Organizations Initiative (FHOI).* Approximately $2,100,000 is allocated; project duration is three years. Maximum award is $1,050,000 allocated over a three-year period at up to $350,000 per year. For FHOI the estimated number of awards is two.

D. *Award Instrument.* The type of funding instrument HUD may offer a successful applicant which sets forth the relationship between HUD and the grantee will be a grant or cooperative agreement, where the principal purpose is the transfer of funds, property, services, or anything of value to the applicant to accomplish a public purpose. Upon completion of negotiations, HUD reserves the right to use the funding instrument it determines is most appropriate. The agreement will identify the eligible activities to be undertaken, financial controls, and special conditions, including sanctions for violations of the agreement. HUD will determine the type of instrument under which your award will be made and monitor your progress to ensure that you have achieved the objectives set out in your agreement. Failure to meet such objectives may be the basis for HUD determining your agreement to be in default and exercising available sanctions, including suspension, termination, and/or the recapture of your funds. Also HUD may refer violations or suspected violations to enforcement offices within HUD, the Department of Justice, or other enforcement authorities.

If awarded as a Cooperative Agreement, HUD will also exercise the right to have substantial involvement by conducting quarterly reviews and approval of all proposed deliverables documented in the applicant's Work Plan or Statement of Work (SOW), and determining whether the agency meets all certification and assurance requirements under the grants, cooperative agreement, etc. This assessment will also be carried out by using the information supplied by the agency in its proposed Logic Model (Rating Factor 5). If upon completion of this assessment by your Government Technical Representative (GTR) a determination is made that your quarterly requirements have not been met, you, the grantee, will be obligated to provide additional information or make modifications, as necessary, in a time frame to be established by your GTR.

E. *Project Starting Period.* For planning purposes, assume a start date no later than September 30, 2004.

III. Eligibility Information

A. Eligible Applicants

1. Private Enforcement Initiative (PEI)

a. *Eligible Applicants.* Eligible applicants are fair housing enforcement organizations (FHOs) with at least one year of experience in complaint intake, complaint investigation, testing for fair housing violations, and meritorious claims in the two years prior to the filing of this application (24 CFR 125.401(b)(2)) and Qualified Fair Housing Enforcement Organizations (QFHOs) with at least two years of enforcement-related experience, as noted above, and meritorious claims in the three years prior to filing this application, (24 CFR 125.103). All applicants claiming QFHO and FHO status are required to be a 501(c)(3) tax-exempt organization and also to submit with their application a copy of its Letter of Determination from the Internal Revenue Service (IRS) in support of its 501(c)(3) tax-exempt status.

b. *Eligible Activities* include:

(1) 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. As a condition of funding, you will be required to refer to HUD all cases arising from FHIP-funded enforcement activities (*see* Mandatory Referrals, section V. ''In addition'').

(2) Investigations of individual complaints and systemic housing discrimination for further enforcement processing by HUD, through testing and other investigative methods;

(3) Mediated agreements or other voluntary resolution of allegations of fair housing discrimination after a complaint has been filed; and

(4) Litigating fair housing cases including procuring expert witnesses.

c. *Eligibility of Successor Organization.* HUD recognizes that QFHOs and FHOs may merge with each other or other organizations. The merger of a QFHO or an FHO with a new organization, that has a separate Employer Identification Number (EIN), does not confer QFHO or FHO status upon the successor. To determine whether the successor organization meets the eligibility requirements for this Initiative, HUD will look at the enforcement-related experience of the successor organization (based upon the successor organization's EIN). The successor organization is not eligible to apply under this Initiative unless it establishes it its application that it is a private, tax-exempt organization with the requisite two years of enforcement related experience for a QFHO or one year experience for an FHO.

2. Education and Outreach Initiative

a. *Eligible Applicants.* Eligible applicants are QFHOs; FHOs; public or private, for-profit or not-for-profit organizations, or institutions or other public or private entities, that are formulating or carrying out programs to prevent or eliminate discriminatory housing practices, agencies of State, or local governments; and agencies that participate in the FHAP. If you are a disability advocacy group, or an organization that partners with or substantially provides activities for grassroots faith-based or other community-based organizations, minority universities or institutions, or traditional civil rights organizations, you are encouraged to apply under this Initiative.

b. *Eligible Activities.* The following are eligible activities for the Components under EOI: Conducting educational symposia or other training; developing new and innovative fair housing activities or materials into languages applicable to your community throughout your project area; providing outreach and information on fair housing through printed and electronic media; developing fair housing curricula; providing outreach to persons with disabilities and their support organizations and service housing providers; and working with homeless activists or persons to determine if fair housing plays a part in the homeless situation, and the general public regarding the rights of persons with disabilities under the Act. When conducting your outreach activities, we also encourage the use of existing, fair housing materials, except that we require that you translate these existing materials in languages applicable to your community. Organizations applying under the EOI National Media Campaign Component must conduct the above activities on a national level.

c. *Eligibility of Successor Organization.* HUD recognizes that organizations may merge with each other or other organizations. The merger of an eligible organization with a new organization that has a separate

Employee Identification Number (EIN) or DUNS does not confer eligibility status upon the successor. HUD will make the determination of whether the successor organization meets the eligibility requirements for this Initiative on a case-by case basis.

(1) *Disability Component.* Applicants that emphasize the fair housing needs of person with disabilities, so that persons with disabilities, housing providers and the general public better understand the rights and obligations under the Act and fully appreciate the forms of housing discrimination that persons with disabilities may encounter, should submit their applications to the EOI-Disability Component. Although the Component has a disability focus the funded activities must provide education and outreach to all persons protected under the Act.

(2) *Hispanic Fair Housing Awareness Component.* Applicants must be able to provide bilingual materials and services to Hispanics so that they are aware of and educated about their fair housing rights and responsibilities under the Fair Housing Act. In addition, applicant and staff must have demonstrated bilingual experience, which is defined as 3 years of proven experience in providing social services to persons of Hispanic origin; or must have established a partnership with an established grass-roots, faith-based or other community-based organization to carry out the objectives of this component. Although the component has a focus in providing education and outreach to Hispanic communities, the funded activities must provide education and outreach in a non-discriminatory manner. Grantees may not deny services to any protected class.

(3) *Fair Housing and Minority Homeownership Component.* Under the Fair Housing and Minority Homeownership Component, applicants must demonstrate the ability to conduct community outreach activities to educate people about their rights under the Fair Housing Act and to prepare them for homeownership. The goal of this Component is to improve access to homeownership by racial and ethnic minorities by educating them about fair housing and how to recognize discriminatory housing practices in sales and financing of housing. Applicants must demonstrate the ability to educate participants about unlawful discrimination including discrimination in the sale of dwellings, discrimination in the financing of dwellings and unlawful segregation resulting from steering and other activities. Please ensure that all activities are tied to the protections outlined in the Fair Housing Act.

(4) *General Component.* Applications for all other fair housing education and outreach activities should be submitted to the EOI-General Component.

(5) *National Media-Component.* Applicants who submit applications under the EOI National Program Media Campaign must provide a centralized coordination effort for the development, implementation, and distribution of a fair housing media campaign designed for FY2005's Fair Housing Month.

3. Fair Housing Organization Initiative

This Initiative provides assistance to projects (sponsoring organizations) that establish or build the capacity of organizations to become viable fair housing enforcement organizations, as referenced in 24 CFR part 125.103, that conduct fair housing enforcement activities in underserved areas (as defined in section V.) in rural areas and areas with new immigrants (especially racial and ethnic minorities who are not English-speaking or have limited English proficiency). It is the sponsoring organization that submits the application under this Initiative and certifies the sponsored organization's ability to become a QFHO or FHO. (**Note:** The sponsoring organization is ineligible if they received a grant under this Initiative in 2001 or 2002.) The sponsored organization whose enforcement capacity is established or enhanced by funding under this Initiative, will be allowed to participate in this Initiative for three years contingent upon acceptable annual performance reviews. Funds are allocated under this NOFA for this Initiative for three years and distributed to the sponsored organization by the sponsoring organization

a. *Eligible Applicants.* Only the sponsoring organization is eligible to apply under this Initiative. The sponsoring organization must be a qualified fair housing enforcement organization (QFHO). You must certify in this application that your organization is a QFHO. Sponsored agencies that cannot formulate as private, tax exempt non-profit charitable organizations cannot qualify as a QFHO or an FHO.

b. *Eligible Activities.* The proposed activities must build the enforcement capacity of the sponsored organization so that it can undertake all of the following activities by the conclusion of year 3 of the grant cycle:

(1) 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;

(2) Investigations of individual complaints and systemic housing discrimination for further enforcement processing by HUD, through testing and other investigative methods;

(3) Mediation or other voluntary resolution of allegations of fair housing discrimination after a complaint has been filed; and

(4) Litigating fair housing cases including procuring expert witnesses.

c. *Eligibility of Successor Organization.* HUD recognizes that QFHOs and FHOs may merge with each other or other organizations. The merger of a QFHO or an FHO with a new organization, that has a separate Employer Identification Number (EIN), does not confer QFHO or FHO status upon the successor. To determine whether the successor organization meets the eligibility requirements for this Initiative, HUD will look at the enforcement-related experience of the successor organization (based upon the successor organization's EIN). The successor organization is not eligible to apply under this Initiative unless it establishes it its application that it is a private, tax-exempt organization with the requisite two years of enforcement related experience for a QFHO or one year experience for an FHO.

The following is a chart that summarizes the FHIP Components and Funding Available and Eligible Applicants:

Initiative/component	Allocation amount available	Applicant eligibility	Project period	Award caps
Private Enforcement Initiative (PEI): Assists private, tax-exempt 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. *See* Section I of the FHIP NOFA-Funding Opportunity Description.	$11,850,000	QFHOs and FHO (with at least one year of enforcement related experience). *See* Section III of the FHIP NOFA-Eligibility Information.	12–18 months	$275,000
Fair Housing Organization Initiative: Assistance to projects (sponsoring organizations) that establish or build the capacity of organizations to become viable fair housing enforcement organizations that conduct fair housing activities in underserved areas (as defined in Section III "Program Definitions") or in rural areas with new immigrants especially immigrants with limited English proficiency. The sponsoring organization must submit the application and must certify that the sponsored organization has the ability to become a QFHO or FHO. *See* Section I of the FHIP NOFA-Funding Opportunity Description.	2,100,000	Only QFHOs are eligible to apply under this Initiative to serve as a sponsoring organization. *See* Section III of the FHIP NOFA-Eligibility Information.	36 months	1,050,000
Education and Outreach Initiative (EOI): EOI Regional, Local and Community Based Program: Assists projects that inform the public about rights and obligations under the Fair Housing Act and substantially equivalent state and local fair housing laws. Applicants must develop a complaint referral process so that funded activities will result in referrals to HUD of fair housing complaints and other possible discriminatory housing practices. *See* Section I of the FHIP NOFA-Funding Opportunity Description.	3,780,525	QFHOs, FHOs, public or private for profit or not for profit organizations or institutions, or other public or private entities that carry out programs to prevent or eliminate discriminatory housing practices. This includes agencies of state or local governments and agencies that participate in the Fair Housing Assistance Program (FHAP). *See* Section III of the FHIP NOFA-Eligibility Information.	12–18 months	100,000
EOI-General Component: Open to applicants for all other fair housing education and outreach activities. *See* Section I of the FHIP NOFA-Funding Opportunity Description.	1,980,525	Same as EOI above. *See* Section III of the FHIP NOFA-Eligibility Information.	12–18 months	100,000
EOI-Disability Component: Applicants must emphasize the fair housing needs of persons with disabilities, so that persons with disabilities, housing providers and the general public better understand the rights and obligations under the Fair Housing Act and fully appreciate housing discrimination that persons with disabilities may encounter. The funded activities must provide education and outreach to all persons protected under the Fair Housing Act.	500,000	Same as EOI above. *See* Section III of the FHIP NOFA-Eligibility Information.	12–18 months	100,000
EOI-Hispanic Fair Housing Awareness Component: Applicants must be able to provide bilingual materials and services to Hispanics so that they are educated about their fair housing rights and responsibilities under the Fair Housing Act. Funded activities must provide education and outreach in a nondiscriminatory manner. Grantees may not deny services to a client who is not Hispanic. *See* Section I of the FHIP NOFA-Funding Opportunity Description	400,000	Same as EOI above. *See* Section III of the FHIP NOFA-Eligibility Information..	12–18 months	100,000

Initiative/component	Allocation amount available	Applicant eligibility	Project period	Award caps
EOI-Minority Homeownership Component: Under the Fair Housing and Minority Homeownership Component, applicants must demonstrate the ability to conduct community outreach activities to educate people about their rights under the Fair Housing Act and to prepare them for homeownership. The goal of this Component is to improve access to homeownership by racial and ethnic minorities by educating them about fair housing and how to recognize discriminatory housing practices in sales and financing of housing. *See* Section I of the FHIP NOFA-Funding Opportunity Description.	400,000	Same as EOI above. *See* Section III of the FHIP NOFA-Eligibility Information.	12–18 months	100,000
EOI-National Program-National Media Component: Applicants who submit applications under the EOI National Program Media Campaign must provide a centralized coordination effort for the development, implementation, and distribution of a fair housing media campaign designed for FY 2005's Fair Housing Month. *See* Section I of the FHIP NOFA-Funding Opportunity Description.	500,000	Same as EOI above. *See* Section III of the FHIP NOFA-Eligibility Information.	12–18 months	500,000

B. Cost Sharing or Matching

No matching funds are required for the Education and Outreach or Private Enforcement Initiatives. Federal funds can be used as matching funds if the statutes governing the Federal funds consider the funds to be local resources.

C. Other

1. Threshold Requirements

a. *Tax Exempt Status.* Applicants for the PEI and FHOI Initiatives are ineligible for funding if they are not a 501(c)(3) tax-exempt organization as determined by the Internal Revenue Service (IRS) at the deadline date for application submission.

b. *Name Check Review. See* the General Section

c. *Poor Performance.* Applicants are ineligible for funding if they are a previous FHIP grantee that has received a ''Poor'' performance rating for its most recent performance rating from its Government Technical Representative. HUD will assess performance ratings for applicants who have received FHIP funding in 2001 or 2002. If the applicant has received a ''poor'' performance rating for its most recent performance rating from its Government Technical Representative, its application is ineligible for FY 2004 competition. An applicant that does not agree with its determination of ineligibility for the FY2004 competition because of ''poor'' performance must address to HUD's satisfaction the factors resulting in the ''poor'' performance rating before the FHIP application deadline. If the ''poor'' performance rating is not resolved to the Department's satisfaction before the application deadline, the application is ineligible for funding. HUD is interested in increasing the performance level of all grantees; therefore, applicants who are deemed ineligible because of a ''poor'' performance rating have the right and are encouraged to seek technical assistance from HUD to correct their performance in order to be eligible for future NOFA competition.

d. *Suits Against the United States.* Your application is ineligible for funding if, as a current or past recipient of FHIP funds, your organization used any funds provided by HUD for the payment of expenses in connection with litigation against the United States (24 CFR 125.104(f)).

e. *Other Litigation.* Your application is ineligible for funding if you used funds provided by HUD under this program to settle a claim, satisfy a judgment, or fulfill a court order in any defensive litigation (24 CFR 125.104).

f. *Hispanic Fair Housing Awareness Component.* Applicants are ineligible for funding if current bilingual staff has not worked with the organization for three years and if the organization does not have three years of proven experience providing bilingual services. You must list all bilingual employees and provide proof of employment. Grantees may not deny services to any protected classes under the Fair Housing Act.

g. *FHOI.* Applicants for FHOI only are ineligible if their organization received previous FHOI awards in FY2002 or FY2003.

h. *Media-based Applications.* Applicants who submit applications under the EOI National Program Media Campaign must have as their primary responsibility advertisement and media and have at least five years of experience as an advertisement/media organization, or if the applicant is not a media organization, it must include as part of its proposal a subcontract with an established media/advertising or public relations organization that has experience in conducting national media campaigns. Applicants that fail to meet this requirement or include such subcontract arrangements in their proposals will be ineligible for funding.

i. *Maximum award.* Applicants are ineligible for funding if they request funding in excess of the maximum allowed under the initiative or component for which they are applying. Any amount over the maximum award, even if less than one dollar, will be considered a request in excess of the maximum award. In addition, inconsistencies in the amount requested and/or miscalculations that result in amounts over the maximum award will be considered excessive; therefore the application is ineligible.

j. *Dun and Bradstreet Numbering System (DUNS) Numbering Requirement.* Refer to General Section of SuperNOFA for information

regarding the DUNS requirement. You will need to obtain a DUNS number to receive an award from HUD.

k. *Majority of Activities.* If a majority (51 percent or more) of the activities and costs within your application, Statement of Work (SOW) and budget are not fair housing related activities, your application will be deemed ineligible.

l. Applicants must receive a minimum of 75 rating points to be considered for funding.

2. *Program Requirements for All Initiatives.* In addition to the Threshold Requirements in section III.C. of the General Section of the SuperNOFA, your FHIP-funded program application must also meet the following requirements:

a. *Protected Classes.* All FHIP-funded projects must address housing discrimination based upon race, color, religion, sex, disability, familial status, or national origin.

b. *Tester Requirements for PEI and FHOI applicants.*

(1) 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, except to the extent that they could recover damages as provided by law;

(b) Be a relative related by adoption, blood, or marriage to 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.

(2) Review and Approval of Testing Methodology. If your SOW proposes testing, other than rental housing testing, HUD may require copies of the following documents to be reviewed and approved by HUD prior to your carrying out the testing activities.

(a) The testing methodology to be used,

(b) The training materials to be provided to testing, and

(c) Other forms, protocols, cover letters, etc., used in the conduct of testing and reporting of results.

The testing methodology and training materials that you submit to HUD for review and approval are for enforcement purposes and will remain confidential.

(3) Tester Training. You must provide sufficient information in the application to show how testers are trained by our organization and how the materials will be used.

(4) Retainer Fees. If you are a recipient of FHIP funds, you cannot require any complaint to whom you are providing assistance using FHIP funds, to sign a retainer agreement of other contract for legal fees as part of the filing, commencement, or maintenance of a Fair Housing Act complaint. If the FHIP recipient has a successful settlement or a verdict, then the FHIP is able to include its reasonable fees as a part of the settlement, though the complainant shall be under no obligation to accept such an agreement. If reasonable legal fees are recovered, the FHIP agency must return a portion of its recovery to HUD, in proportion to the amount of FHIP funds spent on the prosecution of the case.

(a) Agencies that are the recipients of FHIP funds agree to provide HUD with information regarding the recovery of fees and applicable reimbursement of FHIP funds to HUD on a yearly basis;

(b) All settlements and verdicts involving cases processed using FHIP funds are a matter of public record. An agency cannot claim attorney-client or other privilege against the release of data concerning the case.

(c) This restriction on withholding of information must be communicated to the complainant.

(d) The complainant must agree to such a restriction before the case can be processed using FHIP funds.

(5) *Performance Measures and Products.* For all Initiatives:

(a) Your Logic Model must demonstrate how your project activities will support HUD goals; and

(b) Identify performance measures/outcomes in support of those goals, describe your proposed record keeping and evaluation systems, and identify current (baseline) conditions and target levels of the performance measures that you plan to achieve.

(i) For PEI, your application also must contain a strategy for generating enforcement related project products, with related timelines and milestones.

(ii) For FHOI, if the sponsoring organization is enhancing an existing organization, then the sponsoring organization must submit a statement outlining: what is expected of the sponsored organization, and that the sponsored organization will be part of the program. If the sponsoring organization is being created, then the sponsored organization must submit a mission statement for the sponsoring organization and a timeline for creation and independence. If selected for funding, your final performance measures will be negotiated between you and HUD as part of your executed grant agreement.

Applicants must submit a Logic Model (Form HUD–96010) in their application and report against planned actions on a quarterly basis as specified in the award agreement, refer to the Logic Model (Form HUD–96010) provided in the forms appended to the General Section.

(6) *Single Applications.* Except for applicants under FHOI, all applicants may submit only one application under the FHIP. FHOI applicants may apply under FHOI and one other Initiative. Applicants must determine which Initiative/Component to which they want to apply and submit a completed application to only that Initiative/Component. Multiple applications applying to more than one, Initiative/Component, except FHOI, will be treated as a technical deficiency and the applicant will be asked to identify the application they want reviewed.

(7) *Independence of Awards.* HUD will review each eligible application separately and without reference to other applications submitted by you or others. However, the application you submit must be independent and capable of being implemented without reliance on the selection of other applications submitted by you or other applicants.

(8) *Training funds.* Your proposed budget must set aside funds to participate in HUD mandatory sponsored or approved training, $3000 for 12–18 month projects (EOI and PEI); and $6000 annually for 36 month projects (FHOI). For FHOI, there must be attendance from the sponsoring and sponsored organization.

Requests to attend HUD approved training must be submitted to the GTR for approval in advance of the requested training. Do not include amounts over the $3000 or $6000 (as appropriate) for the training set aside in this category. If applicants do not include these funds in the budget and you are selected for an award, HUD will modify your budget, reallocating the appropriate amount for training. If awardees' key personnel do not attend mandatory HUD approved or HUD sponsored training, training funds must be returned to HUD and it will be reflected on your performance assessment.

(9) *Accessibility Requirements.* All activities, facilities, and materials funded by this Program must be accessible to persons with disabilities (24 CFR 8.2, 8.4, 8.6, and 8.54).

(10) Fair Housing Act. HUD expects applicants to address housing discrimination covered under the Fair

Housing Act. HUD has determined there is a need to ensure equal opportunity and access to housing in communities across the nation.

(11) *Research Activities.* Applicants are ineligible for funding if 100 percent of their project is aimed at research.

(12) *Tax Exempt Status.* Your application must include a copy of your Letter of Determination from the Internal Revenue Service dated prior to the deadline date of this FHIP Program Section of the SuperNOFA, establishing your 501(c)(3) tax-exempt status. Failure to submit this with your application is a technical deficiency.

(13) *Limited English Proficiency (LEP).* Applicants obtaining an award from HUD must seek to provide access to program benefits and information to LEP individuals through translation and interpretive services in accordance to the HUD's published LEP Recipient Guidance.

(14) For-profit awardees are not allowed to earn a profit and must adhere to OMB Circular A–122.

(15) *Single Audit Requirement.* All applicants who have expended $500,000 or more in federal financial assistance in a single year (this can be a program or fiscal year must be audited in accordance with the OMB–A133 requirements as established in 24 CFR Part 84 and 85.

IV. Application and Submission Information

A. Addresses to Submit Application Package

Your application consists of an original signed application form (SF–424) and all items listed in the Checklist (*see* section for all submission requirements). Mail your completed application (one original and three copies) to:

FHIP SuperNOFA 2004 [Specify the Initiative/Component to which you apply], FHIP/FHAP Support Division, Office of Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW., Room 5224, Washington, DC 20410.

B. Content and Form of Application Submission

Please ensure that your application contains all of the following elements in the order described:

- SF–424* (Place a copy of the SF–424 on top of application package.)
- SF–424 Supplement*—Survey on Ensuring Equal Opportunity for Applicants.
- HUD–424—Assurances and Certifications*.
- Transmittal Letter.
- Checklist for Completion of Applications.
- Project Abstract Outlining Project Activities.
- Factor No. 1 Narrative.
- Factor No. 1 Attachments: Tester Experience, Letter of Determination from IRS on 501(c)(3), if applicable.
- Factor No. 2 Narrative.
- Factor No. 3 Narrative.
- Factor No. 3 Attachments: Statement of Work (SOW) with activities listed in priority order, Budget Forms HUD–424–CB* and HUD–424 CBW reflecting the order of the statement of work and prioritized activities,* Budget Narrative.

(For EOI General only, separate Budget, Logic Model and SOW at 100 and 80% each.)

- Factor No. 4 Narrative.
- Factor No. 4 Attachments: Letter(s) of Firm Commitment.
- Factor No. 5 Narrative.
- Responses to Additional Requirements for Specific Initiative/Project.
- HUD–2880 (Applicant Recipient Disclosure Update Report (General Section)*.
- OMB SF-LLL Disclosure of Lobbying Activities (General Section)*.
- HUD–2990 Certification of Consistency with the RC/EZ/EC Strategic Plan (General Section)*.
- HUD–2993 Acknowledgment of Application Receipt (General Section)*.
- HUD–2994 Client Comments and Suggestions (General Section)*.

*Forms that reflect an asterisk are in the General Section of the NOFA.

This Checklist reflects all forms that must be included in your application submission. In addition to the above, all applicants must read and adhere to Initiative specific information. Applicants are encouraged to review the chart entitled ''Summary of Initiatives/Components'' to assist in identifying the Initiative and component to which you wish to apply.

C. Submission Dates and Times

You must submit a completed application (one original and three copies) for the specific initiative and component for which you are applying on or before on June 29, 2004 to the HUD Headquarters building. Applicants missing the deadline will have their applications returned without further review by the Technical Evaluation Panel.

What to submit	Required content	Required form or format	When to submit it
Application:			
Cover sheet	(per required form)	Form SF–424, available from (General Section).	
Survey for Ensuring Equal Opportunity for Applicants.		SF–424 Supplement	Application due date.
Budget information	(per required form)	Form SF–424–CBW, available from (General Section).	
Narrative	Described in Section IV.2 of this announcement.	Format described in Section IV.B of this announcement.	
Assurances	(per required form)	Form SF–424B, available from (General Section).	
Letters from third parties contributing to cost sharing.	Third parties' affirmation of amounts of their commitments.	No specific form or format.	

D. Intergovernmental Review

Intergovernmental Review is not applicable to this program.

E. Funding Restrictions

1. *Administrative Costs for the Sponsoring Organization.* The sponsoring organization may use no more than 15 percent of the annually awarded funds to cover its costs to administer the grant.

2. *Enforcement Education & Outreach.* ''There is a 5 percent limit on the amount of education-related activities that can be funded in an enforcement award. If you exceed the limit, points will be deducted in the rating process and funds will be adjusted to maintain the required limitation.

F. Other Submission Requirements

1. *For All Applicants.* The maximum narrative page requirement is ten pages per factor. All pages in your application must be numbered consecutively from beginning to end. The narrative pages must be double-spaced (no more than three lines per vertical inch). This includes all narrative text, titles, and headings. (However, you may single space footnotes, quotations, references, captions, charts, forms, tables, figures, and graphs). You are required to use 12-point type size. A page is 8.5 × 11 inch, on one side only, with one-inch margins top, bottom, right, and left. You must respond fully to each factor to obtain maximum points. Failure to provide narrative responses to all factors or omitting requested information will result in less than the maximum points available for the given rating factor or sub-factors. Failure to provide double-spaced, 12-point font type size narrative responses will result in five points being deducted from your overall score (one point per factor). Failure to consecutively number pages within your application will result in one point being deducted from your overall score.

2. *EOI-General Component.* Organizations applying under the EOI-General Component must submit a budget at 100 percent of proposed costs and activities.

Additionally, applicants must identify costs and activities in priority order so if HUD funds at an 80 percent level approved awards will reflect the priorities of the applicant. The activities and line item costs above the 80 percent should be reflected as optional activities in the applicant's SOW, Logic Model and Budget.

For example, if an applicant proposes 10 workshops, the applicant can designate two workshops as optional to reduce their funding by 20 percent. By providing the information in this manner if there are no further changes during negotiations the applicant does not have to submit another budget.

3. *Application Submission and Timeliness Procedures. See* the General Section of the SuperNOFA for specific procedures governing the submission and receipt of applications. HUD will acknowledge receipt of an application by letter to the applicant within 15 working days of receipt. Acknowledgement letters will be mailed via the U.S Postal Service to all applicants meeting the timeliness of application requirement.

V. Application Review Information

A. Criteria for Regional/Community-Based Applications

1. *Rating Factor 1: Capacity of Applicant and Relevant Organizational Experience (25 Points).* You must describe staff expertise and your organization's ability to complete the proposed activities within the grant period.

In General, HUD recognizes that, in carrying out the proposed activities, you may have persons already on staff, plan to hire additional staff, or rely on subcontractors or consultants to perform specific tasks. You must describe your staffing plan and the extent to which you plan to add staff (employees) or contractors. If your application proposes using subcontractors and these subcontractor activities amount to more than 10 percent of your total activities, you must submit a separate budget for each subcontractor. Failure to include a separate budget will result in lower points being assessed to your application.

a. *Number and expertise of staff (this includes subcontractors and consultants.* (5) Points for current FHIP grantees; (10) Points for New Applicants. You must show that you will have sufficient, qualified staff that will be available to complete the proposed activities. Provide the following information for all staff assigned to or hired for this project, not just key personnel (those persons identified in attachments to Rating Factor 3: Soundness of Approach). Applicants applying to the Hispanic Awareness Component must list all bilingual employees and provide proof of employment and the requisites below:

(1) Identify, by name and/or title and hours, all persons that will be assigned to the project. You must describe the knowledge and experience of the proposed overall project director or day-to-day program manager (whose duties and responsibilities include managing all program and administrative activities as outlined in the SOW and ensuring that all timelines are met), in planning and managing projects similar in scope and complex interdisciplinary programs. To receive maximum points, your day-to-day program manager must devote a minimum of 75 percent of his/her time to the project. For day-to-day managers who do not have at least 75 percent of their time devoted to the project, no points will be awarded under this sub-factor. For example, if the Executive Director is responsible for managing the overall program administrative activities, the application should reflect the Executive Director's time as 75 percent. However, if a staff person will be assigned this responsibility, the 75 percent time should be reflected as such. You may demonstrate capacity by thoroughly describing your prior experience in fair housing. You should indicate how this prior experience is to be used in carrying out your proposed activities. Your application must clearly identify those persons that are on staff at the time this application is filed, and those persons who will be assigned at a later date; describe each person's duties and responsibilities and their expertise (including years of experience) to perform project tasks; indicate whether the staff person is assigned to work full-time or part-time (if part-time, indicate the percentage of time each person is assigned to the project).

(2) Attach resumes for all key personnel or position descriptions for newly created positions. (Resumes or position descriptions do not count against the ten-page limit.)

b. *Organizational experience.* (10) Points for current FHIP grantees, (10) Points for New Applicants. In responding to this sub-factor, you must show that your organization has: (1) conducted a past project or projects similar in scope and complexity to the project proposed in this application (whether FHIP-funded or not), or (2) engaged in activities that, although not similar, are readily transferable to the proposed project. Experience will be judged in terms of recent, relevant and successful experience of your staff to undertake eligible activities. In rating this factor, HUD will consider experience within the last three years to be recent, experience pertaining to the specific activities to be relevant, and experience producing measurable 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.

(1) *In addition.* If you are applying for funding under the EOI-Hispanic Fair Housing Awareness Component, provide the following information when responding to this sub-factor:

(a) A list of all bilingual materials developed and distributed.

(b) A description of specific instances where projects similar to the scope and activities proposed in this application had an impact in a Hispanic community.

(c) A description of recent relevant experience. Recent experience is experience within the past three years.

(2) *In addition.* If you are applying for funding under the EOI-Fair Housing and Minority Homeownership Component, provide the following information when responding to this sub-factor:

(a) A description of staff's experience in providing fair housing and homeownership advice with the objective of increasing awareness of homeownership opportunities and

(b) A description of staff's experience and accomplishments in advocating with the real estate industry, the mortgage lending industry, appraisers, and developers to increase awareness of homeownership opportunities.

(3) *In addition.* If you are applying for funding under PEI or FHOI, provide the following information when responding to this sub-factor:

(a) Describe the procedure you will use to ensure that testers comply with the requirements in section IV.B. of this NOFA.

(b) If you propose to conduct testing (other than rental or accessibility testing), projects proposing testing in the specific areas should document that, at a minimum, you have conducted successful testing in those areas. Provide a general description of when and where the tests occurred, the entities tested, and the overall results of the tests, including complaints filed and the settlements or remedies secured (for example, if testing is for sales of housing, your application should outline your sales testing experience).

(4) *FHOI.* Provide a statement of organizational capacity and experience of the sponsored organization and a list of persons who will work on the project along with their experience. c. Performance on past project(s). (10) Points for current FHIP grantees, (0) Points for new applicants. You must describe your organization's past performance in conducting activities relevant to your proposal, in the past two years (FY 2001 and 2002 FHIP grants), demonstrating good financial management and documenting timely use of funds, timely reporting and submissions of tasks and deliverables. HUD may supplement information you provide with relevant information on-hand or available from public sources such as newspapers, Inspector General or General Accounting Office Reports or Findings, hotline complaints that have been proven to have merit, or other such sources of information. In evaluating past performance, the following points will be deducted from your score under this rating sub-factor:

10 points out of 10 will be deducted if you received a ''fair performance'' assessment;

5 points out of 10 will be deducted if you received a ''good performance'' assessment; and

0 points out of 10 will be deducted if you received an ''excellent performance'' assessment.

(1) *In addition.* If you have received an FHOI or a PEI award under the FY2000, 2001, or 2002 FHIP Program, you must:

(a) Discuss your compliance with the mandatory referral requirement of all cases arising from FHIP-funded activities in FY2000, 2001, and 2002. Five points will be deducted for this sub-factor if you do not show in your application compliance with the requirement. The compliance discussion should provide an explanation if discrepancies exist. For example, your application notes receipt of 100 complaints. It also notes that only 25 complaints were referred. There should be an explanation for the difference of 75 complaints.

(b) Discuss your compliance with the requirement to reimburse the Federal government for compensation received from FHIP-funded enforcement activities. If you have not reimbursed the Federal government for such compensation, explain why you have not. Also, state whether you reported to HUD any likely compensation that may result in such reimbursement. Two points will be deducted for this sub-factor if you have not complied with the requirement.

2. Rating Factor 2: Need/Distress/ Extent of the Problem (20 Points). This factor addresses the extent to which there is a need for funding the proposed activities to address a documented fair housing problem(s) in the target area(s). You will be evaluated on the information that you submit that describes the fair housing need in the geographic area you propose to serve, its urgency and how your project is responsive to that need.

a. *Documentation of Need.* To justify the need for your project, PEI and EOI applicants must describe the following:

(1) The fair housing need, including:

(i) Geographic area to be served;

(ii) Populations that will be served—your project must serve all persons protected by the Act; and

(iii) 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.

(2) The urgency of the identified need. For example:

(i) The potential consequences to persons if your application is not selected for funding;

(ii) The extent to which the organizations provides the services identified in your application;

(iii) Other sources that support the need and urgency for this project. For example, make reference to reports, statistics, or other data sources that you used that are sound and reliable, including but not limited to, HUD or other Federal, state, or local government reports analyses, relevant economic and/or demographic data, including those that show segregation, foundation reports and studies, news articles, and other information that relate to the identified need. Chapter V of the *Fair Housing Planning Guide, Vol. 1* has other suggestions for supporting documentation. You may access the Guide from the HUD Web site at: *www.hud.gov.*

(3) To receive maximum points under this sub-factor, applicants must submit data and studies that support (i), (ii), and (iii) above. Those that address each category and submit supporting data will receive higher points than those that do not.

For FHOI: to justify the need for a sponsored organization under FHOI, the sponsoring organization must describe the following:

(i) Populations that will be served: HUD has targeted for funding under this Initiative projects that will provide fair housing enforcement services to underserved areas, rural areas, and areas serving individuals who are immigrants (especially racial and ethnic minorities who are not English-speaking or have limited English proficiency):

(ii) 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, and submit data and studies that support your claim; and

(iii) Why the project area is underserved and why the proposed sponsored organization is needed. Your proposal must serve all persons protected by the Act.

For example, make reference to reports, statistics, or other data sources that you used that are sound and reliable, including but not limited to, HUD or other Federal, State or local government reports analyses, relevant economic and/or demographic data, including those that show segregation, foundation reports and studies, news articles, and other information that relate to the identified need.

For all applicants: If the fair housing needs you have identified are not

covered under the Consolidated Plan and Analysis of Impediments to Fair Housing Choice (AI) or if your locality does not have a CP or AI, you should so indicate, and use other sound data sources to identify the level of need and the urgency in meeting the need. 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.

(4) 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. If the data presented does not specifically represent your target area, you should discuss why the target areas were proposed. The link between the need and your proposed activities:

(a) How the proposed activities augment or improve upon on-going efforts by public and private agencies, organizations and institutions in the target area, and/or

(b) Why, in light of other on-going efforts, the additional funding you are requesting is necessary.

(5) *In addition,* with respect to Documentation of Need, the following apply to specific FHIP initiatives or components:

(a) *EOI-Disability Component.* Your project must focus on individuals who are disabled and must serve all persons protected by the Act.

(b) *EOI-Hispanic Fair Housing Awareness Component.* Your project must focus on serving Hispanics and must serve all persons protected by the Act. Therefore, provide specific demographics on Hispanic neighborhoods to be served and the relationship of the area served to the objectives of the project. The need in these neighborhoods must be clearly stated and supported with documentation such as beneficiary information.

(c) *EOI-Fair Housing and Minority Homeownership Component.* Your project must document under-representation of homeownership by protected classes or a critical level of need for fair housing and homeownership activities in the area where activities will be carried out.

3. Rating Factor 3: Soundness of Approach (40 Points). You must describe your project in detail, demonstrate how your project activities will support HUD goals, propose suggested performance measures/outcomes in support of these goals, and identify current baseline conditions and target levels of the performance measures that you plan to achieve. Also attach a Statement of Work (SOW) and budget. Your proposed activities must support HUD's policy priorities as referenced in the General Section.

a. (8 Points) Support of HUD Goals. Describe how your proposed project will further and support HUD's policy priorities. For FY2004, FHIP applications, address the following:(1) All EOI-General, EOI-Disability, EOI-Hispanic Fair Housing Awareness, and EOI-Fair Housing and Minority Homeownership Component:

Applicants who:

(1) Relate HUD's policy priorities to:

(a) The project's purpose,

(b) Persons to be served,

(c) Geographic area to be served,

(d) Proposed activities and who will conduct these activities, *e.g.*, you or a subcontractor(s) or consultant(s); and

(2) Provide a methodology for carrying out these activities that includes items (i) through (iv) above will be assessed as follows:

(a) Four points under this sub-factor if you are a grassroots faith-based or other community-based organizations, propose to partner or sub-contract with grassroots faith-based or other community-based organizations

(b) Up to two points under this sub-factor if your application specifically addresses regulatory barriers to affordable housing.

(c) One point under this sub-factor if your application specifically addresses the elimination of housing discrimination to improve our nation's communities; and

(d) One point under this sub-factor if your application specifically addresses housing discrimination to persons who are homeless because of housing discrimination in violation of the Fair Housing Act.

(3) *PEI and FHOI.* Applicants should discuss their project purpose and proposed activities, persons to be served, geographic areas and methodology and their relation to HUD's policy priorities (*see* General Section). Include specific information on how you will address the need(s) identified under Rating Factor 2. The quality of the response you provide to one or more of the policy priorities will determine the score you receive. You may receive points for each policy priority you address up to a total of eight points.

b. (17 Points) Proposed Statement of Work (SOW) and Information Requirements. The SOW and budget are attachments that will not count toward the 10-page limit on the narrative response to this factor. However, points will be assigned based on the relevance of proposed activities to stated needs, attention to implementation steps, proposed activities consistent with organizational expertise and capacity and accuracy of the SOW and budget.

(1) *Statement of Work*—Submit a proposed SOW that comprehensively outlines in chronological order the administrative and program activities and tasks to be performed during the grant period. Your outline should identify all activities and tasks to be performed and by whom (*e.g.*, you, a subcontractor, or partner), and the products that will be provided to HUD and when. You should also include a schedule of your activities and products (with interim implementation steps), staff allocation over the term of the project; staff acquisition and training; and activities of partners and/or subcontractors.

EOI-General Applicants Only—You must identify optional activities (to achieve an 80 percent budget) in order to receive full points under this sub-factor.

(2) *Information Requirements.* For PEI and FHOI, your application must include a description of the enforcement proposals to be referred to HUD. Your description must explain the information (*see* 24 CFR 121.2) you intend to collect and analyze, the type of complaints you anticipate referring to HUD for enforcement purposes, and describe the procedure you will implement for referring such complaints. If you propose a testing program, you must explain how you plan to structure the tests, train investigators, conduct investigations, etc. This description should make clear the safeguards to be used to ensure that complaints referred to HUD are fully jurisdictional under the Act and supported by credible and legitimate evidence that the Act has been violated. Describe the procedures you will put in place to ensure that referrals of all complaints are sent to HUD.

(3) In addition. For EOI Hispanic Fair Housing Awareness Component include:

(a) All bilingual key personnel and their capacity to communicate and disseminate information in projected Hispanic neighborhoods.

(b) A plan that reflects an understanding of the characteristics and needs of the neighborhoods selected and outlines a plan of action pertaining to the scope and detail of how the work outlined will be accomplished.

c. (15 Points) *The Budget Form and the Budget Information*—HUD will also assess the soundness of your approach by evaluating the quality, thoroughness,

and reasonableness of the budget and financial controls of your organization, including information on your proposed program cost categories. As part of your response you must prepare a budget that is:

(1) Reasonable in achieving the goals identified in your proposed SOW;

(2) Relate tasks in the SOW to the proposed budget costs;

(3) Cost-effectiveness,

(4) Quantifiable based on the need identified in Factor 2, and

(5) Documents and justify all cost categories in accordance with the cost categories indicated in the HUD–424 CB (*see* General Section Grant Application Detailed Budget). Include your approved Indirect Cost rate in your budget submission, as well as the agency contact name and telephone number. If you do not have a federally approved indirect cost rate, please provide your proposed rate and submit an indirect cost rate proposal with your application. If HUD is the cognizant agency, it will establish a rate or contact the appropriate federal agency to establish a rate. For information on Indirect Cost rates, you can review HUD's training on *http://www.hud./gov.*

(6) *Cost Effectiveness of Program.* Discuss and provide supportive facts concerning the extent to which your proposed program is cost effective in achieving the anticipated results of the proposed activities. Also, indicate how the proposed project is quantifiable based on the needs identified in Rating Factor 2.

(7) *Financial Management Capacity.* Describe and provide documentation to support your organization's financial management system. In addition, provide documentation about your capabilities in handling financial resources and maintenance of an adequate accounting and internal control procedures.

(8) *In addition:* FHOI provide a statement of transfer of programmatic and management responsibilities from the sponsoring to sponsored organization by the end of grant year three. Also provide budgetary information on the viability of the sponsoring organization to maintain the sponsored organization for the duration of the grant.

Your Grant Application Detailed Budget HUD–424–CBW must show the total cost of the project and indicate other sources of funds that will be used for the project. While the costs are based only on estimates, the budget narrative work plan may include information obtained from various vendors, or you may rely on historical data. Applicants must round all budget items to the nearest dollar.

A written budget narrative must accompany the proposed budget explaining each budget category listed. Failure to provide a written budget narrative will result in two points being deducted from your application. It must explain each cost category you list. Generally, estimated costs for high-cost items or subcontractors/consultants should be supported by bids from at least three sources. Where there are travel costs for subcontractors/consultants, you must show that the combined travel costs (per diem rates) are consistent with Federal Travel Regulations (41 CFR 301.11) and travel costs for the applicant's subcontractors and/or consultants do not exceed the rates and fees charged by local subcontractors and consultants. The narrative (which does not count toward the 10 page limit) and supporting documentation (which does not count toward the 10 page limit) must address the Grant Application Detailed Budget as referenced in the General Section.

(9) Enforcement Education & Outreach—Also, there is a 5 percent limit on the amount of education-related activities that can be funded in an enforcement grant. If you exceed this limit, points will be deducted from this sub-factor.

4. *Rating Factor 4: Leveraging Resources (5 Points).* This factor addresses your ability to secure additional resources to support your project. Points will be awarded on the basis of the percentage of non-FHIP resources you have identified and how firm the commitment is for those resources.

a. Firm Commitment of Leveraging. HUD requires you to secure resources from sources other than what is requested under this FHIP Program Section of the SuperNOFA. Community resources may include funding or in-kind contributions, such as workspace or services or equipment, allocated to the purpose(s) of your proposal. Contributions from affiliates or employees of the applicant do not qualify as in-kind contributions. Resources may be provided by governmental entities (including other HUD programs if such costs are allowed by statute), public or private non-profit organizations, faith-based organizations, for-profit or civic private organizations, or other entities willing to work with you. In order to secure points you must establish leveraging of resources by providing letters of firm commitment from the organizations and/or individuals who will support your project. Each letter of firm commitment must:

(1) Identify the organization and/or individual committing resources to the project,

(2) Identify the sources and amounts of the leveraged resources (the total FHIP and non-FHIP amounts must match those in your proposed budget submitted under Factor 3), and

(3) Describe how these resources will be used under your SOW. The letter must be signed by the individual or organization official legally able to make commitments for the organization. If the resources are in-kind or donated goods, the commitment letter must indicate the fair market value of those resources and describe how this fair market value was determined. (Do not include indirect costs within your in-kind resources). In-kind and matching contributions and Program Income must be in accordance with 24 CFR 84.23 and 84.24. FHIP funds cannot be used for in-kind or donated services (for example, a current staff person on a FHIP-funded project). No points will be awarded for general letters of support endorsing the project from organizations, including elected officials on the local, state, or national levels, and/or individuals in your community. For PEI and EOI, if your project will not be supported by non-FHIP resources, then you will not receive any points under this factor. Points will be assigned for PEI and EOI based on the following scale:

One point will be awarded if less than 5 percent of the projects total costs come from non-FHIP resources.

Two points will be awarded if between 5 percent and 10 percent of the project's total costs are from non-FHIP resources.

Three points will be awarded if between 11 percent and 20 percent of the project's total costs are from non-FHIP resources.

Four points will be awarded if between 21 percent and 30 percent of the project's total costs are from non-FHIP resources.

Five points will be awarded if at least 31 percent of the project's total costs are from non-FHIP resources.

For FHOI, two points will be awarded if between 5 percent and 10 percent of the project's total cost are from non-FHIP resources.

Three points will be awarded if between 11 percent and 20 percent of the project's total costs are from non-FHIP resources.

Four points will be awarded if between 21 percent and 30 percent of the project's total costs are from non-FHIP resources.

Five points will be awarded if at least 31 percent of the project's total costs are from non-FHIP resources.

5. *Rating Factor 5: Achieving Results and Program Evaluation (10 Points).* In evaluating this factor, HUD will assess the extent to which you demonstrate how you will measure your success or results to be achieved that represent the work of your organization as set out in your budget. Applicants must describe their specific methods and measures to assess progress, evaluate program effectiveness, and identify program changes necessary to improve performance, to ensure commitments made will be kept and results to be achieved can be accounted for and independently assessed, to ensure performance measures are met. Applicants who have identified inputs and outcome measurement and include means for assessing these measures, tracking and monitoring performance goals and achievements against these commitments made in the application, will receive higher points than those that do not. To meet this requirement, you should:

a. First, identify the outcome. You should refer to the Logic Model provided in the forms appended to the General Section. Applicants should also review the Logic Model training which can be found at: *http://www.hud.gov/offices/adm/grants/training/training.cfm.*

b. Second, identify the indicator. An indicator should be explained using numerical measures that can determine the extent to which the outcome was or is expected to be achieved and/or utilized to assess your performance. You should also track or monitor how your projected outcomes will be successfully achieved. Specify what form of measurement tool(s) will be utilized to quantify the overall results of your project's performance.

In formulating how you attain your end results, estimate the types and amounts of clients you expect to be served with the amount allocated as it relates to your proposed budget. Estimate approximately how many of those served will benefit from your project's activities and tasks and estimate the timeframe for this to be accomplished.

Accomplishments can be achieved using specific measurements tools to assess the impact of your solutions. Examples include: Intake Assessment Instrument; Pre/Post Tests; Customer/Client Satisfaction Survey; Follow-up Survey; Observational Survey; Functioning scale; or Self-sufficiency scale. You should describe what kind of fair housing activities you propose to accomplish and the success of your project, as identified in Rating Factor 2, for these activities. Finally you should consider this need, what you plan to accomplish, your proposed methodology and work plan to assess the benefits that will be derived from your project.

You should demonstrate the extent to which your application proposes solutions that result in creating linkages and using specific measurement tools to assess the impact of your project and a process to establish a clear relationship between all parties impacted. For the EOI-Disability Component, you should demonstrate how the activities will assist the Department in implementing the Olmstead Supreme Court decision. As your project ends, you must report meaningful data derived from client feedback on how they benefited from your project's activities.

B. Criteria for National Program Applications

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 awarded any application is 100. Bonus points are not available for this category of funding.

1. Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (25 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, and the applicant's ability to develop and implement large information campaign projects as appropriate, on a national scale. The rating of the ''applicant'' or the ''applicant's organization and staff'' for technical merit or threshold compliance, unless otherwise specified, will include any sub-contractors, consultants, sub-recipients, and members of consortia that are firmly committed to the project.

You must describe staff expertise and your organization's ability to complete the proposed activities within the grant period.

In General. HUD recognizes that, in carrying out the proposed activities, you may have persons already on staff, plan to hire additional staff, or rely on subcontractors or consultants to perform specific tasks. You must describe your staffing plan and the extent to which you plan to add staff (employees) or contractors. If your application proposes using subcontractors and these subcontractor activities amount to more than 10 percent of your total activities, you must submit a separate budget for each subcontractor. Failure to include a separate budget will result in lower points being assessed to your application.

a. *Number and expertise of staff (this includes subcontractors and consultants).* (5) Points current FHIP grantees; (10) Points for new applicants You must show that you will have sufficient, qualified staff that will be available to complete the proposed activities. Provide the following information for all staff assigned to or hired for this project, not just key personnel (those persons identified in attachments to Rating Factor 3: Soundness of Approach):

(1) Identify by name and/or title and hours, all persons that will be assigned to the project. You must describe the knowledge and experience of the proposed overall project director or day-to-day program manager (whose duties and responsibilities include managing all program and administrative activities as outlined in the SOW and ensuring that all timelines are met), in planning and managing national projects similar in scope and complex interdisciplinary programs. To receive maximum points, your day-to-day program manager must devote a minimum of 75 percent of his/her time to the project. For day-to-day managers who do not have at least 75 percent of their time devoted to the project, no points will be awarded under this sub-factor. For example, if the Executive Director is responsible for managing the overall program administrative activities, the application should reflect the Executive Director's time as 75 percent. However, if a staff person will be assigned this responsibility, the 75 percent time should be reflected as such. You may demonstrate capacity by thoroughly describing your prior experience in fair housing. You should indicate how this prior experience is to be used in carrying out your proposed activities. Your application must clearly identify those persons that are on staff at the time this application is filed, and those persons who will be assigned at a later date; describe each person's duties and responsibilities and their expertise (including years of experience) to perform project tasks; indicate whether the staff person is assigned to work full-time or part-time (if part-time, indicate the percentage of time each person is assigned to the project).

(2) Attach resumes for all key personnel or position descriptions for newly created positions. (Resumes or

position descriptions do not count against the ten-page limit.)

b. *Organizational experience.* (10) Points for current FHIP grantees; (15) Points for new applicants. In responding to this sub-factor, you must show that your organization has the ability to effectively develop, implement, and manage a media campaign on a national scale. (Applicants must be or include as part of their proposal a subcontract with an established media/advertisement organization that has experience in conducting national media campaigns.) Applicants for FHIP program funding must specifically describe their experience in developing or carrying out programs to prevent or eliminate discriminatory housing practices. Applicants must discuss their and/or subcontractor's ability to implement a coordinated national marketing awareness campaign, especially in the areas of fair housing, discrimination, public health, and housing. In responding to this sub-factor, the applicant must describe the extent to which its and/or subcontractor's past activities have resulted in successful national media campaigns as appropriate, especially with respect to developing and implementing innovative strategies resulting in positive public response. Experience will be judged in terms of recent, relevant, and successful experience of your staff to undertake eligible activities.

In rating this factor, HUD will consider experience within the last three years to be recent, experience pertaining to the specific activities to be relevant, and experience producing measurable 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.

c. *Performance on past project(s).* (10) Points for current FHIP grantees; (0) Points for new applicants. You must describe your organization's past performance in conducting activities relevant to your proposal, in the past two years (FY2001–2002 FHIP grants), demonstrating good financial management and documenting timely use of funds, timely reporting and submissions of tasks and deliverables. HUD may supplement information you provide with relevant information on-hand or available from public sources such as newspapers, Inspector General or General Accounting Office Reports or Findings, hotline complaints that have been proven to have merit, or other such sources of information. In evaluating past performance, the following points will be deducted from your score under this rating sub-factor:

10 points out of 10 possible points will be deducted if you received a ''fair performance'' assessment;

5 points out of 10 possible points will be deducted if you received a ''good performance'' assessment; and

0 points out of 10 will be deducted if you received an ''excellent performance'' assessment.

2. Rating Factor 2: Need/Approach to the Problem (20 Points)

This factor addresses the extent to which the applicant documents and defines the national need that its proposed activities and methods are intended to address, and how its proposal offers the most effective approach for dealing with that national need. In responding to this factor, an applicant will be evaluated on the following:

a. The extent to which the applicant defines, describes, and documents the national need the application intends to address, which demonstrates a grasp of the elements of the problem, its pervasiveness at the national level, and an understanding of the necessary mass media vehicles. The applicant's description of the national need will be used to evaluate the depth of the applicant's understanding of the problem as an indication of ability to address the problem; and

b. If the applicant has experienced staff or if the applicant proposes to use a contractor sub-grantee, the extent to which the applicant provides a rationale for how it will utilize its staff or a contractor or sub-grantee to incorporate its proposed activities, methods, and media techniques will most effectively deal with the national need described by the applicant in response to sub-factor (1), immediately above. To the extent possible, applicants should demonstrate effectiveness in terms of scope and cost.

3. Rating Factor 3: Soundness of Approach (40 Points)

This factor addresses the quality and cost-effectiveness of the applicant's proposed Statement of Work (SOW). The SOW must address the strategy, quality and time frames needed to carry out the project and all activities as proposed.

a. (8 Points) *Support of HUD Goals.* Describe how your proposed project will further and support HUD's policy priorities. For FY2004 FHIP applications, address the following:

(1) The project's purpose,

(2) Persons to be served,

(3) Geographic area to be served,

(4) Proposed activities and who will conduct these activities, *e.g.*, you or a subcontractor(s) or consultant(s).

Applicants who provide a methodology for carrying out these activities that includes items (1) through (4) above will be assessed as follows:

(a) Four points under this sub-factor if you are a grassroots faith-based or other community-based organizations, or propose to partner or sub-contract with grassroots faith-based or other community-based organizations

(b) Up to two points under this sub-factor if your application specifically addresses regulatory barriers to affordable housing.

(c) One point under this sub-factor if your application specifically addresses the elimination of housing discrimination to improve our Nation's Communities; and

(d) One point under this sub-factor if your application specifically addresses housing discrimination to persons who are homeless because of housing discrimination in violation of the Fair Housing Act.

b. (17 Points) Statement of Work. Submit a proposed SOW that comprehensively outlines in chronological order the administrative and program activities and tasks to be performed during the grant period. Your outline should also include a schedule of proposed activities and products (with interim implementation steps), staff allocation over the term of the project, staff acquisitions and training, and activities of partners and subcontractors.

For this Component, HUD anticipates that products will be available in at least 3 languages plus English. Deliverables may include Public Service Announcements (PSAs) for radio and television in both majority and minority markets, and posters and other graphic materials. Graphic materials may include, but are not limited to, enlarged reproductions of several print PSAs, separately produced and printed posters for national public dissemination, and the development of ad slicks to market in newspapers and magazines nationwide. The applicant should plan on using a clipping service or other appropriate means to collect information on frequency and scope of the placement of ads. Applicant's SOW should:

(1) Clearly describe the specific activities and tasks to be performed, the sequence in which the tasks are to be performed, noting areas of work which must be performed simultaneously,

estimated completion dates, and the work and program deliverables to be completed within the grant period, including specific numbers of quantifiable end products and program improvements the applicant aims to deliver by the end of the award agreement period as a result of the work performed;

(2) Provide national media market coverage, specific protected class focus, as well as focus on persons underserved (ethnic and racial minorities, especially those who are non-English speaking or who are not proficient in English); and

(3) Describe their methods for distribution of finished materials. Applicants must describe the methods they will use to distribute and gauge the effectiveness of their national marketing strategies.

c. (15 Points) Budget Form and Budget Information. A written budget narrative must accompany the proposed budget. The narrative (counted toward the 10-page limit) and supporting documentation (not counted toward the 10-page limit) must address the following for maximum points:

(1) Cost estimates of salary levels, staff assignments, number of staff hours, and all other budget items are reasonable, allowable, and appropriate for the proposed activities;

(2) The proposed program is cost effective in achieving its anticipated results, as well as in achieving significant impact; and

(3) The proposed program is effective by explaining and attaching back-up documentation for each cost category. Where there are travel costs for subcontractors/consultants, you must show that local subcontractors/consultants are not available and that the combined travel costs (per diem rates should be consistent with Federal Travel Regulations) and rates and fees of the out-of-town subcontractors/consultants do not exceed the rates and fees charged by local subcontractors and consultants.

(4) In addition, the proposed activities will be conducted in a manner (*e.g.*, languages, formats, locations, distribution, use of majority and minority media) that will reach and benefit all members of the public, especially members of target groups identified in Factor 2;

(5) How proposed activities will yield long-term results and innovative strategies or ''best practices'' that can be readily disseminated to other organizations and state and local governments; and

(6) The proposed Media Campaign Component will make available activities, training and meeting sites, and information services and materials in places and formats that are accessible to all persons including persons with disabilities.

4. Rating Factor 4: Leveraging Resources (5 Points Maximum)

This factor addresses your ability to secure additional resources to support your project. Points will be awarded on the basis of the percentage of non-FHIP resources you have identified and how firm the commitment is for those resources.

a. Firm Commitment of Leveraging. HUD requires you to secure resources from sources other than what is requested under this FHIP Program Section of the SuperNOFA. National resources may include funding or in-kind contributions, such as workspace or services or equipment, allocated to the purpose(s) of your proposal. Contributions from affiliates or employees of the applicant do not qualify as in-kind contributions. Resources may be provided by governmental entities (including other HUD programs if such costs are allowed by statute), public or private non-profit organizations, faith-based organizations, for-profit or civic private organizations, or other entities willing to work with you. If your project will not be supported by non-FHIP resources you cannot claim in-kind and donation of resources and you will not receive any points under this factor. Points will be assigned based on the following scale: One point will be awarded if less than 5 percent of the projects total costs come from non-FHIP resources.

Two points will be awarded if between 5 percent and 10 percent of the project's total costs are from non-FHIP resources.

Three points will be awarded if between 11 percent and 20 percent of the project's total costs are from non-FHIP resources.

Four points will be awarded if between 21 percent and 30 percent of the project's total costs are from non-FHIP resources.

Five points will be awarded if at least 31 percent of the project's total costs are from non-FHIP resources. In order to secure points you must establish leveraging of resources by providing letters of firm commitment from the organizations and/or individuals who will support your project. Each letter of firm commitment must:

(1) Identify the organization and/or individual committing resources to the project,

(2) Identify the sources and amounts of the leveraged resources (the total FHIP and non-FHIP amounts must match those in your proposed budget submitted under Factor 3; and

(3) Describe how these resources will be used under your SOW. The letter must be signed by the individual or organization official legally able to make commitments for the organization. If the resources are in-kind or donated goods, the commitment letter must indicate the fair market value of those resources and describe how this fair market value was determined. (Do not include indirect costs within your in-kind resources.) In-kind and matching contributions and Program Income must be in accordance with 24 CFR 84.23 and 84.24. FHIP funds cannot be used as in kind or donated services (for example, a current staff person on a FHIP-funded project). No points will be awarded for general letters of support endorsing the project from organizations, including elected officials on the local, state, or national levels, and/or individuals in your community.

5. Rating Factor 5: Achieving Results and Program Evaluation (10 Points)

In evaluating this factor, HUD will assess the extent to which you demonstrate how you will measure your success or results to be achieved that represent the work of your organization as set out in your budget and SOW. Applicants must describe their specific methods and measures to assess progress, evaluate program effectiveness, and identify program changes necessary to improve performance, to ensure commitments made will be kept and results to be achieved can be accounted for and independently assessed to ensure performance measures are met. Applicants who have identified inputs and outcome measurement and include means for assessing these measures, tracking and monitoring performance goals and achievements against these commitments made in the application, will receive higher points than those that do not. To meet this requirement, you should:

a. First, identify the outcome. You should refer to the Logic Model provided in the forms appended to the General Section. Applicants should review the training for the Logic Model on HUD's Web site. The URL where the training can be found is: *http://www.hud.gov/offices/grants/training/training.cfm.*

b. Second, identify the indicator. An indicator should be explained using numerical measures that can determine the extent to which the outcome was or is expected to be achieved and/or utilized to assess your performance. You should also track or monitor how your

projected outcomes will be successfully achieved. Specify what form of measurement tool(s) will be utilized to quantify the overall results of your project's performance.

In formulating how you attain your end results, estimate the types and amounts of clients you expect to be served with the amount allocated as it relates to your proposed budget. Estimate approximately how many of those served will benefit from your project's activities and tasks and estimate the timeframe for this to be accomplished.

Accomplishments can be achieved using specific measurements tools to assess the impact of your solutions. Examples include: Intake Assessment Instrument; Pre/Post Tests; Customer/Client Satisfaction Survey; Follow-up Survey; Observational Survey, Functioning scale, or Self-sufficiency scale. You should describe what kind of fair housing activities you propose to accomplish and how successful you project them to be given the national need, as identified in Factor 2, for these activities. Finally, you should consider this need, what you plan to accomplish, your proposed methodology and work plan to assess the benefits that will be derived from your project.

You should demonstrate the extent to which your application proposes solutions that result in creating linkages and using specific measurement tools to assess the impact of your project and a process to establish a clear relationship among all parties impacted. As your project ends, you must report meaningful data derived from client feedback on how they benefited from your project's activities.

B. Reviews and Selection Process

1. *Rating and Ranking.* Although all rating factors are organized the same way for all FHIP initiatives, there are differences in application requirements and rating criteria, which are indicated throughout the Rating Factor instructions. Your application for funding will be evaluated competitively against all other applications submitted under one of the following initiatives or components:

a. Private Enforcement Initiative (PEI);

b. Education and Outreach Initiative (EOI)—

(1) Regional/Local/Community-Based Program's:

(a) General Component (EOI–GC);

(b) Disability Component (EOI–DC);

(c) Hispanic Fair Housing Awareness Component (EOI–HA);

(d) Fair Housing and Minority Homeownership Component (EOI–HC);

(2) National Program: Media Component, or the Fair Housing Organizations Initiative (FHOI).

3. Fair Housing Organizations Initiative.

For all initiatives, all eligible applications will be reviewed and points awarded based upon your narrative responses to the Factors for Award and accompanying materials (*e.g.*, resumes) and EC/EZ bonus points, as applicable. Ineligible applications will not be ranked. The maximum number of points to be awarded for the Rating Factors is 100. *See* section of the General Section for information on Bonus Points.

Applications with a score of 75 points or more will be considered of sufficient quality for funding. The Selecting Official will not select for award any application with a score below 75 points. Generally, applications of sufficient quality for funding will be selected in rank order under each initiative or component. HUD reserves the right to select applicants out of rank order to achieve greater geographic distribution of awards under each initiative or component, as described below. Selections under each initiative or component will continue to be made until either all allocated funds have been obligated or until no applications of sufficient quality remain.

c. *Tie Breaking.* When two or more applications have the same total overall score, the application with the higher score under Rating Factor 3: Soundness of Approach will be ranked higher. If this does not break the tie, the application with the higher score under Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience will be ranked higher. If this does not break the tie, the application requesting the lower amount of FHIP funding will be ranked higher. Finally, if this does not break the tie, the application with the higher score under Rating Factor 2 will be rated higher.

d. *Achieving Geographic Diversity of Awards.* (1) *PEI and EOI.* HUD reserves the right to select applications out of rank order under geographic diversity, to ensure that, to the extent possible, applications from more states for each initiative or component are selected for funding. If the Selecting Official exercises this discretion, there will be two determinants used: (a) Geography and (b) score. Geographic diversity shall be applied to all qualified applications (applications of sufficient quality for funding—applications that received a score of 75 or more points) in each Initiative or Component in which the Selecting Official applies geographic diversity. The geographic diversity provision will be applied as follows: when there are two or more applications of sufficient quality from the same state, the application(s) with the lower score(s) will be moved to the end of the qualified queue. The applications moved to the end of the qualified queue will retain their geographic rank order. If sufficient funds remain, it is possible that applications moved to the end of the queue may be selected for award.

(2) *FHOI.* Under FHOI, the geographic diversity provision does not apply.

e. *Adjustments to Funding.* As provided in the General Section, HUD may approve an application for an amount lower than the amount requested, fund only portions of your application, withhold funds after approval, reallocate funds among activities and/or require that special conditions be added to your grant agreement, in accordance with 24 CFR 84.14, the requirements of the SuperNOFA the SuperNOFA, or where:

(1) HUD determines the amount requested for one or more eligible activities is unreasonable or unnecessary;

(2) An ineligible activity is proposed in an otherwise eligible project;

(3) Insufficient amounts remain to fund the full amount requested in the application, and HUD determines that partial funding is a viable option;

(4) The past record of key personnel warrants special conditions; or,

(5) Training funds are not reserved for FHIP training.

f. *Reallocation of Funds.* If after all applications within funding range have been selected or obligations are completed in an Initiative and funds remain available, the selecting official or designee will have the discretion to reallocate leftover funds in rank order among initiatives as follows:

(1) For EOI, any remaining funds from any component will be reallocated first within the initiative; if after reallocating funds within the initiative left over funds remain, they shall be reallocated to PEI then to FHOI;

(2) For PEI, any remaining funds will be reallocated to EOI then to FHOI;

(3) For FHOI, left over funds will be reallocated to PEI then to EOI.

Reallocated funds will be awarded within initiatives as described in this Program Section of the SuperNOFA.

C. Anticipated Announcement and Award Dates

For planning purposes, anticipate an announcement date of August 17, 2004, and an award date of September 17, 2004.

VI. Award Administration Information

A. Award Notices

1. *Applicant Notification and Award Procedures.* a. *Notification.* No information about the review and award process will be available to you during the period of HUD evaluation, which begins on the closing date for applications under this NOFA and lasts approximately 90 days thereafter, except to advise you, in writing or by telephone, if HUD determines that your application is ineligible or has technical deficiencies which may be corrected as described in the General Section of the SuperNOFA and Section of this NOFA. HUD will communicate only with persons specifically identified in the application. HUD will not provide information about the application to third parties such as subcontractors.

b. *Negotiations.* 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 the General Section. The selection is conditional and does not become final until the negotiations between the applicant and the Department are successfully concluded and the grant or cooperative agreement is signed and executed. HUD will negotiate only with the person identified in the application as the Director of the organization or if specifically identified in the application, the Project Director. HUD will not negotiate with any third party (*i.e.*, a subcontractor, *etc.*).

c. *Applicant Debriefing.* After awards are announced, applicants may receive a debriefing on their application as described in the General Section. Materials provided during the debriefing will be the applicant's final scores for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied. Applicants requesting a debriefing must send a written request to Annette Corley, Grant Officer; U.S. Department of Housing and Urban Development, FHIP/FHAP Support Division, 451 7th Street, SW., Room 5224, Washington, DC 20410. HUD will not release the names of applicants or their scores to third parties. Selections do not become final until final negotiations with HUD are successfully concluded.

B. Administrative and National Policy Requirements

1. *Accessibility Requirements.* All activities, facilities, and materials funded by this Program must be accessible to persons with disabilities (24 CFR 8.2, 8.4, 8.6, and 8.54).

2. *Protected Classes.* All FHIP-funded projects must address housing discrimination based upon race, color, religion, sex, disability, familial status, or national origin.

3. *Environmental Requirements.* In accordance with 24 CFR 50.19(b)(3), (4), (9), (12), and (13) 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.

4. *Product Information.* Press releases and any other product intended to be disseminated to the public must be submitted to the Government Technical Representative (GTR) two weeks before release for approval and acceptance.

5. *Ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Woman-Owned Businesses.* (*See* General Section.)

6. *Payment Contingent on Completion.* Payment of FHIP funds is made on a reimbursement basis. Payments are contingent on the satisfactory and timely completion of your project activities and products as reflected in your grant or cooperative agreement. Requests for funds must be accompanied by financial and progress reports.

7. *Copyright Materials.* You may copyright any work that is eligible for copyright protection subject to HUD's right to reproduce, publish, or otherwise use your work for Federal purposes, and to authorize others to do so as required in 24 CFR 84.36.9.

8. *Complaints Against Awardees.* Each FHIP award is overseen by a HUD Grant Officer (*see* Appendix B for list of Grant Officers per region). Complaints from the public against FHIP grantees should be forwarded to the Grant Officer. The Grant Officer's name and contact information is provided in the grant agreement. If, after notice and consideration of relevant information, the Grant Officer concludes that there has been inappropriate conduct, such as a violation of FHIP program requirements, terms or conditions of the grant, 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 awarding future FHIP applications; repayment to HUD of funds received under the grant; or temporary or permanent denial of participation in the FHIP in accordance with 24 CFR part 24.

9. *Double Payments.* If you are awarded funds under this NOFA, you (and any subcontractor or consultant) may not charge or claim credit for the activities performed under this project under any other Federal project.

10. *Performance Sanctions.* A grantee or subcontractor failing to comply with the requirements 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.

C. Reporting

1. HUD requires that funded recipients collect racial and ethnic beneficiary data. It has adopted the Office of Management and Budget's Standards for the Collection of Racial and Ethnic Data. In view of these requirements, you should use Form HUD–27061, Racial and Ethnic Data Reporting Form (and instructions for its use), found on *http://www.HUDclips.org,* a comparable program form, or a comparable electronic data system for this purpose.

2. Listed below is a sample reporting document of activities and tasks to be performed by a FHIP Grantee.

BILLING CODE 4210–32–P

ADMINISTRATIVE ACTIVITIES

ACTIVITIES	TASKS	SUBMITTED BY	SUBMITTED TO
1. Complete HUD-22081 Race and Ethnic Data Reporting Form		45 Days	GTR/GTM
2. Complete HUD-2880 Disclosure Statements	Submit Disclosure Statement. If no changes occur, submit statement of no change with final report.	When changes occur	GTR/GTM
3. Complete SF-269A Financial Status Report and Written Quarterly Status Reports on All Activities	Submit SF-269A and Copy of Written Report.	Quarterly	GTR/GTM
4. Voucher for Payment	Submit payment request to LOCCS.	Per Payment Schedule	GTR/GTM
5. Complete Listing of Current or Pending Grants/Contracts/Other Financial Agreements	Submit listing for recipient and any contractors.	45 Days and At end of Grant	GTR/GTM
6. Prepare and Submit Draft of Final Report	Submit Draft of Report. Report Summary should include objectives, accomplishments, and results. Complaint and testing activities should summarize data on complaints received and tests conducted by basis, issues, and outcomes. This should include number of credible, legitimate complaints filed with HUD, a State or local Fair Housing Agency, Department of Justice or private Litigator; and types of relief/results.	One month before end of grant term.	GTR/GTM
7. Complete Final Report and Provide Copies of All Final Products Not Previously Submitted	Submit a copy of the Final Report and All Final Products not previously submitted to GTR and GTM.	Within 90 days after end of grant term.	GTR/GTM
8. Submit 2 copies of Final Report and all final program products produced under the Grant (with diskette, where feasible) to HUD.	Submit activities and database entry sheet(s) to HUD. Submit copy of HUD database entry sheet(s) or detailed description of items submitted to GTR and GTM.	Within 90 days after end of grant term.	GTR/GTM

PROGRAM ACTIVITIES

ACTIVITIES	TASKS	SUBMITTED BY	SUBMITTED TO
1. Contact HUD and/or other information sources to obtain any appropriate materials prior to development of new materials	Provide list of materials requested.	90 days	GTR/GTM. Submit one copy of **all final products** to HUD
2. Review/refine Referral Process to refer potential victims to HUD or a state or local agency.	Submit copy of Referral Process. All audit-based enforcement actions should be referred to HUD.	45 days	GTR/GTM

BILLING CODE 4210–32–C

3. Funded recipients must use the Logic Model to report outcomes and outputs.

VII. Agency Contact(s)

You may contact Myron P. Newry or Denise L. Brooks of the FHIP/FHAP Support Division, at 202–708–0800 (this is not a toll-free number). Persons with hearing or speech impairments may contact the Division by calling 800–290–1617 (this is a toll-free number).

VIII. Other Information

A. *Paperwork Reduction Act.* The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2529–0033. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to a collection of information unless the collection displays a currently valid OMB control number. Public reporting burdens for the collection of information is estimated to average 100 hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application, semi-annual reports and final report. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

B. *Frequently Asked Questions.*

Q. If data, tables, exhibits, reports, and studies are submitted with the application, will they be counted toward the 10-page limit requirement?

A. The attachments do not count toward the 10-page limit. However, you are encouraged to summarize the points that support your Factor responses. Do not attach data tables, exhibits, and studies and expect the evaluator to read them and discern the points that should be considered. If you summarize information from studies, reports, etc, simply include a bibliography or other reference at the end of Factor.

Q. In previous years, FHIP applicants were not required to submit the Certification of Consistency with the Consolidated Plan. Is the Certification required this year?

A. For FY2004, the Certification of Consistency with the Consolidated Plan is not required.

Q. Where can I find a copy of the Application Kit?

A. There is no Application Kit for the FY2004 FHIP SuperNOFA. The NOFA clearly describes the requirements for completing a successful application and all forms and certifications needed to complete the application are included in the General and FHIP Sections of the SuperNOFA.

Q. What is the maximum number of narrative pages that can be submitted for each Rating Factor?

A. The maximum number is 10 pages per Rating Factor. This does not include any attachments that may be required under each factor (for example, the proposed statement of work and budget required under Factor 3, Resumes as required by Factor 1, or any reports or documents you attach to support your Factor information). The narrative pages must be double-spaced and you are required to use 12-point type size (font). However, all pages in the application must be consecutively numbered starting with number one through the end of your application. For example, Factor 1 has 10 pages of narrative and 10 pages of attachments. Each attachment page must be numbered. When you get to Factor 2, the first page of the Factor will be numbered 21, and so on. If you do not number each page in your entire application, points will be deducted from your application if this criterion is not met.

Q. The FHIP SuperNOFA refers to QFHOs and FHOs. What is the difference between them?

A. These terms are defined in the FHIP regulations. Both organizations must be private, tax-exempt, charitable organizations that have engaged in enforcement-related activities. The amount of enforcement-related experience is an eligibility requirement for PEI, least one year for and FHOI, at least two years. (*See* 24 CFR 125.103 for QFHO and 24 CFR 125.401(b)(2) for FHO.) For PEI and FHOI, applicants must self-identify as a QFHO or an FHO AND provide information, including dates of enforcement-related activities. The information you provide should enable HUD to determine if your organization meets at least the one or two year enforcement-related experience requirement.

Q. May an applicant subcontract out a percentage of its activities to subcontractors, partner, or consultants, if it is selected for a FHIP award?

A. Yes. However, when the expenditures to a particular subcontractor, partner, or consultant exceed 10 percent of the grant amount, an itemized budget is required.

Q. Is an organization ''engaged in testing for fair housing violations'' if it hires a qualified organization to carry out its testing program?

A. Yes, so long as the applicant maintains decision making authority, analyzes the test results, and maintains oversight or selection of testing operations.

Q. Does the SuperNOFA identify what makes an application ineligible?

A. Yes. For FHIP, see the eligibility requirements for each Initiative, and the Threshold Criteria. For threshold requirement information under the SuperNOFA, *see* the General Section.

Q. Can an applicant propose to do an Analysis of Impediments (AI)?

A. No. The applicant can identify activities to be carved out of the AI but not to do planning to develop AI.

Q. Are there major differences between this year's SuperNOFA and last year's?

A. Yes, those differences are explained in Section of the FHIP NOFA and Section of the General Section of the SuperNOFA. Please note the major differences in eligibility requirements. Some requirements that were technical deficiencies in previous years are ineligible under this NOFA.

Q. At what point may a FHOI ''sponsored organization'' apply under any FHIP Initiative?

A. A sponsored organization is eligible after three years to apply for funds under other initiatives or components.

Q. What are maximum awards?

A. Maximum award is the maximum amount that will be awarded under the Initiative for which you are applying. If you request an amount over this maximum amount, your application will be declared ineligible.

Q. Where do you send completed applications?

A. All completed applications must be received by the FHIP/FHAP Support Division Office in Washington, DC. These applications should be mailed or sent by an express service to the address stated in the SuperNOFA under the Section Addresses and Application Submission Procedures. Please note that applications incorrectly addressed may not be forwarded to this Division at all or it may be forwarded late. If that happens, your application will be deemed ineligible.

Q. What is the best method of knowing that the appropriate person has received my application? Should I follow up with a call?

A. Include with your completed application a complete copy of the Acknowledgment of Application Receipt. Be sure to include your correct mailing address and the person to whom the Acknowledgment should be sent. The Acknowledgement will be returned to the address indicated. HUD

will not acknowledge the receipt of applications over the telephone (*see* General Section for return receipt requirements).

Q. What is the Web site address?

A. *Http//www.hud.gov/grants*.

Q. What is the due date?

A. The due date is outlined in this NOFA under Section IV. Application and Submission Information.

Q. If I have a technical question, can I call HUD?

A. Yes, technical questions should be directed to Myron P. Newry, or Denise L. Brooks of the FHIP/FHAP Support Division at (202) 708–0800 (this is not a toll-free number). Persons with hearing or speech impairments may call 800–290–1617 (this is a toll-free number). Technical assistance does not include assisting you in determining your eligibility to apply for funds. Applicants must make their own determination, based upon the requirements identified in the FHIP component under the section labeled Eligible Applicants. Technical Assistance cannot be provided to help you write any part of your application or develop responses to the application requirements. Rather, technical assistance, outside of the training broadcasts, will only clarify general application and program requirements published in the NOFA.

Q. What is meant by geographic diversity?

A. *See* information under section V.B.

Q. As an FHOI applicant, are education and outreach expenses required to come out of my 15 percent administrative costs?

A. No.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

FAIR HOUSING INITIATIVES PROGRAMS

Fair Housing Initiatives Program, Education and Outreach Initiative - Partnership with Historically Black Colleges and Universities

Billing Code 4210-32-C

Fair Housing Initiatives Program, Education and Outreach Initiative-Partnership With Historically Black Colleges and Universities

Overview Information

A. *Federal Agency Name:* Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity.

B. *Funding Opportunity Title:* Fair Housing Initiatives Program (FHIP).

C. *Announcement Type:* Initial announcement.

D. *Funding Opportunity Number:* The **Federal Register** number for this NOFA is FR–4894–N–01. The OMB approval number for this program is 2539–0033.

E. *Catalog of Federal Domestic Assistance (CFDA) Number(s):* Education and Outreach Initiative 14.409.

F. *Dates:* The application due is June 18, 2004.

G. *Additional Overview Content Information:*

General description. The Education and Outreach Initiative (EOI) assists projects that educate and inform the public about the rights and obligations under the Fair Housing Act (Act) and substantially equivalent state and local fair housing laws. Applications are solicited for this initiative under the EOI–College and University Component to organize and operate a fair housing legal-clinical education program that will benefit the public by producing well-trained clinicians and lawyers who are capable of educating and informing the public on fair housing rights and obligations. This fair housing legal-clinical education program will also serve as a national model that can be replicated at any ABA–accredited law school.

FHIP funds are used to increase compliance with the Fair Housing Act (the Act) and with substantially equivalent state and local fair housing laws. This NOFA furthers this goal by seeking to provide funding to Historically Black Colleges and Universities (HBCUs) with Law schools accredited by the American Bar Association (ABA) to develop fair housing curricula and a clinical fair housing law program for law students. While this effort was announced in the April 25, 2003, **Federal Register**, in the NOFA for the FHIP (at 68 FR 21197), no applications were solicited at that time. This NOFA solicits applications for this effort only.

1. HUD intends to award cost reimbursable Cooperative Agreements.

2. Eligible applicants are HBCUs with American Bar Association (ABA) accredited law schools.

3. If you are interested in applying for funding under the FHIP please review the FHIP Authorizing Statute (sec. 561 of the Housing and Community Development Act of 1987, as amended), and the FHIP Regulations (24 CFR 125.103–501), the FHIP Authorizing Statute (sec. 561 of the Housing and Community Development Act of 1987, as amended), and the FHIP Regulations (24 CFR 125.103–501).

Full Text of Announcement'

I. Funding Opportunity Description

$20,118,375 was appropriated for the FHIP in FY2003. Of this amount, $1 million is being made available on a competitive basis to eligible organizations responding to this FHIP NOFA. The term for this Cooperative Agreement will be one year. HUD may exercise the option to extend this Cooperative Agreement for two additional one-year terms, based on satisfactory performance of the awardee in the first year and the availability of FHIP funds. Rolling out the model Fair Housing Law-Clinical Program to other accredited law schools will be the focus of subsequent years.

HUD is seeking to establish a national model for a Fair Housing Law-Clinical Program at an accredited HBCU law school. Pursuant to Executive Order 13256, HUD is strongly committed to broadening the participation of HBCUs in federal programs. Establishing a Fair Housing Law-Clinical Program will serve to better inform and educate the public about the rights and obligations under the Act and substantially equivalent State and local fair housing laws, and will also enhance the HBCU's ability to serve its students and the public by providing Fair Housing Law as another field of study and career option.

Authority. Section 561 of the Housing and Community Development Act of 1987, as amended, (42 U.S.C. 3616) established the FHIP (FHIP)) and the implementing regulations are found at 24 CFR part 125.

A. *Program Definitions.* The definitions that apply to this FHIP NOFA are as follows:

1. *Fair Housing Act* (the Act) means Title VIII of the Civil Rights Act of 1968 as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3600–3620).

2. *Fair Housing Assistance Program (FHAP) Agencies* mean State and local fair housing enforcement government agencies that receive FHAP funds because they administer laws deemed substantially equivalent to the Act, as described in 24 CFR part 115.

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

4. *Minority-Serving Institutions (MSI)* (*see* General Section).

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

6. *Regional/Local/Community-Based Activities* are defined at 24 CFR 125.301(a) & (d).

II. Award Information

A. Approximately $1 million will be awarded under the EOI Minority Serving Institutions Component of the Fair Housing Initiatives Program (FHIP–EOI).

B. *Anticipated Number of Awards.* The estimated number of awards is one.

C. *Maximum Award Amount.* The maximum award amount is $1 million under this NOFA.

D. *Anticipated Start Date and Period of Performance.* For planning purposes, assume a start date of no later than September 1, 2004. The period of performance shall be for one year, however, HUD may exercise the option to extend the agreement for two additional one-year terms.

E. *Funding Instrument.* Funds will be awarded as a Cooperative Agreement. HUD expects to have substantial involvement in the development of the awardee's academic approach in establishing the law clinic and services made available and allow for direct input into the development of a national model for replication at any ABA–accredited law school. The agreement will identify the eligible activities to be undertaken, financial controls, the awardees' proposed performance measures, and special conditions, including sanctions for violation of the agreement. HUD will use the Cooperative Agreement to monitor your progress to ensure that you have achieved the objectives set out in your agreement. Failure to meet such objectives may be the basis for HUD determining your agreement in default and exercising available sanctions, including suspension, termination, and/or the recapture of your funds. Also HUD may refer violations or suspected violations to enforcement offices within HUD, the U.S. Department of Justice or other enforcement authorities.

III. Eligibility Information

A. Eligible Applicants

1. To qualify as an applicant under this Component, an institution must:

a. Be recognized by the American Bar Association as having an accredited law school;

b. Be legally authorized by the State in which it is located to provide a bachelor's degree program and a law degree program;

c. Be designated by the Secretary of the U.S. Department of Education as a Historically Black College or University; and

d. Have a high enrollment of needy students defined by 34 CFR 607.3. Applicants must submit documentation from the U.S. Department of Education establishing eligibility (except for item a. above).

2. *Consortium Requirements.* Two or more eligible applicants may file a joint application as a consortium. When filing jointly, you must designate one entity to be the lead applicant. The lead applicant will be the awardee if HUD funds your application. The lead applicant must include a Memorandum of Understanding (MOU) for each consortium member. Each MOU must provide a detailed description of the work to be performed by the consortium member(s) and the costs associated with the work. A draft MOU may be acceptable provided you include a detailed explanation of why a fully ratified MOU is not being presented in your application. A fully ratified MOU is contingent upon HUD funding the application. In addition, written commitment from the proposed consortium member(s) must be included in your application. If a draft MOU is submitted in the application, the finalized fully ratified MOU for each consortium member must be submitted to HUD within 15 calendar days after announcement of the award. Each MOU must commit the consortium member to actively supporting the development and implementation of the Fair Housing Legal-Clinical Program. Each MOU must also describe the skills and resources each consortium member brings to assist in implementation of your specific action plan activities. Each MOU will be considered in reviewing and rating your application, so you should strive to be as specific as possible in each MOU document.

B. Cost Sharing or Matching

No matching funds are required for the Education and Outreach Initiative.

C. Other

1. Threshold Requirements.

a. *Ineligible Applicants.* HUD will not consider an application from an ineligible applicant.

b. *Compliance with Fair Housing and Civil Rights Laws. See* General Section.

c. *Debarment and Suspension.* Applicants are ineligible for funding if they are debarred and suspended.

d. *Poor Performance.* Applicants are ineligible for funding if they are a previous FHIP awardee that has received a ''Poor'' performance rating for its most recent performance rating from its Government Technical Representative (GTR). HUD will assess performance ratings for applicants who have received FHIP funding in 2001 or 2002. If the applicant has received a ''poor'' performance rating for its most recent performance rating from its GTR, its application is ineligible for FY2004 competition. An applicant that does not agree with its determination of ineligibility for the FY2004 competition because of ''poor'' performance must address to HUD's satisfaction the factors resulting in the ''poor'' performance rating before the FHIP application deadline. If the ''poor'' performance rating is not resolved to the Department's satisfaction before the application deadline, the application is ineligible for funding. HUD is interested in increasing the performance level of all funded recipients; therefore, applicants who are deemed ineligible because of a ''poor'' performance rating have the right and are encouraged to seek technical assistance from HUD to correct their performance in order to be eligible for future NOFA competition.

e. *Suits Against the United States.* Your application is ineligible for funding if as a current or past awardee of FHIP funds, your organization used any funds provided by HUD for the payment of expenses in connection with litigation against the United States (24 CFR 125.104(f)).

f. *Other Litigation.* Your application is ineligible for funding if you used funds under this Program provided by HUD to settle a claim, satisfy a judgment or fulfill a court order in any defensive litigation (24 CFR 125.104).

g. *Delinquent Federal Debt. See* General Section.

h. *Name Check Review. See* General Section.

i. *False Statements. See* General Section.

j. *DUN and Bradstreet Universal Numbering System (DUNS) Number Requirement.* Refer to the General Section of the SuperNOFA for information regarding the DUNS requirement. You will need to obtain a DUNS number to receive an award from HUD.

2. *Requirements under this NOFA.* In addition to the Threshold Requirements, your application for FHIP-program funding must also meet the following requirements:

a. *Protected Basis.* All FHIP-funded projects must address housing discrimination based upon race, color, religion, sex, disability, familial status, or national origin.

b. *Performance Measures and Products.* Your application must demonstrate how your project activities will support HUD's goals to increase compliance with the Act and with substantially equivalent state and local fair housing laws, identify performance measures/outcomes in support of those goals, and describe your proposed record-keeping and evaluation systems. If selected for funding, your final performance measures will be negotiated between you and HUD as part of your executed Cooperative Agreement.

c. *Reports and Meetings on Performance Measures and Products.* Applicants must use the Logic Model, Form HUD–96010.

d. *Discrimination Covered Under the Act.* The applicant must describe how it will address all housing discrimination covered under the Act.

e. *Screening/Threshold Review.* Only applications that satisfy all of the applicable requirements under this FHIP NOFA will be considered for funding. The rating of the ''applicant'' or the ''applicant's organization and staff'' for technical merit or threshold compliance, unless otherwise specified, will include any sub-contractors, consultants, subrecipient, and members of consortia that are firmly committed to the project.

3. *Specific activities.* An application under this NOFA must address how the applicant proposes to undertake each of the activities listed below:

a. Development of a comprehensive concept and design of an Action Plan for the Fair Housing Legal-Clinical Program that can serve as a national model for replication at any accredited law school. The Action Plan must include a design concept and academic structural approach that will be used in developing and operating the Fair Housing Legal-Clinical Program.

b. Design of a course curriculum that will:

(1) Review and identify all of the prohibitions contained in the Act;

(2) Explain how, and in what manner, the prohibitions apply to each protected class identified in the law;

(3) Provide examples of the contexts and the numerous factual circumstances that can be presented in establishing applicability;

(4) Implement the curriculum design at an HBCU with an ABA-accredited law school;

(5) Develop training that will be provided to faculty and, as appropriate, other key support staff and establishment of a training schedule;

(6) Develop procedures that will be used to recruit law students to participate in the program and the procedures for such students to receive credit for their participation;

(7) Project the number of students expected to participate in the program;

(8) Develop the procedures that will be used to assure that law students enrolled in the legal-clinical program are adequately supervised in processing fair housing cases;

(9) Develop a comprehensive concept and design for a legal-clinical program that can serve as a national model for replication at any ABA-accredited law school; and

(10) Develop a plan to promote the replication of the fair housing curriculum and clinical law program at other accredited law schools.

(11) An applicant may propose other activities, but the application must consist of items (1)–(10) above to be considered eligible for funding.

4. *Statutory and Regulatory Requirements.* To be eligible for funding under this NOFA, you, the applicant, must meet all statutory and regulatory requirements applicable to the FHIP. If you need copies of the FHIP regulations, they are available through the HUD Web site *http://www.hud.gov*.

IV. Application and Submission Information

A. Addresses To Request Application Package

1. Copies of the published FHIP NOFA and application forms can be secured by calling HUD at 202–708–0800 or for the hearing impaired, 800–290–1617.

2. Before the application due date, HUD staff will be available to provide you with general guidance and technical assistance about this NOFA. However, HUD staff is not permitted to assist you in preparing your application. Following selection of applicants, but before the announcement of awards is made, HUD staff is available to assist in clarifying or confirming information that is a prerequisite to the offer of an award.

B. Content and Form of Application Submission

The maximum narrative page requirement is 10 pages per Factor. All pages in your application must be numbered consecutively from beginning to end. The narrative pages must be double-spaced (no more than three lines per vertical inch). This includes all narrative text, titles and headings. (However, you may single space footnotes, quotations, references, captions, charts, forms, tables, figures and graphs). You are required to use 12-point type size. A page is 8.5 × 11 inch, on one side only, with one inch margins on the top, bottom, right and left. You must respond fully to each factor to obtain maximum points. Failure to provide narrative responses to all factors or omitting requested information will result in less than the maximum points available for the given rating factor or sub-factors. Failure to provide double-spaced, 12-point type size narrative responses will result in five points being deducted from your overall score (one point per factor). Failure to consecutively number pages within your application will result in one point being deducted from your overall score.

1. Please ensure that your application contains all of the following:

- Copy of SF–424 (Place a copy of the SF–424 on top of application package).
- Transmittal Letter.
- Checklist for Completion of Applications.
- Project Abstract Outlining Project Activities.
- Factor No. 1 Narrative.
- Factor No. 2 Narrative.
- Factor No. 3 Narrative.
- Factor No. 3 Attachments: Statement of Work, Budget Form, Budget Narrative.
- Factor No. 4 Narrative.
- Factor No. 4 Attachments: Letter(s) of Firm Commitment.
- Factor No. 5 Narrative.
- Responses to Additional Requirements for Specific Initiative/Project.

Application Forms and Certifications

- SF–424 Application for Federal Assistance.
- SF–424B Applicant Assurances and Certifications.
- SF–424CB Grant Application Detailed Budget.
- SF–424CBW Grant Application Detailed Budget Worksheet.
- HUD–2880 (Applicant Recipient Disclosure Update Report.
- OMB SF–LLL Disclosure of Lobbying Activities.
- HUD 2993 Acknowledgment of Application Receipt.

This Checklist reflects all forms that must be included in your application submission.

2. *Attachments.* All applicants must submit resumes or position descriptions for newly created positions. If you received HUD funding in the past, please submit the most recent Financial Status Report, Standard Form (SF) 269.

3. Within 30 days after the due date for this NOFA applicants are invited, on a voluntary basis, to submit applications via the use of *http://www.Grants.gov*. For your fiscal year 2004 application, use of *grants.gov/APPLY* is strictly voluntary and intended to help HUD test the system to ensure that future applications can be received at HUD without problems and also, to help you, the applicant, become familiar with the use of the system. It is HUD's intent to move to electronic submissions in Federal Fiscal Year 2005 and beyond and you can help us in our planning by submitting your application electronically within 30 days after you have submitted your paper copies by the due date and time per the mailing instructions in this program section and general Section of this SuperNOFA.

C. Submission Dates and Times

You must submit a completed application (one original and three copies) for the specific initiative and component for which you are applying on or before June 14, 2004 to the HUD Headquarters building. Applicants missing the deadline will have their applications returned without further review by the Technical Evaluation Panel.

What to submit	Required content	Required form or format	When to submit it
Application:			
Cover sheet	(Per required form)	Form SF–424.	
Budget information	(Per required form)	Form SF–424CBW.	
Narrative	Described in Section IV.B of this announcement.	Format described in Section IV.B of this announcement.	
Assurances	(Per required form)	Form SF–424B, available from.	
Letters from third parties contributing to cost sharing.	Third parties' affirmations of amounts of their commitments.	No specific form or format	By June 14, 2004.

D. Intergovernmental Review

Executive Order 12372 was issued to foster intergovernmental partnership and strengthen federalism by relying on State and local processes for the coordination and review of Federal financial assistance and direct Federal development. HUD implementing regulations are published in 24 CFR part 52. The Order allows each state to designate an entity to perform a state review function. The official listing of State Points of Contact (SPOC) for this review process can be found at *http://www.whitehouse.gov/omb/grants/spoc.html*. States not listed on the website have chosen not to participate in the intergovernmental review process and, therefore, do not have a SPOC. If your state has a SPOC, you should contact them to see if they are interested in reviewing your application prior to submission to HUD. Please make sure that you allow ample time for this review process when developing and submitting your applications. If your state does not have a SPOC, you may send applications directly to HUD.

E. Funding Restrictions

1. Applicants are ineligible for funding if they request funding in excess of the maximum allowed under the initiative or component for which they are applying. Any amount over the maximum award, even if less than one dollar, will be considered a request in excess of the maximum award. In addition, inconsistencies in the amount requested and/or miscalculations that result in amounts over the maximum award will be considered excessive; therefore the application is ineligible.

2. *Ineligible Activities.* Fair Housing and Free Speech. None of the amounts made available under this FHIP Program Section of the NOFA may be used to investigate or prosecute under the Act any activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action that is protected by the First Amendment to the U.S. Constitution. This includes activities engaged in for the purpose of achieving or preventing action by a government official or entity.

F. Other Submission Requirements

Your application consists of an original signed application form (SF–424) and all items listed in the Checklist (above). Mail your completed application (one original and three copies) to: FHIP SuperNOFA 2004 Attn: EOI–Fair Housing Legal-Clinical Component, FHIP/FHAP Support Division, Office of Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW., Room 5224, Washington, DC 20410–2000.

See the General Section of the SuperNOFA for additional information regarding the mailing and receipt procedures that apply to all HUD NOFAs.

V. Application Review Information

A. Criteria

Factors for Award Used to Evaluate and Rate Applications. Applications for funding will be evaluated competitively against all applications submitted under this NOFA. The maximum number of points to be awarded for the Rating Factors is 100. Applications with a score of 75 points or more will be selected in rank order except as provided below:

The factors for rating and ranking applications and the maximum points for each Rating Factor are described below. Failure to provide the required information under the appropriate Factor will result in a lower score for that Factor. Please respond fully to the criteria in each Rating Factor and sub-factor and, when directed, provide other information in support of your response. Your responses to each Rating Factor must not exceed the 10-page Rating Factor requirement. The Factors for Award are set below:

1. Rating Factor 1. Capacity of Applicant and Relevant Organizational Experience (40 Points Maximum)

You must describe staff expertise and your organization's ability to complete the proposed activities within the Cooperative Agreement period. Your staff must discuss their experience in implementing and maintaining a legal-clinical program and in Civil Rights law.

In carrying out the proposed activities, you must identify persons already on staff who will be assigned to carry out the tasks of this Cooperative Agreement. If you plan to hire additional staff or rely on subcontractors or consultants to perform specific tasks, you must describe your staffing plan and the extent to which you plan to add staff (employees) or contractors. If your application proposes using a consortium, each member of the consortium must have staff assigned to carry out the tasks of this Cooperative Agreement. In addition, consortium proposals must specify a lead member who will be responsible for ensuring that all tasks and activities are being carried out.

a. *Number and expertise of staff (this includes subcontractors and consultants).* (20 Points Maximum)

(1) You must show that you will have sufficient, qualified staff or faculty who will be available to:

(2) Develop an academic structural approach and comprehensive concept and design for a fair housing legal-clinical program that can serve as a national model for replication at any ABA-accredited law school (submit a draft curriculum with the application); and

(3) Implement the curriculum design at an HBCU with an ABA-accredited law school.

(a) You must also:

(b) Identify all of the administrators of the clinical program and describe their function, qualifications, and experience;

(c) Identify persons who will constitute the faculty for the program and describe their functions, qualifications, and experience; and

(d) Identify and describe the functions and qualifications of any other program staff.

(e) For consortium applicants, identify and describe:

(f) The qualifications of each consortium member;

(g) The faculty and staff to be assigned for each member and

(h) The ability of each member to develop an overall design concept, curriculum; and academic structural approach that will be used in developing and operating the Fair Housing Legal-Clinical Component.

(i) You must describe the knowledge and experience of the proposed overall Faculty Administrator and day-to-day program manager (whose duties and responsibilities include managing all program and administrative activities as outlined in the SOW and ensuring that all timelines are met), in planning and managing a fair housing legal-clinical program. Indicate the percentage of time that key personnel will devote to your project. To receive maximum points, your day-to-day program manager must devote a minimum of 75 percent of his/her time to the project. For day-to-day managers who do not have at least 75 percent of their time devoted to the project, no points will be awarded under this sub-factor. You must indicate how your prior experience will be used in carrying out your proposed activities. All applicants must clearly identify those persons that are on staff at the time this application is filed for each member and those persons who will be assigned at a later date. Each consortium member must describe each person's duties and responsibilities and their expertise (including years of experience) to perform project tasks; indicate whether the staff person is assigned to work full-time or part-time. For part-

time staff, indicate the percentage of time each person is assigned to the project. In addition, provide information on the training that will be provided to each clinical staff person.

(j) Attach resumes or curriculum vitae for all key personnel or position descriptions for newly created positions. (Resumes, curriculum vitae or position descriptions do not count against the 10-page limit.)

b. *Organizational experience.* (20 Points Maximum)

(1) In responding to this sub-factor, you must show that your organization is:

(2) Designated by the Secretary of the U.S. Department of Education as a Historically Black College or University;

(3) Accredited by the ABA as a law school; and

(4) You must also show that you have conducted a past clinical project or projects similar in scope and complexity to the clinical project proposed in this application (whether FHIP-funded or not) or that you have engaged in activities that, although not similar, are readily transferable to the proposed project. Experience will be judged in terms of recent, relevant and successful experience of your staff and institution to undertake eligible activities.

(5) In rating this factor, HUD will consider experience within the last three years to be recent, experience pertaining to the specific activities to be relevant, and experience producing measurable 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.

2. Rating Factor 2. Soundness of Approach (40 Points Maximum)

You must describe your project in detail, demonstrate how your project activities will support HUD goals, propose suggested performance measures/outcomes in support of these goals, and identify current baseline conditions and target levels of the performance measures that you plan to achieve. A Statement of Work (SOW) and budget must be included. Your proposed activities must support HUD's policy priorities as referenced in the General Section.

a. *Proposed SOW.* (25 Points Maximum)

The SOW and budget are attachments that will not count toward the 10-page limit on the narrative response to this factor. However, points will be assigned based on the relevance of proposed activities to stated needs, attention to implementation steps, proposed activities consistent with organizational expertise and capacity and accuracy of the SOW and budget.

Submit a proposed SOW that comprehensively outlines in chronological order the administrative, program activities, and tasks to be performed during the one-year Cooperative Agreement period. Your outline should identify all activities and tasks to be performed in developing a fair housing curriculum and clinical law program. You must also describe how you will promote the replication of the fair housing curriculum and clinical law program at other accredited law schools. This description must provide a timeline, identify any subcontractors or partners involved with promoting the replication process, and describe products that will be provided to HUD. You must also include a schedule of your activities and products, staff allocation over the term of the project; staff acquisition and training; and activities of partners and/or subcontractors.

Applicants must develop a curriculum that includes an analysis of judicial or administrative decisions or settlements; an examination and discussion of documents used in the preparation for trial, hearings and settlements; and discussion of any procedures used in the investigation of these matters.

b. *The Budget Form and the Budget Information.* (15 Points Maximum)

(1) Your Grant Application Detailed Budget SF–424–CBW must show the total cost of the project and indicate other sources of funds that will be used for the project. While the costs are based only on estimates, the budget narrative work plan may include information obtained from various vendors or you may rely on historical data. Applicants must round all budget items to the nearest dollar.

If you have a federally negotiated indirect rate, you should use that rate and the appropriate base in this section. In all other instances, you should include your current overhead rate, if any, which has been tailored to your organization's operating budget. The rate and base used here is illustrative only and you must use your organization's rate.

A written budget narrative must accompany the proposed budget explaining each budget category listed. Failure to provide a written budget narrative will result in two points being deducted from your application. It must explain each cost category you list. Generally, estimated costs for high-cost items or subcontractors/consultants should be supported by bids from at least three sources. Where there are travel costs for subcontractors/consultants, you must show that the combined travel costs (per diem rates) are consistent with Federal Travel Regulations (41 CFR 301.11) and travel costs for the applicant's subcontractors and/or consultants do not exceed the rates and fees charged by local subcontractors and consultants. The narrative (which counts toward the 10-page limit) and supporting documentation (which does not count toward the 10-page limit) must address the Grant Application Detailed Budget as referenced in the General Section.

(2) HUD will also assess the soundness of your approach by evaluating the quality, thoroughness, and reasonableness of the budget and financial controls of your organization, including information on your proposed program cost categories. As part of your response you must prepare a budget that:

(a) Is reasonable in achieving the goals identified in your proposed SOW;

(b) Relates tasks in the SOW to the proposed budget costs;

(c) Is cost-effective;

(d) Is quantifiable; and

(e) Documents and justifies all cost categories in accordance with the cost categories indicated in the SF–424 CBW. In addition, if you already have an approved indirect cost rate, please provide the necessary contact information (*i.e.*, name, address, and telephone number of the cognizant agency). If you do not have an approved indirect cost rate, HUD will contact the cognizant agency or if HUD is the cognizant agency, we will determine the indirect cost rate.

(f) *Financial Management Capacity.* Describe and provide documentation to support your organization's financial management system. In addition, provide documentation about your capabilities in handling financial resources and maintenance of adequate accounting and internal control procedures.

3. Rating Factor 3. Leveraging Resources (10 Points Maximum)

This factor addresses your ability to secure additional resources to support your project. Points will be awarded on the basis of the percentage of non-FHIP resources you have identified and how firm the commitment is for those resources. HUD requires you to secure resources from sources other than what is requested under this FHIP NOFA. Describe the steps that will be taken to

obtain additional funding from sponsors, program partners or available grants or Cooperative Agreements for the initial and sustained operation of the program; Community resources may include funding or in-kind contributions, such as workspace or services or equipment, allocated to the purpose(s) of your proposal. Resources may be provided by governmental entities (including other federal funds if such costs are allowed by statute), public or private non-profit organizations, faith-based organizations, for-profit or civic private organizations or other entities willing to work with you. In order to secure points you must establish leveraging of resources by providing letters of firm commitment from the organizations and/or individuals who will support your project. Each letter of firm commitment must:

a. Identify the organization and/or individual committing resources to the project,

b. Identify the sources and amounts of the leveraged resources (the total FHIP and non-FHIP amounts must match those in your proposed budget submitted under Factor 2), and

c. Describe how these resources will be used under your SOW. The letter must be signed by the individual or organization official legally able to make commitments for the organization. If the resources are in-kind or donated goods, the commitment letter must indicate the fair market value of those resources and describe how this fair market value was determined. (Do not include indirect costs within your in kind resources.) In-kind and matching contributions and program income must be in accordance with 24 CFR 84.23 and 84.24. If the applicant has no funding source other than the FHIP, it cannot propose in-kind or donated resources. No points will be awarded for general letters of support endorsing the project from organizations, including elected officials on the local, State or national levels, and/or individuals in your community. If non-FHIP resources will not support your project, then you will not receive any points under this factor.

4. Rating Factor 4. Achieving Results and Program Evaluation (10 Points Maximum)

In evaluating this factor, HUD will assess the extent to which you demonstrate how you will measure your future success or anticipated results to be achieved and how the project will be replicated based upon the work of your organization as set out in your budget.

Applicants must use the Logic Model, Form HUD–96010. Please refer to the Logic Model Training that is archived on the HUD Web site at: *http://www.hud.gov/offices/adm/grants/training/training.cfm,* to describe their specific methods and measures to assess progress, evaluate program effectiveness, and identify program changes necessary to improve performance. The Logic Model should also be used to ensure commitments made will be kept, results to be achieved can be accounted for and independently assessed, and to ensure performance measures are met. Columns 5, Output Results and 7, End Results should be left blank initially and used later for reporting purposes.

a. Applicants who have identified inputs and outcome measurement and include means for assessing these measures, tracking and monitoring performance goals and achievements against these commitments made in the application, will receive higher points than those that do not. To meet this requirement, you must:

(1) First, specify what form of measurement tool(s) will be utilized to quantify the overall results of your project's performance.

(2) Second, identify the indicator. An indicator should be explained using numerical measures that can determine the extent to which the outcome was or is expected to be achieved and/or utilized to assess your performance. You should also track or monitor how your projected outcomes will be successfully achieved.

(3) Third, identify the outcome. You should use the Logic Model to specify what form of measurement tool(s) will be utilized to quantify the overall results of your project's performance. You may also access the Logic Model that is archived on the HUD Web site at: *http://www.hud.gov/offices/adm/grants/training/training.cfm.*

b. In formulating how you attain your end results, estimate the types and amounts of clients you expect to be served with the amount allocated as it relates to your proposed budget. Estimate approximately how many of those served will benefit from your project's activities and tasks and estimate the timeframe for this to be accomplished.

This can be done using real numbers and reasonable estimates. If you are proposing a new program, and numbers have never been assessed, indicate that actual numbers will be reported as you submit your required quarterly reports, should you receive funding.

B. Review and Selection Process

1. *Independence of Awards.* HUD will review each application separately and without reference to other applications submitted by you or others. Therefore, the application you submit must be independent and capable of being implemented without reliance on the selection of other applications submitted by you or other applicants. An application from a consortium will be considered as a single application.

2. *Tie Breaking.* When two or more applications have the same total overall score, the application with the higher score under Rating Factor 2: Soundness of Approach, will be ranked higher. If this does not break the tie, the application with the higher score under Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience, will be ranked higher. If this does not break the tie, the application requesting the lower amount of FHIP funding will be ranked higher. Finally, if this does not break the tie, the application with the higher score under Rating Factor 3 will be rated higher.

3. *Adjustments to Funding.* HUD may approve an application for an amount lower than the amount requested, fund only portions of your application, withhold funds after approval, reallocate funds among activities and/or require that special conditions be added to your Cooperative Agreement, in accordance with 24 CFR 84.14, the requirements of this NOFA or where:

a. HUD determines the amount requested for one or more eligible activities is unreasonable or unnecessary;

b. An ineligible activity is proposed in an otherwise eligible project;

c. Insufficient amounts remain to fund the full amount requested in the application, and HUD determines that partial funding is a viable option;

d. The past record of key personnel warrants special conditions; or

e. Training funds are not reserved for FHIP training.

4. *Reallocation of Funds.* If after all applications within funding range have been selected or obligations are completed and funds remain available, any remaining funds from this Component will be reallocated within the Education and Outreach Initiative.

VI. Award Administration Information

A. Award Notices

1. Applicant Notification and Award Procedures

a. *Notification.* No information about the review and award process will be available to you during the period of HUD's evaluation, which begins on the closing date for applications under this NOFA and lasts approximately 90 days thereafter, except to advise you, in

writing or by telephone, if HUD determines that your application is ineligible or has technical deficiencies which may be corrected as described in the General Section. HUD will communicate only with persons specifically identified in the application. HUD will not provide information about the application to third parties such as subcontractors.

b. *Negotiations.* If you are selected, HUD will require you to participate in negotiations to determine the specific terms of your cooperative agreement. After HUD has rated and ranked all applications and made selections, HUD may require, depending upon the program, that all selected applicants participate in negotiations to determine the specific terms of the funding 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, and proceed with negotiations with the next highest-ranking applicant. The selection(s) is/are conditional and does not become final until the negotiations between the applicant and the Department are successfully concluded and the cooperative agreement is signed and executed. HUD will negotiate only with the person identified in the application as the Director of the organization or if specifically identified in the application, the Project Director. HUD will not negotiate with any third party (*i.e.*, a subcontractor, etc.).

c. *Applicant Debriefing.* Debriefing. Beginning 30 days after the awards for assistance are publicly announced and for at least 120 days after awards for assistance are publicly announced, HUD will provide a debriefing to any applicant requesting one on their application. All debriefing requests must be made in writing or by e-mail by the authorized official whose signature appears on the SF–424 or his or her successor in office, and submitted to the person or organization identified as the Contact under the section entitled ''Further Information and Technical Assistance'' in the Program Section of the NOFA under which you applied for assistance. Information provided during a debriefing will include, at a minimum, the final score you received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied.

Applicants requesting a debriefing must send a written request to Annette Corley, Grant Officer; U.S. Department of Housing and Urban Development; FHIP/FHAP Support Division; 451 Seventh Street, SW., Room 5224; Washington, DC 20410. HUD will not release the names of applicants or their scores to third parties. Selections do not become final until final negotiations with HUD are successfully concluded.

d. *Award Instrument.* The type of funding instrument that HUD may offer a successful applicant which sets forth the relationships between HUD and the recipient will be a Cooperative Agreement, where the principal purpose is the transfer of funds, property, services or anything of value to the applicant to accomplish a public purpose, and substantial direct involvement is expected between HUD and the awardee when carrying out the activities in the agreement. The agreement will identify the eligible activities to be undertaken, financial controls, the awardees proposed performance measures, and special conditions, including sanctions for violations of the agreement. HUD will use the Cooperative Agreement to monitor your progress to ensure that you have achieved the objectives set out in your agreement. Failure to meet such objectives may be the basis for HUD determining your agreement in default and exercising available sanctions, including suspension, termination, and/or the recapture of your funds. Also HUD may refer violations or suspected violations to enforcement offices within HUD, the U.S. Department of Justice or other enforcement authorities.

e. *Product Information.* Press releases and any other product intended for dissemination to the public must be submitted to the (GTR) two weeks before release for approval and acceptance.

B. Administrative and National Policy Requirements

1. *Training funds.* Your proposed budget must set-aside $6,000 per applicant per year to participate in HUD mandatory sponsored or approved training. If the application is from a consortium consisting of four members or more, the training budget cannot exceed $24,000 for a 12-month Cooperative Agreement administration period. Requests to attend HUD-approved training must be submitted to the (GTR) for approval in advance of the requested training. Do not include amounts over the maximum (as appropriate) for the training set-aside in this category. If applicants do not include these funds in the budget and you are selected for an award, HUD may modify your budget, reallocating the appropriate amount for training. If awardees do not attend mandatory HUD-approved or HUD-sponsored training, the approved budget will be reduced by the amount allocated for the specific training that was not attended and the amount of funds allocated for the training must be returned to HUD. In addition, your failure to attend mandatory training will adversely impact your performance assessment.

2. *Payment Contingent on Completion.* Payment of FHIP funds is made on a reimbursement basis. Payments are contingent on the satisfactory and timely completion of your project activities and products as reflected in your Cooperative Agreement. Requests for funds must be accompanied by financial progress reports and deliverables, if applicable.

3. *Accessibility Requirements.* All activities, facilities, and materials funded by this NOFA must be accessible to persons with disabilities (24 CFR 8.2, 8.4, 8.6, and 8.54).

4. *Copyright Materials.* You may copyright any work that is eligible for copyright protection subject to HUD's right to reproduce, publish or otherwise use your work for federal purposes, and to authorize others to do so as required in 24 CFR 84.36.

5. *Complaints Against Awardees.* A HUD Grant Officer oversees each FHIP award. Complaints from the public against FHIP recipients should be forwarded to the Grant Officer. The Grant Officer's name and contact information is provided in the Cooperative Agreement. If, after notice and consideration of relevant information, the Cooperative Agreement Officer concludes that there has been inappropriate conduct, such as a violation of FHIP program requirements, terms or conditions of the Cooperative Agreement 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 awarding future FHIP applications; repayment to HUD of funds received under the Cooperative Agreement; or temporary or permanent denial of participation in the FHIP in accordance with 24 CFR part 24.

6. *Double Payments.* If you are awarded funds under this NOFA, you (and any subcontractor or consultant) may not charge or claim credit for the activities performed under this project under any other federal project.

7. *Performance Sanctions.* A fund recipient or subcontractor failing to comply with the requirements set forth in its Cooperative 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.

C. Reporting

Reports. You must provide reports in a format (which may be computer-generated), at a frequency and with contents specified by HUD. At a minimum, the report must include the number and basis of complaints filed with HUD as well achieved. You must submit monthly activity reports describing the administrative and program task completed and/or underway, and a corresponding financial report showing how the funds were disbursed during the reporting period. This narrative must also give qualitative and quantitative data relative to the success of the program or service, based on the performance measures in the Cooperative Agreement. You will also provide a narrative report within 90 days after all Cooperative Agreement activities have ended or at the end of each 12-month period of the Cooperative Agreement, whichever comes first. This narrative report must identify and describe the program or services provided and give qualitative and quantitative data relative to the success of the program or service based on the performance measures in the Cooperative Agreement.

Listed below are sample reporting documents of activities and tasks to be performed by a FHIP Grantee.

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ADMINISTRATIVE ACTIVITIES			
ACTIVITIES	TASKS	SUBMITTED BY	SUBMITTED TO
1. Complete HUD-22081 Race and Ethnic Data Reporting Form		45 Days	GTR/GTM
2. Complete HUD-2880 Disclosure Statements	Submit Disclosure Statement. If no changes occur, submit statement of no change with final report.	When changes occur	GTR/GTM
3. Complete SF-269A Financial Status Report and Written Quarterly Status Reports on All Activities	Submit SF-269A and Copy of Written Report.	Quarterly	GTR/GTM
4. Voucher for Payment	Submit payment request to LOCCS.	Per Payment Schedule	GTR/GTM
5. Complete Listing of Current or Pending Grants/Contracts/Other Financial Agreements	Submit listing for recipient and any contractors.	45 Days and At end of Grant	GTR/GTM
6. Prepare and Submit Draft of Final Report	Submit Draft of Report. Report Summary should include objectives, accomplishments, and results. Complaint and testing activities should summarize data on complaints received and tests conducted by basis, issues, and outcomes. This should include number of credible, legitimate complaints filed with HUD, a State or local Fair Housing Agency, Department of Justice or private Litigator; and types of relief/results.	One month before end of grant term.	GTR/GTM
7. Complete Final Report and Provide Copies of All Final Products Not Previously Submitted	Submit a copy of the Final Report and All Final Products not previously submitted to GTR and GTM.	Within 90 days after end of grant term.	GTR/GTM
8. Submit 2 copies of Final Report and all final program products produced under the Grant (with diskette, where feasible) to HUD.	Submit activities and database entry sheet(s) to HUD. Submit copy of HUD database entry sheet(s) or detailed description of items submitted to GTR and GTM.	Within 90 days after end of grant term.	GTR/GTM

PROGRAM ACTIVITIES			
ACTIVITIES	TASKS	SUBMITTED BY	SUBMITTED TO
1. Contact HUD and/or other information sources to obtain any appropriate materials prior to development of new materials	Provide list of materials requested.	90 days	GTR/GTM. Submit one copy of **all final products** to HUD
2. Review/refine Referral Process to refer potential victims to HUD or a state or local agency.	Submit copy of Referral Process. All audit-based enforcement actions should be referred to HUD.	45 days	GTR/GTM

BILLING CODE 4210–32–P

VII. Agency Contacts

You may contact Myron P. Newry or Walter Ayers of the FHIP/FHAP Support Division, at 202–708–0800 (this is not a toll-free number). Persons with hearing or speech impairments may contact the Division via TTY by calling 800–290–1617 (this is a toll-free number).

VIII. Other Information

A. *Accessibility Requirements.* All activities, facilities, and materials funded by this Program must be accessible to persons with disabilities (24 CFR 8.2, 8.4, 8.6, and 8.54).

B. *Protected Basis.* All FHIP-funded projects must address housing discrimination based upon race, color, religion, sex, disability, familial status or national origin.

C. *Environmental Requirements.* In accordance with 24 CFR 50.19(b)(3), (4), (9), (12), and (13) 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.

D. *Paperwork Reduction Act.* The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2539–0033. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average 100 hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application, semi-annual reports and final report. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

E. *Frequently Asked Questions.*

Q. If data, tables, exhibits, reports, and studies are submitted with the application, will they be counted toward the 10-page limit requirement?

A. The attachments do not count toward the 10-page limit. However, you are encouraged to summarize the points that support your Factor responses. Do not attach data tables, exhibits, and studies and expect the evaluator to read them and discern the points that should be considered. If you summarize information from studies, reports, etc, simply include a bibliography or other reference at the end of Factor.

Q. Where can I find a copy of the Application Kit?

A. There is no Application Kit for this FHIP NOFA. The NOFA clearly describes the requirements for completing a successful application and all forms and certifications needed to complete the application are included in the General and FHIP NOFA.

Q. What is the maximum number of narrative pages that can be submitted for each Rating Factor?

A. The maximum number is 10 pages per Rating Factor. This does not include any attachments that may be required under each factor (*e.g.*, the proposed SOW and budget required under Factor 2, Resumes as required by Factor 1 or any reports or documents you attach to support your Factor information). The narrative pages must be double-spaced and you are required to use 12-point type size. However, all pages in the application must be consecutively numbered starting with number one (1) through the end of your application. For example, Factor 1 has 10 pages of narrative and 10 pages of attachments.

Each attachment page must be numbered. When you get to Factor 2, the first page of the Factor will be numbered 21, and so on. If you do not number each page in your entire application, points will be deducted from your application if this criterion is not met.

Q. May an applicant subcontract out a percentage of its activities to subcontractors, partner or consultants, if it is selected for a FHIP award?

A. Yes. However, when the expenditures to a particular subcontractor, partner or consultant exceed 10 percent of the Cooperative Agreement amount, an itemized budget is required.

Q. Does the NOFA identify what makes an application ineligible?

A. Yes. For FHIP, see the eligibility requirements and the Threshold Criteria in Requirements and Procedures, Section B.

Q. What are maximum awards?

A. Maximum award is the maximum amount that will be awarded under the Initiative for which you are applying. If you request an amount over this maximum amount, your application will be declared ineligible.

Q. Where do you send completed applications?

A. All completed applications must be received by the FHIP/FHAP Support Division Office in Washington, DC. These applications should be mailed or sent by an express service to the address stated in the NOFA under the Section Addresses and Application Submission Procedures. Please note that applications incorrectly addressed may not be forwarded to this Division at all or it may be forwarded late. If that happens, your application will be deemed ineligible.

Q. What is the best method of knowing that the appropriate person has received my application? Should I follow up with a call?

A. Include with your completed application a complete copy of the Acknowledgment of Application Receipt. Be sure to include your correct mailing address and the person to whom the Acknowledgment should be sent. The Acknowledgement will be returned to the address indicated. HUD will not acknowledge the receipt of applications over the telephone. Within 10 working days after the deadline date, acknowledgement letters will be mailed via the U.S. Post Office to all applicants meeting the timeliness of applications requirement.

Q. What is the Web site address?

A. *Http//www.hud.gov/grants.*

Q. What is the due date?

A. The due date is outlined in this NOFA under Section I, Application Due Date.

Q. If I have a technical question, can I call HUD?

A. Yes, technical questions should be directed to Myron P. Newry, Walter Ayers or Denise L. Brooks of the FHIP/FHAP Support Division at (202) 708–0800 (this is not a toll-free number). Persons with hearing or speech impairments may call 800–290–1617 (this is a toll-free number). Technical assistance does not include assisting you in determining your eligibility to apply for funds. Applicants must make their own determination, based upon the requirements identified in section III.(C) labeled Eligible Applicants. Technical Assistance cannot be provided to help you write any part of your application or develop responses to the application requirements. Rather, technical assistance, outside of the training broadcasts, will only clarify general application and program requirements published in the NOFA.

Q. What is meant by geographic diversity?

A. See comments above in Section V.

BILLING CODE 4210–32–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING COUNSELING PROGRAMS

Housing Counseling – Local Housing Counseling Agencies (LHCA)

Housing Counseling – National and Regional Intermediaries

Housing Counseling – State housing Finance Agencies (SHFA)

Housing Counseling – Colonias

Housing Counseling – Predatory lending

Housing Counseling – Section 8 Homeownership Voucher Program

Billing Code 4210-32-C

Housing Counseling Program

Overview Information

A. *Federal Agency Name:* Department of Housing and Urban Development, Office of Single Family Housing.

B. Funding Opportunity Title: Housing Counseling Program.

C. Announcement Type: Initial announcement.

D. *Funding Opportunity Number:* The **Federal Register** number is: FR–4900–N–09. The OMB Approval number is: 2502–0261.

E. *Catalog of Federal Domestic Assistance (CFDA) Number:* 14.169 Housing Counseling Assistance Program.

F. *Dates:* The application due date is June 23, 2004. Please see the General Section of the SuperNOFA for application submission, delivery, and timely receipt requirements.

G. *Available Funds:* Up to $36.014 million is made available for eligible applicants under this program NOFA.

Full Text of Announcement

I. Funding Opportunity Description

A. Program Description

This program supports the delivery of a wide variety of housing counseling services to homebuyers, homeowners, low- to moderate-income renters, and the homeless. The primary objectives of the program are to expand homeownership opportunities and improve access to affordable housing. Counselors provide guidance and advice to help families and individuals improve their housing conditions and meet the responsibilities of tenancy and homeownership. Counselors also help borrowers avoid inflated appraisals, unreasonably high interest rates, unaffordable repayment terms, and other conditions that can result in a loss of equity, increased debt, default, and eventually foreclosure.

Applicants funded through this program may also provide Home Equity Conversion Mortgage (HECM) counseling to elderly homeowners who are looking to convert equity in their homes into income that can be used to pay for home improvements, medical costs, living expenses, or other expenses.

This grant program also supports the delivery of housing counseling services to potential homebuyers and homeowners utilizing Section 8 Homeownership Vouchers (hereafter referred to as Homeownership Vouchers) under HUD's Homeownership Voucher Program. The primary objectives of counseling in conjunction with the Homeownership Voucher program are to: (1) help Homeownership Voucher Program participants make the transition from renting to homeownership; (2) assist them in evaluating their readiness and in making informed decisions; (3) help them meet the responsibilities of homeownership; and (4) encourage increased participation by Public Housing Agencies (PHAs) in HUD's Homeownership Voucher Program.

B. Grant Categories

HUD will award a single grant to qualified applicants through one of three grant categories: (1) Local Housing Counseling Agencies (LHCAs); (2) National and Regional Intermediaries; and (3) State Housing Finance Agencies (SHFAs).

1. Comprehensive Counseling

All awards through the 3 categories will consist of a specified sum for comprehensive counseling.

2. Supplemental Funding

Comprehensive counseling awards through the 3 grant categories can also be augmented with supplemental funding for the following specific activities and assistance to targeted communities:

a. *Predatory Lending.* Supplemental funding is available for counseling and educational activities designed to combat predatory lending, including helping borrowers avoid inflated appraisals, unreasonably high interest rates, unaffordable repayment terms, and other conditions which can result in a loss of equity, increased debt, default, and even foreclosure.

b. *Homeownership Voucher Counseling.* Supplemental funding is available for counseling and educational activities in conjunction with HUD's Homeownership Voucher Program.

c. *Colonias.* Supplemental funding is available for the counseling and educational activities targeted at Colonias. Colonias means any identifiable, rural community that is located in Arizona, California, New Mexico, or Texas; is within 150 miles of the border between the United States of America and the United Mexican States; and is determined to be a Colonia on the basis of objective need criteria, including lack of potable water supply, lack of adequate sewage systems, and lack of decent, safe, sanitary, and accessible housing.

C. 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, CHG–1, dated October 27, 1997.

The Homeownership Voucher Program refers to the homeownership option in the Housing Choice Voucher Program. The homeownership option is authorized by section 8(y) of the United States Housing Act of 1937, as amended by section 555 of the Quality Housing and Work Responsibility Act of 1998. The implementing regulations are found at 24 CFR 982.625 through 982.643.

II. Award Information

A. Amount Allocated

Of the $39,764,000 appropriated for housing counseling in FY2004, up to $36.014 million is made available for eligible applicants under this NOFA. Specifically, $2 million is available for counseling in conjunction with HUD's Homeownership Voucher Program, $350,000 is available for counseling services that specifically target Colonias, $2.7 million is available for counseling services addressing predatory lending, and $30.964 million is available for comprehensive counseling.

B. Specific Allocations

Funding is allocated to each Homeownership Center (HOC), regional HUD offices that oversee the Housing Counseling Program in their jurisdiction, by a formula that incorporates first-time homebuyer rates, default rates, HECM endorsements, and minority homebuyers.

1. Category 1—Local Housing Counseling Agencies (LHCAs). $14.351 million is available from HUD to directly fund HUD-approved LHCAs, including $12.201 million for comprehensive counseling, $1.2 million in supplemental funding for predatory lending, $850,000 in supplemental funding for counseling in conjunction with HUD's Homeownership Voucher Program, and $100,000 for counseling targeting Colonias.

Allocations for Category 1 by HOC are as follows:

	Comprehensive counseling	Predatory lending	Homeownership voucher counseling	Colonias	Total
Philadelphia HOC	$3,462,921	$340,587	$241,249	.....	$4,044,757
Atlanta HOC	3,340,830	328,579	232,744	.....	3,902,153
Denver HOC	3,147,082	309,524	219,246	50,000	3,725,852
Santa Ana HOC	2,250,167	221,310	156,761	50,000	2,678,238
Total	12,201,000	1,200,000	850,000	100,000	14,351,000

2. Category 2—National and Regional Intermediaries. $19.263 million is available from HUD to directly fund HUD-approved National and Regional Intermediaries, including $16.763 million for comprehensive counseling, $1.3 million in supplemental funding for predatory lending, $1 million in supplemental funding for counseling in conjunction with HUD's Homeownership Voucher Program, and $200,000 for counseling targeting Colonias.

3. Category 3—State Housing Finance Agencies (SHFA). $2.4 million is available to fund SHFAs that provide housing counseling services directly or serve as intermediaries to Affiliates who offer housing counseling services, including $2 million for comprehensive counseling, $200,000 in supplemental funding for predatory lending, $150,000 in supplemental funding for counseling in conjunction with HUD's Homeownership Voucher Program, and $50,000 for counseling targeting Colonias.

Allocations for Category 3 by HOC are as follows:

	Comprehensive counseling	Predatory lending	Homeownership voucher program	Colonias	Total
Philadelphia HOC	$567,645	$56,765	$42,573	.....	$666,983
Atlanta HOC	547,632	54,763	41,073	.....	643,468
Denver HOC	515,873	51,587	38,690	25,000	631,150
Santa Ana HOC	368,850	36,885	27,664	25,000	458,399
Total	2,000,000	200,000	150,000	50,000	2,400,000

C. Individual Awards

1. Category 1. No individual LHCA may be awarded more than $260,000. Specifically, the limit for Comprehensive Counseling is $150,000. If applicable, the limit for supplemental funding for predatory lending is $40,000, the limit for supplemental funding for Homeownership Voucher Counseling is $30,000, and the limit for supplemental funding for Colonias is $40,000. HUD anticipates that the average award will be approximately $40,000.

2. Category 2. Awards for individual HUD-approved National and Regional intermediaries may not exceed $3.4 million. The limit for Comprehensive Counseling is $2.5 million. If applicable, the limit for supplemental funding for predatory lending is $325,000, the limit for supplemental funding for Homeownership Voucher Counseling is $275,000, and the limit for supplemental funding for Colonias is $300,000. HUD anticipates that the average award for Intermediaries will be $1.1 million.

3. Category 3. No individual SHFA may be awarded more than $450,000. Specifically, the limit for Comprehensive Counseling is $300,000. If applicable, the limit for supplemental funding for predatory lending is $63,000, the limit for supplemental funding for Homeownership Voucher Counseling is $47,000, and the limit for supplemental funding for Colonias is $40,000. HUD anticipates that the average award for SHFAs will be approximately $140,000.

D. Grant Period

Funds awarded shall be available for a period of 12 calendar months.

E. Award Instrument

HUD will use a Grant Agreement. All Housing Counseling Program awards shall be made on a cost reimbursement basis in accordance with the requirements in OMB Circular A–87, Cost Principles for state and local governments and Indian tribal governments; or OMB Circular A–122, Cost Principles for Non-Profit Organizations, as applicable to your organization; and the administrative requirements established in OMB Circular A–102, which was implemented by 24 CFR part 85 (Administrative Requirements for Grants and Cooperative Agreements to state, local, and federally recognized Indian tribal governments); OMB Circular A–110, which was implemented by 24 CFR part 84 (Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations); and OMB Circular A–133 which was implemented by 24 CFR parts 84 and 85. Grantees must ensure that any Sub-grantees and/or Branches also comply with the above requirements. OMB circulars can be found at *http://www.whitehouse.gov/omb/.*

III. Eligibility Information

A. Eligible Applicants

Eligible applicants include (1) HUD-approved Local Housing Counseling Agencies (LHCAs); (2) HUD-approved national and regional intermediaries; and (3) State Housing Finance Agencies (SHFAs).

1. Definitions

a. Applicant. Applicant means a HUD-approved housing counseling agency or SHFA applying for a Housing Counseling grant from HUD through this NOFA. In the case of an LHCA, the term Applicant includes the agency's branch offices, if applicable. In the case of an intermediary, the term Applicant includes the branch offices the Applicant proposes to fund through this NOFA.

b. Grantee. Grantee means the HUD-approved housing counseling agency or SHFA that receives housing counseling funds from HUD through this NOFA. In the case of an LHCA, the term Grantee includes the agency's branch offices, if

applicable. In the case of an intermediary, Grantee includes the branch offices the applicant proposes to fund through this NOFA.

c. LHCA. LHCA means a HUD-approved Local Housing Counseling Agency. LHCAs must be approved by one of HUD's four HOCs. Affiliates of HUD-approved Housing Counseling intermediaries are not HUD-approved LHCAs by virtue of their affiliation with the intermediary. They are, however, eligible to individually apply for HUD approval as an LHCA. An LHCA may have only one location or a main office with one or more branch offices within the same state or no more than two contiguous states.

d. Intermediary. Intermediary means a HUD-approved national or regional organization that provides housing counseling services through its branches or affiliates. As used in this NOFA, the term Intermediary refers to any of the following entities:

(1) *National Intermediary.* A National Intermediary provides housing counseling services through its branches or affiliates in a number of states as determined by HUD.

(2) *Regional Intermediary.* A Regional Intermediary provides housing counseling services through its branches or affiliates in a generally recognized region or group of regions within the United States of America, such as the Southwest, Mid-Atlantic, and New England.

e. SHFA. For the purpose of this NOFA, a State Housing Finance Agency (SHFA) is the unique public body, agency, or instrumentality created by a specific act of a state legislature and empowered to finance activities designed to provide housing and related facilities and services, for example through land acquisition, construction or rehabilitation, throughout a state. The term state includes the several states, Puerto Rico, the District of Columbia, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, and the U.S. Virgin Islands.

f. Sub-grantee. Sub-grantee means an organization to which the grantee awards a sub-grant, and which is accountable to the grantee for the use of the funds provided. A Sub-grantee may be separately incorporated or organized, but connected with an intermediary or SHFA for purposes of this NOFA.

In the case of an intermediary or SHFA, all Sub-grantees are identified in the grantee's application. Under certain conditions, grantees may amend their Sub-grantee list after awards are made.

g. Branch. Branch or Branch Office means an organizational and subordinate unit of an LHCA or Intermediary not separately incorporated or organized. A Branch or Branch Office must be in good standing under the laws of the state where it is authorized to do business and where it proposes to provide housing counseling services. A Branch or Brach Office cannot be an affiliate or sub-grantee.

h. Affiliate. Affiliate means a separately incorporated or organized housing counseling agency that is connected with a national or regional intermediary for the purposes of its housing counseling program. Affiliates can be sub-grantees.

2. Eligibility Criteria

Grant categories	Who is eligible	Total amount available
Category 1—LHCAs	HUD-approved LHCAs	$14.351 million.
Category 2—Regional and National Intermediaries	HUD-approved Regional and National Intermediaries	$19.263 million.
Category 3—SHFAs	SHFAs	$2.4 million.

a. Eligible LHCAs and Intermediaries are private or public nonprofit organizations, including grassroots faith-based and other community-based organizations, that secure HUD approval as an LHCA, or as a national or regional intermediary, as of the publication date of the SuperNOFA, and retain such approval through the term of any grant awarded. For information on securing HUD approval visit HUD's Web site at *http://www.hud.gov/offices/hsg/sfh/hcc/hccprof13.cfm.*

Additionally, to be eligible to receive a grant directly from HUD under this Housing Counseling NOFA, all applicants (except SHFAs) must be (1) duly organized and existing as a nonprofit, (2) in good standing under the laws of the state of its organization, and (3) authorized to do business in the states where it proposes to provide housing counseling services. For example, applicable state licensing, corporate filing, and registering requirements must be satisfied.

(1) HUD-approved LHCAs. HUD-approved LHCAs may apply for and receive: (1) One grant under Category 1; or (2) one sub-grant from an intermediary or SHFA under Category 2 or 3, but not both. The only exception to this rule is that HUD-approved LHCAs that have one or more HECM Network Counselors that receive a grant or sub-grant under Categories 1–3, may also receive a sub-grant, or otherwise be reimbursed, exclusively for HECM counseling activities, from a HUD-approved intermediary that exclusively provides HECM counseling.

HUD-approved LHCAs applying under Category 1 are also eligible for supplemental funding to combat predatory lending, for homeownership voucher counseling, and for Colonias.

Funded LHCAs may not make sub-grants to other HUD-approved LHCAs or non-HUD-approved entities.

(2) HUD-approved National and Regional Intermediaries may only apply for a grant under Category 2. HUD-approved intermediaries are also eligible for supplemental funding to combat predatory lending, for homeownership voucher counseling, and for Colonias.

b. Eligible SHFAs. A SHFA does not need HUD approval in order to apply for a grant through this NOFA. SHFAs may only apply for grants under Category 3. SHFAs are also eligible for supplemental funding to combat predatory lending, for homeownership voucher counseling, and for Colonias.

c. Eligible Sub-grantees of Intermediaries and SHFAs. Eligible sub-grantees of intermediaries and SHFAs are not required to be HUD-approved, although HUD-approved LHCAs may apply to an intermediary or SHFA as a sub-grantee. Intermediaries and SHFAs that award sub-grants to counseling agencies that are not HUD-approved must assure that said organizations meet or exceed the approval standards specified in paragraph 2–1 of HUD Handbook 7610.1, Rev-4, CHG–1. Intermediaries that do not ensure their sub-grantee's compliance with HUD standards could be prohibited from participating in the Housing Counseling Program. These organizations will be monitored by HUD.

Additionally, to be eligible for a sub-grant, a sub-grantee must be (1) duly organized and existing as a nonprofit, (2) in good standing under the laws of the state of its organization, and (3) authorized to do business in the states where it proposes to provide housing counseling services. For example, applicable state licensing, corporate filing, and registering requirements must be satisfied. Additionally, eligible

sub-grantees may have only one location or a main office with one or more branch offices within the same state or no more than two adjacent states.

Eligible sub-grantees under Categories 2 or 3 must not have directly applied for or received a grant under Category 1 of this NOFA, or another sub-grant from an intermediary or SHFA under Category 2 or 3 of this NOFA. Sub-grantees may apply for and receive only one sub-grant from an intermediary or SHFA under Category 2 or 3, but not both. The only exception to this rule is that sub-grantees that have one or more HECM Network Counselors that receive a sub-grant from an intermediary or SHFA under Category 2 or 3 may also receive a sub-grant, or otherwise be reimbursed, exclusively for HECM counseling activities, from a HUD-approved intermediary that exclusively provides HECM counseling.

3. Eligibility/Supplemental Funding. No separate application is needed to be eligible for supplemental funding. However, to be eligible, applicants must meet the following requirements.

a. Predatory Lending. To be eligible for the supplemental predatory lending funding, an applicant must: (1) Request the supplemental funding by specifically and separately identifying ''Predatory Lending'' and providing the specific amount of predatory lending supplemental funding it is requesting in its response to Section V.A.4.c.(1) of this NOFA and by completing an additional copy of page 1 of Form HUD–424 CB, Grant Application Detailed Budget, for the supplemental predatory lending funding the applicant is requesting. Identify ''Predatory Lending'' in the field entitled ''Name of Project/Activity'; (2) identify predatory lending related needs in the target community in their response to Rating Factor 2, (3) include predatory lending related activities in the proposed activities listed in response to Rating Factor 3; (4) indicate in Factor 3 how many individuals will be served with the requested supplemental funding for predatory lending, and (5) respond to all predatory lending related requests for information throughout the NOFA.

b. Homeownership Voucher Counseling. To be eligible for the supplemental funding available for counseling and education in conjunction with HUD's Homeownership Voucher Program, applicants must: (1) Request the supplemental funding by specifically and separately identifying ''Homeownership Voucher Counseling'' and providing the specific amount of Homeownership Voucher Counseling supplemental funding it is requesting in its response to Section V.A.4.c.(1) of this NOFA and by completing an additional copy of page 1 of Form HUD–424 CB, Grant Application Detailed Budget, for the supplemental Homeownership Voucher Counseling funding the applicant is requesting. Identify ''Homeownership Voucher Counseling'' in the field entitled ''Name of Project/Activity'; (2) respond to all Homeownership Voucher Counseling related requests for information throughout the NOFA; (3) include counseling and other related activities in conjunction with the Homeownership Voucher Program in the proposed activities listed in response to rating Factor 3; (4) indicate in Factor 3 how many individuals will be served with the requested supplemental funding for Homeownership Voucher Counseling; and (5) provide a written commitment to partner from one or more Public Housing Authorities (PHAs) with whom the applicant has an agreement to provide housing counseling to participants of the PHA's Homeownership Voucher Program. Intermediaries and SHFAs proposing to make sub-grants must provide a separate written commitment to partner from a PHA for each proposed sub-grantee. There is no requirement that the PHA commit to partner with the applicant for the provision of all housing counseling services related to its Homeownership Voucher Program, although this would be acceptable.

Written commitments to partner from PHAs do not have to be ratified by the PHA Board, although a formal document, such as a Memorandum of Understanding (MOU) between the PHA and the applicant, is acceptable. The written commitment to partner must be on PHA letterhead, specifically mention the housing counseling agency applicant and proposed sub-grantee, if applicable; and be signed by an authorized PHA official. Moreover, the written commitment to partner must indicate that the PHA is exercising its option to implement the Homeownership Voucher Program and agrees to refer Homeownership Voucher participants to the applicant to fulfill the housing counseling requirement specified in the Homeownership Voucher Program regulations. The written commitment to partner must clearly outline: (1) The broad roles and responsibilities of the PHA and the housing counseling agency applying for funding under this NOFA; (2) the estimated number of Homeownership Voucher Program participants, both pre-purchase and ongoing, to be referred by the PHA to the applicant during the grant period October 1, 2004, to September 30, 2005; (3) the specific PHA requirements for ongoing counseling; and (4) outcome goals.

While no written commitment to partner is required from PHAs approved by HUD as housing counseling agencies, the PHA must estimate the number of voucher participants to be counseled in connection with the Homeownership Voucher Program, and describe the outcome goals to be achieved.

c. Colonias. To be eligible for the supplemental funding available for counseling and education targeted at Colonias, applicants must: (1) Request the supplemental funding by specifically and separately identifying ''Colonias'' and providing the specific amount of Colonias supplemental funding it is requesting in its response to Section V.A.4.c.(1) of this NOFA and by completing an additional copy of page 1 of Form HUD–424 CB, Grant Application Detailed Budget, for the supplemental Colonias funding the applicant is requesting. Identify ''Colonias'' in the field entitled ''Name of Project/Activity'; (2) identify Colonias-related needs in the target community in their response to Rating Factor 2; (3) respond to all Colonias-related requests for information throughout the NOFA; (4) include counseling and other related activities targeted at Colonias in the proposed activities listed in response to Rating Factor 3; (5) indicate in Factor 3 how many individuals will be served with the requested supplemental funding for Colonias; and (6) demonstrate that the communities that the applicant will target with these funds meet the definition of Colonias provided in Section I.B.1.c. of this NOFA.

B. Cost Sharing or Matching

No specific ratio is required. However, in order to receive points under Rating Factor 4, applicants are required to demonstrate the commitment of other private and public sources of funding to supplement HUD funding for the applicant's counseling program. HUD does not intend for the Housing Counseling grants to cover all costs incurred by an applicant.

C. Other

1. Eligible Activities for Categories (1), (2) and (3) Awards

Grantees and sub-grantees will only be reimbursed for the eligible activities outlined in this Section. Grantees and sub-grantees providing housing counseling services under Categories 1 through 3 may use their HUD housing

counseling funds for one or more of the following 8 eligible activities.

a. *Pre-Purchase Homebuyer Counseling.* This includes the following types of one-on-one counseling: Pre-purchase; evaluating mortgagor readiness; search assistance/mobility; fair housing; budgeting for mortgage payments; money management (does not include debt management plan programs); selecting a real estate agent, and home inspection. This also may include guidance on: Alternative sources of mortgage credit; how to apply for housing assistance; how to identify and avoid predatory lending practices; locating housing which provides universal design and visitability; and referrals to community services and regulatory agencies.

b. *Homebuyer Education Programs.* These programs are homeownership preparation related education programs in which educational materials, including HUD's Homebuyer Education and Learning Program (HELP) guide, are used in training sessions for multiple participants, and not tailored to the unique circumstances of an individual. This activity also includes financial literacy workshops that are geared toward potential homebuyers, and group sessions that assist potential homebuyers with identifying and avoiding predatory lending practices, such as loans with unreasonable and inappropriate terms and conditions, and other unscrupulous practices intended to defraud or take advantage of homebuyers and borrowers. Applicants that provide homebuyer education must also offer individual counseling that complements the group sessions.

c. *Counseling to Resolve or Prevent Mortgage Delinquency or Default.* This includes counseling on how to: restructure debt, obtain re-certification for mortgage subsidy, establish reinstatement plans, seek loan forbearance, and manage household finances. This counseling can also include helping clients affected by predatory lending, foreclosure prevention strategies, explaining the foreclosure process, providing referrals to other sources, and assisting clients with locating alternative housing, or pursuing loss mitigation strategies.

d. *Non-Delinquency Post-Purchase Counseling on Improving Mortgage Terms, Home Equity Conversion, and Home Improvement.* This includes information and advice on finding favorable mortgage loan terms, personal money management, and relations with lenders. It also includes help in converting home equity into cash, such as counseling on HUD's HECM Program. HECM counseling assists clients who are 62 years or older with the opportunity to convert the equity in their homes into income to pay living, medical, or other expenses. This counseling also includes counseling the client about: home improvement and rehabilitation; property maintenance; loan and grant options; the loan or grant application processes; what housing codes and housing enforcement procedures apply for the intended activity; accessibility codes and how to design features to provide accessibility for persons with disabilities; non-discriminatory lending and funding for persons who modify their dwellings to accommodate disabilities; visitability and universal design; how to specify and bid construction work; how to enter into construction contracts; and how to manage construction contracts, including actions to address the non-performance of contractors.

e. *Post-Purchase Education Programs.* These are post-purchase oriented group sessions in which educational materials are used in training sessions for multiple participants. Topics can include resolving or preventing mortgage delinquency and default, converting home equity into cash, seeking favorable mortgage loan terms, budgeting and financial management, real estate taxes and insurance, and home maintenance. Agencies that provide this service must also offer individual counseling to complement group sessions.

f. *Counseling and Education on Locating, Securing, or Maintaining Residence in Rental Housing.* This refers to one-on-one counseling and group education sessions regarding renter-related topics, including: helping clients obtain and utilize rent subsidies; pre-rental search assistance/mobility counseling; budgeting for rent payments; educating clients on landlords' and renters' rights; explaining the eviction process; ensuring clients understand their rights when faced with displacement; explaining the responsibility of the entity causing displacement; and providing assistance with locating alternate housing.

g. *Counseling on Shelter or Services for the Homeless.* Includes referrals to social, community, and homeless services such as emergency shelter or transitional housing.

h. *Marketing and Outreach Initiatives.* This includes providing general information and materials about housing opportunities and issues, conducting informational campaigns, advocating with lenders for non-traditional lending standards, and raising awareness about critical housing topics, such as predatory lending or fair housing issues. (**Note:** Affirmative fair housing outreach should be directed at those populations least likely to seek counseling services. To do so, it may be necessary to broaden the target areas or provide translation and interpretive services in languages other than English in order to reach a greater variety of racial and ethnic minorities.)

2. Eligible Activities—Supplemental Funding

a. *Predatory Lending.* Recipients of supplemental funding for Predatory Lending must use the supplemental funds for any of the marketing and outreach initiatives, group sessions, or one-on-one counseling activities outlined in Section I.C. of this NOFA, in a manner that clearly and directly assists clients affected by predatory lending or helps to prevent predatory lending.

b. *Homeownership Voucher Counseling.* Recipients of supplemental funding for counseling in conjunction with HUD's Homeownership Voucher Program must use the supplemental funds for any of the group sessions or one-on-one counseling activities outlined in Section I.C. of this NOFA, in a manner that clearly and directly assists recipients of Homeownership Vouchers to utilize those vouchers toward the purchase and maintenance of a home.

According to the Final Rule on the Homeownership Voucher Program (FR–4427–F–02), suggested topics for the HUD-required pre-assistance counseling program include: How to negotiate the purchase price of a home; how to obtain homeownership financing and loan pre-approvals, including a description of types of financing that may be available, and the pros and cons of different types of financing; alternative sources of mortgage credit; how to find a home, including information about homeownership opportunities, schools, and transportation in the PHA jurisdiction; mobility counseling, including purchasing a home outside the PHA's jurisdiction; advantages of purchasing a home in an area that does not have a high concentration of low-income families and how to locate homes in such areas; how to design features to provide accessibility for persons with disabilities; how to obtain funding for modifications that will make housing accessible and available to clients and their family members with disabilities; information on fair housing, including fair housing lending and local fair housing enforcement agencies; information about the Real Estate Settlement Procedures Act (12 U.S.C.

2601 *et seq.*) (RESPA), state and federal truth-in-lending laws, and how to identify and avoid loans with oppressive terms and conditions; home maintenance; budgeting and money management; and credit counseling.

Counseling services in conjunction with HUD's Homeownership Voucher Program can be adapted to reflect local circumstances, fit the pre- and ongoing post-purchase needs of the individual families, and fulfill specific requirements established by the PHA. The PHA has the discretion to require ongoing counseling for all or select participants in the homeownership option.

For example, agencies may provide on-going counseling on issues such as home improvement and rehabilitation. This could include educating the client about their loan and grant options; the loan or grant application processes; what housing codes and housing enforcement procedures apply for the intended activity; accessibility codes; visitability and universal design; non-discriminatory lending for persons who modify their dwellings to accommodate disabilities; how to identify and hire a construction contractor; how to specify and bid construction work; how to enter into construction contracts; and how to manage construction contracts, including actions to address the non-performance of contractors.

Additional ongoing counseling needs may include default counseling and loss mitigation strategies such as debt restructuring, establishing reinstatement plans, seeking loan forbearance, and managing household finances. Counselors can also help program participants that are affected by predatory lending, provide referrals to emergency and social service providers, and assist clients with locating alternative housing.

c. *Colonias.* Recipients of this supplemental funding may provide any of the eligible activities outlined in Section I.C., so long as they serve communities that meet the definition of a Colonia provided in Section I.B.1.c. of this NOFA.

3. Threshold Requirements

Applications that do not meet all of the following Threshold Requirements are not eligible to receive an award from HUD.

a. Applicants, and if applicable sub-grantees, must meet the Threshold Requirements in the General Section of the SuperNOFA.

b. Applicants must be currently approved by HUD as an LHCA or as a national or regional housing counseling intermediary, and have secured HUD approval as a housing counseling agency by the publication date of this NOFA. SHFAs must meet the eligibility requirements listed in this NOFA.

c. Applicants that received a HUD Housing Counseling grant or grants through the FY2002 HUD Housing Counseling NOFA, and did not receive an extension approved by HUD, must have drawn-down at least 80 percent of award monies by September 30, 2003, the end of the relevant grant period.

d. Applicants that were for any reason required to submit Form HUD–9902, covering the period October 1, 2002, through September 30, 2003, must have submitted the form to HUD by the extension deadline of January 31, 2004. Applicants that were required to submit the Form HUD–9902 and failed to do so, must submit a copy of the required report with their application, or the application will not be rated and ranked.

e. Code of Conduct. Awardees are required to submit a written code of conduct. For information on this subject, refer to the General Section of the SuperNOFA.

f. Financial Management Systems. Consistent with the requirements of the Single Audit Act Amendments of 1996 (31 U.S.C. 7501–07), if the applicant expended $500,000 or more in Federal awards in its most recent fiscal year, and is selected for funding through this NOFA, the applicant must provide documentation demonstrating that the applicant's financial management systems satisfy the requirements in the applicable regulations at 24 CFR 84.21(b) and 85.20. Such documentation must include a certification from, or most recent audit by, the applicant's Independent Public Accountant that the applicant maintains internal controls over Federal awards; complies with applicable laws, regulations, and contract or grant provisions; and prepares appropriate financial statements. The applicant will have at least 30 calendar days to respond to this requirement. If an applicant does not respond within the prescribed time or responds with insufficient documentation, then HUD may determine that the applicant has not met this requirement and may withdraw the grant offer.

If the applicant has not received a Federal award before and is therefore not subject to the A–133 Audit Requirements, HUD may conduct an accounting system review to ensure that the applicant has an accounting system that meets Federal requirements. If the applicant system does not meet Federal requirements, the applicant may be required to make arrangements for the management of the funds awarded or HUD may make a determination not to award funds due to poor financial management capability.

g. DUNS Requirement. All applicants must have a DUN and Bradstreet Data Universal Numbering Systems number to receive an award of funds from HUD. Please refer to the General Section and HUD's regulation in 24 CFR Part 5 concerning requirements for a DUNS number.

h. Name Check Review. HUD may elect to conduct a name check review for applicants selected for funding. *See* the General Section of the SuperNOFA for more information on this topic.

4. Program Requirements

Program requirements are outlined in detail in HUD Handbook 7610.1, REV–4, CHG–1, dated October 27, 1997, which can be viewed on HUD's Web site at *http://www.hud.gov/offices/hsg/sfh/hcc/hccprof7.cfm.*

Additionally, the following also apply:

a. *List of HUD-approved Housing Counseling Agencies.* Pursuant to section 106(C)(5) of the Housing and Urban Development Act of 1968, HUD maintains a list of all HUD-approved and HUD-funded counseling agencies, including contact information, which interested persons can access. All HUD-approved LHCAs and their branches, and all sub-grantees and their branches under Categories 2 and 3 of this NOFA will be placed on this list and must accept subsequent referrals, or when they do not provide the services sought, refer the person to another organization in the area that does provide the services.

b. *Accessibility.* All Grantees and sub-grantees must 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.

For each of the eight general activities proposed, grantees must be prepared to meet the needs of all individuals requesting services, including persons with disabilities, regardless of the complexity of the services involved. Additionally, services must be affirmatively marketed to persons with disabilities, including visual and hearing disabilities, as they would be to any other segment of the population not likely to apply for such services.

c. *Religious Discrimination.* Grant recipients and sub-grantees are prohibited from discriminating on behalf of or against any segment of the population in the provision of services

or in outreach, including those of other religious affiliations.

Additionally, organizations funded under this program may not engage in inherently religious activities, such as worship, religious instruction, or proselytization, as part of the programs or services funded under this program. If an organization conducts such activities, these activities must be offered separately, in time or location, from the programs or services funded under this part, and participation must be voluntary for the HUD-funded programs or services.

d. *Indirect Cost Rate.* Grantees must also submit documentation establishing the organization's indirect cost rate. Such documentation may consist of a certification from most recent audit by, or indirect cost rate agreement by, the cognizant federal agency or an Independent Public Accountant. If the grantee does not have an established indirect cost rate, it will be required to develop and submit an indirect cost proposal to HUD, or the cognizant federal agency as applicable, for determination of an indirect cost rate that will govern the award. Applicants that do not have a previously established indirect cost rate with a federal agency shall submit an initial indirect cost rate proposal immediately after the applicant is advised that it will be offered a grant and, in no event, later than three months after the start date of the grant. OMB Circular A–122 established the requirements to determine allowable direct and indirect costs and the preparation of indirect cost proposals, and can be found at *http://www.whitehouse.omb.gov.* Applicants can review Indirect Cost Training on *http://www.hud.gov* at: *http://www.hud.gov/offices/adm/grants/training/training.cfm*

e. *Economic Opportunities for Low- and Very Low-Income Persons (Section 3). See* General Section.

f. *Ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Woman-Owned Businesses. See* General Section.

g. *Sub-grant Agreements.* Intermediaries and SHFAs that make sub-grants must execute sub-grant agreements with sub-grantees that clearly delineate the mutual responsibilities for program management, including appropriate time frames for reporting results to HUD. Intermediaries and SHFAs have wide discretion to decide how to allocate their HUD Housing Counseling funding among sub-grantees, with the understanding that a written record must be kept documenting and justifying funding decisions. This record must be made available to sub-grantees and to HUD.

h. *Limited English Proficiency.* Applicants obtaining an award from HUD must seek to provide access to program benefits and information to persons with limited English proficiency (LEP) through translation and interpretive services in accordance with HUD's published LEP Recipient Guidance.

i. *Subcontracting.* Grantees and sub-grantees must deliver all of the counseling activities set forth in the applicant's work plan provided in Factor 3 of this NOFA. Subcontracting with other entities is permitted only in geographical areas where no HUD-approved housing counseling agency exists; however, the subcontractor must meet the HUD approval eligibility standards in HUD Handbook 7610.1. In addition, a grantee or sub-grantee that is using grant funds to pay a subcontractor for housing counseling services pursuant to a housing counseling sub-agreement is prohibited from having a controlling interest in that subcontractor or vice versa. In other words, a grantee or sub-grantee cannot use grant funds to pay for housing counseling services by a subcontractor, if the subcontractor is partially or fully-controlled by the grantee or sub-grantee, or affiliate or vice versa.

j. *Subsidiaries.* A board member, employee/staff or contractor of an organization applying for a housing counseling grant from HUD, or receiving a sub-grant, under this NOFA, shall not be a board member, employee/staff or contractor of any other organization applying for a housing counseling grant from HUD, or receiving a sub-grant, under this NOFA.

IV. Application and Submission Information

A. Addresses To Request Application Package

Applicants may request general information, and copies of the General Section and Program Sections of the SuperNOFA, from the SuperNOFA Information Center (800–HUD–8929 or 800–877–8339 (TTY)) between the hours of 9 a.m. and 8 p.m. (eastern time) Monday through Friday, except on Federal holidays. When requesting information, please refer to the name of the program in which you are interested. 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 copies of this NOFA can be made immediately following publication of the SuperNOFA. The SuperNOFA Information Center opens for business simultaneously with the publication of the SuperNOFA. You can also obtain information on this NOFA through the Web site *www.grants.gov.*

There is no application kit. Specific application submission requirements are outlined in this section.

B. Content and Form of Application Submission

In addition to reviewing the instructions below, all applicants should consult the General Section of the SuperNOFA and review the procedures that affect application submission.

1. Packaging

Because applications will be handled by various readers, they must be secured in a binder.

2. Size Limitations

Please be as specific and direct as possible. For LHCAs, responses to each factor must be limited to 10 double-spaced, size 12 font, single-sided pages. Additional submissions by LHCAs will not be read. National and regional intermediaries, and SHFAs, are limited to 20 double-spaced, size 12 font, single-sided pages in response to each factor, and no more than two 4-inch binders in total.

3. Application Checklist

Use the checklist below to organize the application. Include a table of contents and tabs. All pages must be numbered. Unless indicated below, all applicants must submit the following:

a. *Standard forms, certifications, and assurances.* Submit the following forms with the application. If a form is not applicable, indicate this on the form and submit it anyway. These forms are available at: *http://www.hud.gov/offices/adm/grants/fundsavail.cfm.*

■ SF–424, Application for Federal Assistance.

■ The figure identified by the Applicant in Section 15a. of the Form SF–424 represents the total award being requested by the applicant. This total award should include the amount the applicant is requesting for comprehensive counseling, as well as the amounts of supplemental funding being requested, if applicable. Applicants must specify in Section V.A.4.c.(1), and distinguish between the separate amounts they are requesting for comprehensive counseling and the applicable supplemental funding areas.

■ SF–424 Supplement—Survey on Ensuring Equal Opportunity for Applicants.

■ SF–424B, Assurances Non-Construction Programs.

■ HUD–424CB, Grant Application Detailed Budget.

■ While the form is designed for multiple year grants, applicants to this NOFA should assume a one-year grant period. Applicants requesting supplemental funding must complete an additional copy of page 1 of Form HUD–424 CB, Grant Application Detailed Budget, for each type of supplemental funding the applicant is requesting. Identify the type of supplemental funding in the field entitled ''Name of Project/Activity.''

■ HUD–9902, Housing Counseling Agency Fiscal Year Activity Report.

■ SF–LLL, Disclosure of Lobbying Activities (if applicable).

■ HUD–2880, Applicant/Recipient Disclosure/Update Report (if applicable).

■ HUD–2990, Certification of Consistency with the RC/EZ/EC Strategic Plan (if applicable).

■ HUD–2991, Certification of Consistency with the Consolidated Plan (if Applicable).

■ HUD–96010, Program Outcome Logic Model.

■ HUD–2994, Client Comments and Suggestions (optional).

■ HUD–2993, Acknowledgement of Application Receipt.

■ HUD–27300, Questionnaire for HUD's Initiative on Removal of Regulatory Barriers (*see* Appendix A to General Section).

b. *Statutory Authority / SHFAs.* SHFAs must submit evidence of their statutory authority to operate as a SHFA, as defined in this NOFA, and apply for and use, any funds awarded.

c. *Form HUD–9902, Housing Counseling Agency Fiscal Year Activity Report,* for Fiscal Year October 1, 2002, through September 30, 2003. If applicable, in the space provided on the form, indicate the amount of the FY2002 HUD grant(s) or sub-grant(s) the applicant received that corresponds with this data. If the applicant did not participate in HUD's Housing Counseling Program during the period October 1, 2002, through September 30, 2003, this report should be completed to reflect the applicant's counseling workload and budget during that period. A copy of this form is included in Appendix A of this NOFA.

d. *Written Commitment to Partner.* For applicants applying for Supplemental Funding for Homeownership Voucher Counseling, and for applicants proposing to counsel clients in conjunction with HUD's Homeownership Voucher Program with comprehensive counseling funds, provide a copy of a written commitment to partner from each PHA with which the applicant, and if applicable proposed sub-grantees and branches, have entered into an agreement, as described in Section III of this NOFA.

e. *National and Regional Intermediaries* must provide a list of the states in which they maintain offices, including the central office and all affiliates or branch offices. Provide this information for all affiliates and branch offices, not just the ones the applicant proposes to fund through this grant.

f. *Organization Description.* Provide a brief description, no more than 225 words, of the applicant's history and activities as it would like it to appear in the press release issued by HUD in the event that the applicant is funded through this NOFA.

g. *Narrative statements* addressing the Rating Factors in Section V below.

C. Submission Dates and Times

1. Application Due Date

The application due date is June 23, 2004. Please *see* the General Section of the SuperNOFA for application submission, delivery, and timely receipt requirements.

2. Proof of Timely Submission

See the General Section of the SuperNOFA for more information on this topic.

D. Intergovernmental Review

The Housing Counseling Program is not subject to Intergovernmental Review. *See* the General Section of the SuperNOFA for more information on this topic.

E. Funding Restrictions

1. *Funding* is limited to the eligible activities described in Section III.C. of this NOFA.

2. *Pre-award Costs.* Applicants selected for award must receive prior HUD approval to incur costs prior to the date of the grant agreement. Grantees may incur pre-award costs 90 calendar days prior to the effective date of the grant agreement. All pre-award costs are incurred at the applicant's risk and HUD has no obligation to reimburse such costs if the award is inadequate to cover such costs or the award offer is withdrawn because of the applicant's failure to satisfy the requirements of this NOFA.

F. Other Submission Requirements

1. *Application Submission Procedures. See* the General Section of the SuperNOFA for mailing instructions and procedures and acceptance of hand-carried submissions.

2. *Category 1 and Category 3.* LHCAs applying under Category 1 and SHFAs applying under Category 3 must submit an original and two copies of a complete application to the contact person listed for the HOC whose jurisdiction includes the geographic area in which the applicant is proposing to provide services (*see* Section VII.A. of this NOFA.) The envelope should be clearly marked ''FY 2004 Housing Counseling Grant Application (indicate Category 1 or 3.)''

3. *Category 2.* National and regional intermediaries applying under Category 2 must submit an original and two copies of a complete application to: Director, Program Support Division; Office of Single Family Housing; Robert C. Weaver Federal Building; 451 Seventh Street, SW., Room 9274; Washington, DC 20410. The envelope should be clearly marked, ''FY 2004 Housing Counseling Intermediary Application.''

V. Application Review Information

A. Criteria

The Factors for Award, and maximum points for each factor, are outlined below. These factors will be used to evaluate applications under Categories 1–3, and the maximum number of points for each applicant is 102 points for LHCAs and 100 for all other applicants.

1. Bonus Points

LHCAs are eligible for 2 bonus points. Section V(A)(1)(a) of the General Section of the SuperNOFA, entitled ''RC/EZ/EC,'' contains additional information regarding these bonus points.

2. Additional Information

HUD may rely on information from performance reports, financial status information, monitoring reports, audit reports, and other information available to HUD in making score determinations under any Rating Factor.

3. Responses to Factors for Award

Responses to the following rating factors should provide HUD with detailed quantitative and qualitative information and relevant examples regarding the housing counseling work of the organization.

Applicants applying for supplemental funding must describe the relevant

Predatory Lending, Homeownership Voucher Counseling, and/or Colonias-related needs and corresponding activities. The Rating Factors below contain requests for additional information from applicants interested in this supplemental funding.

In responding to the various factors and sub-factors, intermediaries and SHFAs should not submit a separate response for each proposed sub-grantee and branch, but should provide a summary response for their entire network, highlighting individual activities, partnerships, needs or results when appropriate.

4. Rating Factors Used To Evaluate and Rate Applications

a. *Rating Factor 1: Capacity of the Applicant and Relevant Organizational Staff (35 Points).* HUD uses responses to this Rating Factor to evaluate the readiness and ability of an applicant, and if applicable proposed sub-grantees and branches, to immediately begin, and cost-effectively and successfully implement, the proposed work plan.

(1) Applicants must provide the following information. Applicants may use the following outline as a convenient format:

(a) Number of full-time (35 hours + per week) housing counselors working for the applicant, or if applicable, proposed sub-grantees or branches;

(b) Number of part-time housing counselors working for the applicant, or if applicable, proposed sub-grantees or branches;

(c) Number of bilingual housing counselors working for the applicant, or if applicable, proposed sub-grantees or branches;

(d) Average years of housing counseling experience for counselors working for the applicant, or if applicable, proposed sub-grantees or branches;

(e) Average years of housing counseling program management experience for the project director(s) for the applicant, or if applicable, proposed sub-grantees or branches;

(f) Average hourly labor rate for housing counselors working for the applicant, or if applicable, proposed sub-grantees or branches;

(g) Average hours of housing counseling per client, for the period October 1, 2002, through September 30, 2003, for each of the following applicable service types, including follow-up:

(i) Pre-purchase Counseling.

(ii) Homebuyer Education.

(iii) Delinquency/Default Counseling.

(iv) Non-Delinquency Post-Purchase Counseling.

(v) Home Equity Conversion Mortgage (HECM) Counseling.

(vi) Post-Purchase Education.

(vii) Rental Counseling.

(viii) Homeless/Displacement Counseling.

(ix) Predatory Lending Counseling.

(x) Homeownership Voucher Counseling and Education.

(xi) Other (describe).

(h) FY2002 HUD housing counseling grant(s) or sub-grant(s), if applicable. If the applicant received one or more FY2002 HUD housing counseling grants or sub-grants covering the period October 1, 2002–September 30, 2003, indicate the grant amounts and make sure that these grants are properly recorded in section 8 of the Form HUD–9902 submitted with this application.

(i) FY2002 total housing counseling budget, covering the period October 1, 2002–September 30, 2003, including HUD housing counseling grant(s) or sub-grants, if applicable, as well as other resources leveraged specifically for housing counseling. Do not include funds for down payment or closing cost assistance, Individual Development Accounts, emergency services, or other resources not used for the direct provision of housing counseling.

(j) Total number of clients served under the ''HUD Grant Activities'' column, if applicable, on the Form HUD–9902 submitted with this application, covering the grant period October 1, 2002, through September 30, 2003. This figure should represent individuals served entirely with HUD housing counseling grant or sub-grant funding. If it does not, the applicant must prorate their response to reflect a figure representing services provided with only funding from a HUD housing counseling grant(s).

(k) Total number of clients served under the ''All Counseling Activities'' column on the Form HUD–9902 submitted with this application, covering the grant period October 1, 2002 through September 30, 2003. This total should reflect all the counseling activities performed by the applicant, and if applicable Affiliates and Branches, during the grant period, both with HUD Housing Counseling grant or sub-grant funds, if applicable, and with other leveraged resources.

(l) The number of clients recorded on the Form HUD–9902 submitted with this application, covering the period October 1, 2002, through September 30, 2003, that participated only in Homebuyer Education Workshops or other types of classes offered as group sessions:

(i) Under the ''HUD Grant Activities'' column, if applicable;.

(ii) Under the ''All Counseling Activities'' column.

(m) The number of clients recorded on the Form HUD–9902 submitted with this application, covering the period October 1, 2002, through September 30, 2003, that participated in one-on-one counseling only:

(i) Under the ''HUD Grant Activities'' column, if applicable;

(ii) Under the ''All Counseling Activities'' column.

(n) The number of clients recorded on the Form HUD–9902 submitted with this application, covering the period October 1, 2002, through September 30, 2003, that participated in group sessions and also received one-on-one counseling:

(i) Under the ''HUD Grant Activities'' column, if applicable;

(ii) Under the ''All Counseling Activities'' column;

(o) If applicable, for the grant period October 1, 2002, through September 30, 2003, indicate:

(i) The number of individuals and families counseled by the applicant that participated in HUD's Homeownership Voucher Program;

(ii) The number of clients that received one-on-one counseling from the applicant related to predatory lending, or if applicable, from sub-grantees and branches;

(iii) The results of one-on-one counseling pertaining to predatory lending, including the number of clients for whom loans have been successfully restructured, credit fixed, and the success of other loss mitigation strategies;

(iv) The number of clients that participated in group educational sessions related to predatory lending.

(p) For intermediaries and SHFAs, the number of sub-grantees and branches that received funding from the applicant through an FY2002 HUD housing counseling grant(s), if applicable, covering the period October 1, 2002–September 30, 2003.

(q) For intermediaries and SHFAs, the total number of sub-grantees and branches that received funding, specifically for housing counseling, from the applicant, both through an FY 2002 HUD housing counseling grant(s), if applicable, or other sources of funds, during the grant period October 1, 2002, to September 30, 2003.

(2) (7 points) Knowledge and Experience. Demonstrate that the applicant, including if applicable proposed sub-grantees and branches, has sufficient personnel with the relevant knowledge and experience to implement the proposed activities in a

timely and effective manner, and bilingual language skills, if appropriate.

Specifically, for LHCAs, scoring will be based on the number of years of recent and relevant experience of Housing Counseling Program project directors and recent housing counseling and relevant experience of housing counselors.

For national and regional intermediaries and SHFAs, scoring will be based on: the number of years of recent and relevant experience of project directors of proposed sub-grantees and branches; the number of years of recent housing counseling and relevant experience of counselors in proposed sub-grantees and branches; and the number of years, for key intermediary or SHFA personnel, of recent experience running a housing counseling program consisting of a network of multiple housing counseling agencies.

Related experience, such as experience in mortgage lending will also be considered, but will not be weighted as heavily as direct housing counseling or housing counseling program management experience. HUD will also factor in other information that demonstrates the capacity of the applicant, such as relevant trainings and competency exams and certifications.

(a) Submit the names and titles of employees, including subcontractors and consultants, performing the activities proposed in Rating Factor 3. Clerical staff should not be listed. Describe each employee's, subcontractor's, or consultant's relevant professional background and experience, and bilingual language skills, if applicable. Experience is relevant if it corresponds directly to projects of a similar scale and purpose. Individual descriptions should be limited to one page, and do not count toward narrative page limitations. Provide the number of years of experience for each position listed, and indicate when each position was held. Indicate whether the position is full-time or part-time, and in the case of part-time positions, provide the number of hours per week.

National and regional intermediaries and SHFAs should summarize in a single chart listing, each applicable employee, subcontractor, and consultant of your proposed sub-grantees or branches, the number of years of direct counseling or counseling program management experience, and the number of years or relevant experience. Please total each column.

(b) All applicants must indicate whether counselors in their agency, or if applicable, proposed sub-grantees and branches are required to take and pass an exam evaluating housing counseling competency. Describe the test and testing process and the implications of the exam.

(c) Indicate for each counselor listed the specific counseling activities with which they have experience, distinguishing between group sessions and one-on-one counseling, and the relevant number of years of experience for each counseling type. In scoring this section, HUD will evaluate whether the applicant has experience providing the proposed services.

Applicants for supplemental funding for Homeownership Voucher Counseling must provide detailed information regarding the Homeownership Voucher Program-related experience of the applicant and each PHA with whom the applicant, or its proposed sub-grantees and branch offices have a written commitment to partner, including the number of years of experience that the applicant and partnering PHA(s) have working with HUD's Homeownership Voucher Program. If different from the applicant, explain what counseling agency or other organization provided the housing counseling related to the PHA's program.

Similarly, applicants for supplemental funding for predatory lending and Colonias must specify the predatory lending or Colonias-specific experience of project directors and counselors and the organization. Applicants for Colonias supplemental funding must also highlight the bilingual capacity of relevant counselors.

(d) Indicate for all housing counselors and project directors the specialized trainings and certifications received relevant to the proposed activities. Indicate when the training was received and who provided it.

Applicants for supplemental funding must also indicate whether or not relevant staff has received recent and relevant specialized training. For example, applicants for supplemental funding for predatory lending must indicate if relevant personnel received FHA loss mitigation training or other training relevant to predatory lending.

(3) (9 points) Quality and Complexity of Services. In scoring this Section, HUD will evaluate the quality of, the variety of, and the level of effort and time associated with the housing counseling services provided by the applicant during the period October 1, 2002, to September 30, 2003, both with HUD housing counseling grant funds, if applicable, and with other resources leveraged for housing counseling. For applicants that did not receive an FY2002 HUD housing counseling grant, the analysis will be based on services provided with other sources of funding.

(a) Applicants must carefully document the various types of housing counseling and education services provided during the period October 1, 2002, through September 30, 2003, both with FY2002 HUD grant funds, if applicable, and other resources leveraged for housing counseling. Also describe follow-up activities, if applicable.

If applying for supplemental funding for predatory lending, describe the applicant's activities for the grant period October 1, 2002, to September 30, 2003, in assisting individuals, through outreach and group education, in identifying and avoiding predatory lending. For example, describe group workshops, community meetings, mass media, or material distribution (provide copies of relevant letters, brochures, *etc.*) Also describe the applicant's outreach strategy, including the various types of individuals targeted (*e.g.*, sub-prime borrowers, elderly homeowners with substantial equity in their homes, *etc.*), explain the rationale for targeting specific areas, types of community forums that are effective, methods through which ideas and materials are disseminated, and all other relevant information.

Also, if applicable, describe efforts through one-on-one counseling for the period October 1, 2002, to September 30, 2003, to assist individuals in identifying and avoiding predatory lending, and describe efforts through one-on-one counseling to assist clients affected by predatory lending.

If applying for supplemental Homeownership Voucher Counseling funds, describe counseling and education activities during the period October 1, 2002, to September 30, 2003, performed in conjunction with HUD's Homeownership Voucher Program.

If applying for supplemental funding for Colonias, describe the applicant's activities for the grant period October 1, 2002, to September 30, 2003, in assisting individuals in Colonias.

(b) Describe the level of effort and time required to provide the housing counseling services described in part (a) and to meet the needs of clients. Explain the average counseling time per client figures provided in Section V.A.4.a.(1). Scoring will be based on the degree to which the applicant demonstrates that, as compared to similar applicants, sufficient time, and resources were devoted to ensure that clients received quality counseling.

(c) Explain the figures provided in Section V.A.4.a.(1) regarding group session participation and one-on-one counseling. Describe how clients come to participate in one or the other, the relationship between the two, and the role that each plays in the applicant's overall service provision.

Applicants for supplemental funds should also provide this information for the activities relevant to the specific supplemental funding for which they are applying.

Scorers will evaluate the extent to which, as compared to similar applicants, an agency encouraged and provided one-on-one counseling, which HUD considers the most effective form of housing counseling, instead of over-relying on homebuyer education workshops and other forms of group sessions.

(d) Indicate whether the applicant, and if applicable, affiliates and branches, utilized an on-line Client Management System during the grant period October 1, 2002, to September 30, 2003. If a system was used, identify which system.

(4) (9 points) Impact/Outcomes. In scoring this Section, HUD will evaluate the applicant's, and if applicable, affiliates' and branches', clients served numbers for the grant period October 1, 2002, to September 30, 2003. The quantity of clients the applicant was able to serve will be compared to similar applicants providing similar services. Clients served numbers will also be analyzed in the context of the total housing counseling budget, which applicants must provide, FY2002 HUD housing counseling grant(s), if applicable, costs; spending decisions; the types of services provided; level of effort expended; and the performance of similar applicants providing similar services. HUD will also consider the degree to which the services provided are time and resource intensive.

Additionally, HUD will evaluate the geographic coverage of the applicant's activities for the grant period October 1, 2002, through September 30, 2003. For national and regional intermediaries and SHFAs, the number of sub-grantees under an FY2002 HUD housing counseling grant(s), if applicable, and the overall size of the housing counseling network during that period will be factors in the scoring.

(a) To evaluate the applicant's program results, provide a context for, or qualify, the number of clients indicated, on the Form HUD–9902 submitted with this application, and in SectionV.A.4.a.(1), were served under the column ''All Counseling Activities.'' This total should reflect all the counseling activities performed by the applicant during the period 10/1/02 through 9/30/03, both with HUD housing counseling grant funds, if applicable, and with other leveraged resources. Indicate how location, counseling and client type, and expenses may have affected client volume.

If the applicant received one or more FY2002 HUD housing counseling grants, indicate differences in how the HUD grants were spent compared to other leveraged resources. Justify expenses and explain why they were reasonable, strategic, and appropriate for the counseling activities identified above.

If applying for supplemental funding, quantify the applicant's relevant predatory lending, Homeownership Voucher Counseling, and Colonias results during the period 10/1/02 through 9/30/03 and provide the total budget for each. For example, if applying for supplemental funding for Homeownership Voucher Counseling, provide the number of families that participated in the applicant's Homeownership Voucher Program in the past complete fiscal year, and the number of current homeowners receiving voucher assistance to date, and other notable outcomes and information demonstrating the effectiveness of the existing program. Provide the same information for PHAs with whom the applicant, and if applicable, proposed sub-grantees and branches have written commitments to partner.

(b) National and regional intermediaries and SHFAs that received one or more FY2002 HUD housing counseling award(s) for the grant period October 1, 2002, to September 30, 2003, must also indicate what percentage of their award(s) was passed through directly to sub-grantees or branches, and explain how funds not passed through were spent.

LHCAs applying under Category 1 that received one or more FY2002 HUD housing counseling award(s) for the grant period October 1, 2002, to September 30, 2003, must indicate what percentage of their award(s) was spent on the salaries and benefits of housing counselors and project director. Explain how other funds were spent.

Applicants that did not receive a FY2002 HUD housing counseling grant should characterize their performance through other housing counseling funding sources.

(c) LHCAs must list all branch offices for the grant period October 1, 2002, through September 30, 2003. Also describe the applicant's geographic coverage for that period. For example, indicate the percentage of a metropolitan area covered by the grantee, and indicate if the applicant operated in more than one state.

National and Regional Intermediaries and State Housing Finance Agencies must identify the sub-grantees, affiliates and branches, and corresponding states, the applicant provided housing counseling funding, for the period October 1, 2002, through September 30, 2003, through:

(i) FY2002 HUD housing counseling grant funds, if applicable;

(ii) All housing counseling resources.

(5) (6 points) Performance. In scoring this section, HUD will evaluate the applicants performance in relation to pre-established performance goals. Additionally, results of HUD monitoring will be factored into the scoring.

(a) So HUD can evaluate the applicant's performance at meeting goals, indicate prior goals for the outcome categories listed below that correspond to the results shown on the Form HUD–9902 submitted with this application, covering the grant period, October 1, 2002, to September 30, 2003, under the ''All Grant Activities'' column, and the ''HUD Grant activities'' column:

(i) The number of individuals receiving pre-purchase counseling that purchased a home;

(ii) The number of individuals receiving pre-purchase counseling that are working toward becoming mortgage ready;

(iii) The number of individuals receiving pre-purchase counseling that, after evaluating their unique financial situation and the costs of homeownership, elected not to purchase a home;

(iv) The number of individuals receiving default counseling that successfully avoided foreclosure;

(v) The number of individuals seeking help in locating or securing residence in rental housing that found alternative rental housing.

For applicants applying for the predatory lending supplemental funding, the number of clients affected by predatory lending counseled that were able to have their mortgage modified, refinanced, or otherwise assisted to avoid foreclosure. Compare these outcome goals with the applicant's actual performance outcomes for these categories, reported in the Form HUD–9902 submitted with this application, covering the grant period October 1, 2002, to September 30, 2003. Characterize the applicant's performance at meeting its goals regarding activities for that time period. Explain any differences between goals

and results. Describe relevant market conditions and other circumstances that affected reported outcome numbers.

If the applicant did not establish outcome projections/goals for these specific categories prior to the grant period October 1, 2002, to September 30, 2003, indicate the specific quantitative goals that it did make, if any, and explain any difference between goals and results.

[**Note:** Starting with the FY2003 HUD Housing Counseling NOFA, applicants were asked to provide projections in Factor 5 for the specific categories listed above. Form HUD–9902 data submitted with the FY2005 NOFA will be compared to those projections. In other words, in that NOFA and in ensuing NOFAs, HUD will evaluate the degree to which actual performance on a grant, as reported through the Form HUD–9902, compares to the corresponding outcome projection made by applicants when applying for those funds.]

(b) If the applicant received a FY2002 HUD housing counseling grant covering the period October 1, 2002–September 30, 2003, indicate the number of clients that it proposed to serve with its HUD grant in Factor 3 of the FY2002 Housing Counseling NOFA application (submitted May 17, 2002), and compare it with the number attributed to the HUD grant appearing on the Form HUD–9902 form submitted with this application, covering October 1, 2002–September 30, 2003, which corresponds to the FY2002 application and resulting award. Explain any differences between goals and results, including differences in proposed and actual grant amounts.

Applicants that did not apply for or receive a FY2002 HUD housing counseling grant(s) should characterize their performance at meeting performance goals proposed in applying for and implementing other housing counseling funding sources.

(c) Significant findings on biennial reviews conducted by HUD staff will be taken into consideration when scoring this Section. Explain how the applicant has taken steps to address and correct any significant findings, if applicable.

(6) (4 points) Grant Requirements / Compliance. In scoring this Section, HUD will evaluate how well the applicant satisfied the requirements, including reporting and grant document execution, of its FY2002 HUD housing counseling grant, for the grant period October 1, 2002, to September 30, 2003, and its ability to spend all grant funds allotted to them. If the applicant did not receive an FY2002 HUD grant, base the response on activities and requirements under other sources of funding, such as other federal, state, or local grant awards.

(a) Characterize the applicant's performance with regards to the timeliness and completeness with which they satisfied grant document execution and reporting requirements, such as Form HUD–9902 submission, and quarterly (if applicable), mid-term and final reports.

(b) Also, indicate whether or not the applicant fully expended grant awards during the grant period October 1, 2002, to September 30, 2003. If not fully expended, indicate the percentage of funds that went unspent, and provide an explanation as to the reason why the funds were not fully expended and the steps the applicant has taken to ensure that future funding will be expended in a timely manner. To receive full credit, 100 percent of grant funds must have been expended in a timely manner.

b. Rating Factor 2: Need/Extent of the Problem (10 Points). This factor addresses the extent to which there is a need for funding the proposed activities described in the applicant's response to Rating Factor 3, and the degree to which the applicant's work plan substantively addresses departmental policy priorities.

(1) (5 points) *Needs Data.* Provide current or recent economic and demographic data, and any other evidence, that demonstrates housing counseling need relevant to the target area. All proposed activities must have corresponding need-related data. Sources for all data provided must be clearly cited. Do not submit copies of reports or tables.

To the extent that the community the applicant serves has documented need in its Consolidated Plan, Analysis of Impediments to Fair Housing Choice (AI), or other planning documents, reference these in the response. Economic and demographic data must include persons with disabilities located in the target area. The U.S. Census Bureau, for example, maintains disability data by state, county, and metropolitan statistical area (MSA) at the following Web site address: *http:www.census.gov/hhes/www/disability.html.* Additionally, the HUD USER Research Information Service and Clearinghouse, available at *http://www.huduser.org/,* allows users to search over 800 HUD publications by subjects and keywords.

Applicants applying for predatory lending supplemental funding must provide current or recent economic and demographic data, and any other evidence, that demonstrates the prevalence and impact of predatory lending within the target area.

Applicants proposing counseling in conjunction with HUD's Homeownership Voucher Program must demonstrate that the local market will support affordable homeownership. For example, describe the income and wealth characteristics of Homeownership Voucher Program participants, such as average income as a percent of area median income, and average savings available for downpayment, and then demonstrate the availability in the local market of homes that are affordable to these participants. National and regional intermediaries and SHFAs must provide this information for each sub-grantee or branch included in their application that they propose to provide this activity.

In scoring this Section, HUD will evaluate the degree to which the applicant is able to provide current or recent economic and demographic data, and any other evidence, that demonstrates housing counseling need relevant to the target area and the activities proposed in Rating Factor 3. Applicants that fail to identify current or recent objective data will receive no points for this factor.

(2) (5 points) *Departmental Policy Priorities.* The Departmental policy priorities are described in detail in the General Section of the SuperNOFA. Of those listed, the following four apply to the Housing Counseling Program for the purpose of this NOFA. Indicate if and describe how the applicant's work plan substantively addresses each of these departmental policy priorities.

In scoring this section, the applicant will receive one point for each of the departmental policy priorities (a)–(c) that its work plan substantively addresses. Up to 2 points are available for priority (d). *See* the General Section of the SuperNOFA for more information on each priority. If the activities are not part of the applicant's work plan in Factor 3 of this NOFA, the applicant will not get any points for the policy priority.

(a) Providing Increased Homeownership and Rental Opportunities for Low- and Moderate-Income Persons, Persons with Disabilities, the Elderly, Minorities, and Families with Limited English Proficiency.

(b) Providing Full and Equal Access to Grassroots Faith-Based and Other Community-Based Organizations in HUD Program Implementation.

(c) Participation of Minority-Serving Institutions in HUD Programs.

(d) Removal of Regulatory Barriers to Affordable Housing. *See* the General Section of the SuperNOFA for more information on the criteria involved with this priority. All applicants must

submit Form HUD–27300, Questionnaire for HUD's Initiative on Removal of Regulatory Barriers (*see* Appendix of General Section).

c. *Rating Factor 3: Soundness of Approach / Scope of Housing Counseling Services (40 Points).* This factor addresses the quality and effectiveness of the applicant's proposed housing counseling activities. If the response to any of the sub-factors in Factor 3 is identical to the response in Factor 1 and will not change, for example for proposed activities, staff allocation, hours per client for each counseling, *etc.,* it is sufficient to simply indicate this and not repeat the same language provided previously. Any changes should be highlighted without repeating text from Factor 1.

(1) Applicants must provide the following information. Applicants may use the following outline as a convenient format.

(a) The amount of funding being requested for Comprehensive Counseling, and for supplemental funding, if applicable.

(i) To distinguish the Comprehensive Counseling portion of the award the applicant is requesting from requested supplemental funding, the amount must be labeled ''Comprehensive Counseling.''

(ii) Also, indicate the separate amounts, if applicable, the applicant is requesting for supplemental funding. To distinguish between the types of supplemental funding, and the ''Comprehensive Counseling'' portion of the requested award, the amounts must be labeled ''Predatory Lending,'' ''Homeownership Voucher Counseling,'' and ''Colonias.'' The following sample is suggested as a convenient format. Amounts provided are simply examples:

Funding type	Amount
Comprehensive Counseling	$40,000
Predatory Lending	$20,000
Homeownership Voucher Counseling	N/A
Colonias	$25,000

(b) Projected Clients Served. Provide the following figures. Do not provide ranges or percentages, but a specific numbers of clients. These amounts should represent individuals to be served entirely with HUD housing counseling funding. If, in reality, various funding sources will contribute to the services provided each individual, the applicant must prorate their response to reflect a figure representing services provided with only funding from the proposed grant.

(i) The total number of clients the applicant projects it, and if applicable, sub-grantees, will serve under the total proposed HUD grant, including all requested supplemental funding.

(ii) If requesting supplemental funding, indicate the specific number of clients the applicant projects it, or if applicable, sub-grantees, will serve under the comprehensive counseling portion of the requested award.

(iii) If requesting supplemental funding, separately indicate for each specific type of supplemental funding being requested, the number of clients the applicant projects it, or if applicable, sub-grantees, will serve under the proposed supplemental funding.

(c) Average hours of housing counseling the applicant estimates per client, for each of the following activities the applicant proposes, including follow-up:

(i) Pre-purchase Counseling;

(ii) Homebuyer Education;

(iii) Delinquency/Default Counseling;

(iv) Non-Delinquency Post-Purchase Counseling;

(v) Home Equity Conversion Mortgage (HECM) Counseling;

(vi) Post-Purchase Education;

(vii) Rental Counseling;

(viii) Homeless/Displacement Counseling;

(ix) Predatory Lending Counseling;

(x) Homeownership Voucher Counseling and Education;

(xi) Other (describe).

(c) The total number of clients that will receive only Homebuyer Education Workshops or other types of classes offered as group sessions with the proposed award in general, and under each of the applicable supplemental funding types.

(d) The number of clients that will participate in one-on-one counseling only, with the proposed award in general, and under each of the applicable supplemental funding types.

(e) The number of clients that will participate in group sessions and also receive one-on-one counseling, with the proposed award in general, and under each of the applicable supplemental funding types.

(f) The proposed average hourly labor-rate for housing counselors working for the applicant, affiliate, or branch network, if applicable, including benefits.

(g) For national and regional intermediaries and SHFAs, the total number of sub-grantees and branches, and corresponding number of states, that the applicant estimates will receive funding through the proposed FY2004 HUD Housing Counseling Grant. If applying for supplemental funding, indicate the number of sub-grantees and branches the applicant estimates for comprehensive counseling, and for each type of supplemental funding requested.

(h) For intermediaries and SHFAs, the total number of sub-grantees and branches that the applicant estimates will receive funding, specifically for housing counseling, from the applicant, both through the proposed FY2004 HUD Housing Counseling Grant, and other sources of funds, during the grant period October 1, 2004, to September 30, 2005.

(2) (16 points) *Work Plan/Quality and Complexity of Services.* In scoring this Section, HUD will consider the types and variety of housing counseling and education services being offered, and other activities occurring in support of the applicant's housing counseling program.

In scoring this section, HUD will also evaluate the quality of the applicant's proposed housing counseling services, and level of effort and time associated with providing the proposed counseling services to the number of clients it estimates it will serve. Scoring will be based on the degree to which the applicant demonstrates that, for each type of counseling service delivered, and compared to other applicants, sufficient time and resources will be devoted to ensure that clients receive quality counseling.

Additionally, scorers will evaluate the extent to which, as compared to similar applicants, an applicant will encourage and provide one-on-one counseling, which HUD considers the most effective form of housing counseling, instead of over-relying on homebuyer education workshops and other forms of group sessions. HUD will also factor in other information that increases the likelihood that quality counseling will occur, such as the use of Client Management Systems.

(a) Describe the various types of housing counseling and education services, and if applicable intermediary activities, including training, the applicant proposes to undertake, and identify the geographic area the services will cover. Also, describe planned follow-up activities, if applicable. Applicants must also identify housing counselors in their agency, and if applicable proposed sub-grantees and branches, that are AARP tested and certified HECM Network Counselors.

To receive full credit in this section, applicant work plans must include both pre-purchase counseling and post-purchase counseling, including default counseling, and a broad array of counseling services in general. Additionally, proposed housing counseling staff must include one or more, depending on the size of the

Applicant, AARP tested and certified HECM Network Counselors.

Intermediaries and SHFAs must also:

(i) Describe the housing counseling and education activities to be provided by proposed sub-grantees and branches, explicitly stating the types of services to be offered, preferably in a chart;

(ii) Describe the applicant's legal relationship with sub-grantees (*i.e.* membership organization, field, or branch office, subsidiary organization, etc.);

(iii) Explain the process that will be used to determine sub-grantee funding levels and distribute funds. If applicable, indicate how sub-grantee funding levels are adjusted on an on-going basis based on performance.

(b) Describe the level of effort and time the applicant anticipates is required to provide the proposed counseling services to, and meet the needs of, the number of clients it indicates in Section V.A.4.c.(1) that it will serve with the proposed grant. Explain and describe the activities corresponding to the average counseling time figures for each counseling type provided in Section V.A.4.c.(1).

(c) Explain the figures provided in Section V.A.4.c.(1) regarding proposed group session participation and one-on-one counseling. Describe how clients are selected for one or the other, the relationship between the two, and the role that each will play in the overall service provision.

(d) Indicate the names and titles of employees, including subcontractors and consultants, allocated to each proposed activity, as well as the corresponding staff hours for each task, and demonstrate that the applicant has the human resources to accomplish the proposed activities and serve the number of individuals the applicant proposes to serve.

(e) Indicate whether the applicant, or if applicable, proposed sub-grantees and branches, will utilize an on-line Client Management System in administering the proposed grant. If a system or systems will be used, identify which system(s).

(3) (6 points) *Coordination.* In scoring this Section, HUD will consider the extent to which, as compared to similar applicants, the applicant can demonstrate it will coordinate proposed activities with other organizations, and if applicable with other services and products offered by the applicant's organization, in a manner that benefits their clients. Scoring will also be based on the degree to which the applicant takes steps to avoid conflicts of interest, and discloses to clients that they have a choice in matters such as the loan product they choose and the house that they purchase.

(a) Describe partnerships and efforts to coordinate proposed activities with other organizations, including, but not limited to, emergency and social services providers, lending organizations, homeowner insurance providers, down payment and closing cost assistance programs, and nonprofit housing providers. For example, describe agreements with lenders regarding non-traditional lending standards. Any written agreements or memoranda of understanding in place should be described and copies provided.

National and regional intermediaries, and LHCAs if applicable, should also highlight internal products and functions, such as loan products available to clients, downpayment and closing cost assistance programs, as well as internal affordable housing programs that can be a resource for clients.

Applicants requesting supplemental funding should highlight the partnerships or internal products that are relevant to the proposed predatory lending, Homeownership voucher counseling, or Colonias activities. For example, applicants for supplemental funding for predatory lending should also describe relevant partnerships and relationships with other organizations, including state and local government regulatory agencies, Legal Aid groups, and other organizations with whom the applicant collaborates on predatory lending cases and issues, or to whom the applicant refers clients affected by predatory lending.

(b) Describe plans to avoid conflicts of interest, such as methods for disclosing to participants that they are free to choose lenders, lending products, and homes, regardless of the recommendations made by counselors. To receive full credit in this Section, the applicant must provide copies of the disclosure forms and materials used by the applicant to communicate to clients that, while affordable homes, lending products and other forms of assistance might be available through the applicant, and partnerships in which the applicant has entered, the client is under no obligation to utilize these services.

(4) (18 points) *Impact/Efficient Use of Resources—Proposed HUD Grant.* In scoring this Section, HUD will evaluate the number of clients that the applicant estimates will be served under the proposed HUD grant, by the applicant and sub-grantees, if applicable, for the grant period October 1, 2004, to September 30, 2005. Scoring will be based on the quantity of clients the applicant proposes to serve, compared to similar applicants providing similar services. Proposed clients served numbers will also be analyzed in the context of budget, costs, spending decisions, the types of services provided, level of effort expended, etc. HUD will also factor in other information that demonstrates that resources are being used efficiently; for example, the percentage of grant funds intermediaries and SHFAs pass through to sub-grantees. Additionally, HUD will evaluate the geographic coverage of the applicant's proposed activities.

In the case of intermediaries and SHFAs, the number of proposed sub-grantees and branches, the overall size and scope of the counseling network will be a factor in the scoring.

(a) Provide a context for, or qualify the number of clients the applicant projects to serve with the proposed HUD grant. Indicate how location, counseling and client types, and expenses may affect client volume, and whether the impact will be short-term or long-term. Justify proposed expenses and explain why they are reasonable, strategic, and appropriate for the counseling activities identified above.

Explain and justify significant changes, relative to past performance and grant/budget size described in Rating Factor 1, in the number of clients the applicant proposes to serve. For example, describe changes in the types of counseling being delivered, costs, *etc.*

(b) National and regional intermediaries and SHFAs must also indicate what percentage of their proposed award will be passed through directly to sub-grantees and branches, and explain how funds not passed through will be spent.

LHCAs applying under Category 1 must indicate what percentage of their proposed award will be spent on the salaries and benefits of housing counselors and project directors. Explain in detail how other proposed funds will be spent.

(c) LHCAs must list all branch offices, if applicable, and indicate if they will be funded through the proposed award. Also, describe the applicant's geographic coverage. For example, indicate the percentage of a metropolitan area covered by the grantee, and indicate if the applicant operates in more than one state.

National and regional intermediaries and SHFAs must also identify the sub-grantees and branches, and corresponding states, the applicant proposes will receive funding through this grant award. In the event that different sub-grantees or branches will be selected for comprehensive

counseling and/or the three supplemental funding types, separately list proposed sub-grantees and branches for each. Applicants unable to precisely identify proposed sub-grantees and branches to receive funding through the proposed grant must identify the most likely sub-grantees and branches, based on past experience, and explain what process will be used to select actual sub-grantees and branches. Pursuant to the applicable regulations at 24 CFR 84.82(d)(3)(iii) and 85.30(d)(4), grantees must receive HUD's prior written approval for sub-grants.

d. Rating Factor 4: Leveraging Resources (10 Points). HUD housing counseling funding is not intended to fully fund an applicant's housing counseling program, or that of its sub-grantees, if applicable. All organizations that use housing counseling grant funds are expected to seek other private and public sources of funding for housing counseling to supplement HUD funding. Any agency that does not have other resources available will receive no points for this factor.

Applicants will be evaluated based on their ability to provide evidence that they have obtained additional resources for their housing counseling activities, including: Direct financial assistance; in-kind contributions, such as services, equipment, office space, labor; *etc.* Resources may be provided by governmental entities, public or private nonprofit organizations, for-profit private organizations, or other entities committed to providing assistance.

(1) All applicants must provide a comprehensive list of all leveraged funds and in-kind contributions being claimed. Include the amount and the source. All contributions, including cash and third party in-kind, shall be accepted as part of the recipient's cost sharing or matching when such contributions meet all of the criteria set forth in 24 CFR 84.23.

(2) Additionally, in order to obtain points under this factor, the applicant must demonstrate leveraging by providing letters and, if applicable, copies of relevant grant agreements from entities or individuals, or both, committing resources to the project that include:

(a) The identity of the entity or individual committing resources to the project.

(b) Dollar value of the resources to be committed. For in-kind resources with no clear total dollar value indicated, applicants should estimate their value and describe in detail how the estimate was determined. Values for recipient contributions of services and property shall be established in accordance with the applicable cost principles.

(c) The type of resources to be committed.

(d) An indication that the resources will be available during the grant period pertaining to this NOFA, October 1, 2004–September 30, 2005.

(e) An indication that the award, or a specific portion of it, is intended for housing counseling.

(f) The signature of an official of the entity legally able to make commitments on behalf of the entity.

(g) No conditions that would nullify the commitment. (It is, however, acceptable for the commitment to be conditional on HUD funding.)

(3) Additionally, resources provided by the applicant, (recorded as ''Applicant'' and ''Program Income'' on the Form SF–424) will count as leveraged resources.

These are the only circumstances under which applicants are permitted to self-certify to leveraged resources. These amounts must only include funds that will directly result in the provision of housing counseling services, but not resources for activities such as down payment and closing cost assistance, IDA programs, and emergency services.

(4) National and regional intermediaries and SHFAs should include evidence of leveraged resources for their entire counseling network and program, not simply anticipated sub-grantees to be funded through this application.

(5) Points for this factor will be awarded based on the satisfactory provision of evidence of leveraging and financial sustainability, as described above, and the percentage of the applicant's total housing counseling budget that the requested HUD housing counseling funds would represent. Depending on organization type, the following scales will be used to determine scores for this factor:

LHCAs AND SHFAs

Percentage	Points
01–25	10
26–40	9
41–48	8
49–55	7
56–65	6
66–75	5
76–85	4
86–91	3
92–95	2
96–99	1

NATIONAL AND REGIONAL INTERMEDIARIES

Percentage	Points
01–15	10
16–23	9
24–29	8
30–35	7
36–41	6
42–47	5
48–53	4
54–59	3
60–65	2
66–99	1

e. Rating Factor 5: Achieving Results and Program Evaluation (5 Points). This factor emphasizes HUD's determination to ensure that applicants meet commitments made in their applications and grant agreements and assess their performance to realize performance goals, and reflects HUD's goal to embrace high standards of ethics, management and accountability.

The purpose of this factor is for the applicant to identify program outputs and outcomes that will allow it and HUD to measure actual achievements against anticipated achievements. Outputs and outcomes must be objectively quantifiable.

In scoring this section, HUD will consider the thoroughness of the response, as well as the appropriateness of the proposed outcomes given the proposed HUD award and past performance, as compared to similar applicants.

(1) *Submission Requirements for Factor 5.* Applicants must submit an effective, quantifiable, outcome-oriented evaluation plan for measuring performance and determining that output and outcome goals have been met. Applicants must submit a program evaluation plan, consisting of a completed Form HUD–96010, Program Outcome Logic Model, and corresponding narrative, that identifies what will be measured, how it will be measured, and the steps the applicant has in place to make adjustments to the work plan if performance targets are not met within established timeframes. Specifically, the plan must identify:

(a) *Outputs.* Outputs are the direct products of the applicant's activities that lead to the ultimate achievement of outcomes. Examples of outputs include, but are not limited to, the number of individual counseling sessions, the number of group sessions to be provided, the number of materials to be distributed, and outreach activities. Identify interim and full grant term outputs, and time frames for accomplishing these goals. The plan must show how the applicant will

measure actual accomplishments against anticipated achievements.

(b) *Work Plan Adjustments.* Describe steps in place to make adjustments to the work plan if outputs are not met within established time frames or if the applicant begins to fall short of established outputs and time frames. National and regional intermediaries and SHFAs should indicate if and how the performance of sub-grantees and branch offices, affects current and future sub-grants and allocations.

(c) *Outcomes.* Outcomes are benefits accruing to the families as a result of participation in the program. Outcomes are performance indicators the applicant expects to achieve or goals it hopes to meet over the term of the proposed grant. For the period October 1, 2004–September 30, 2005, provide the following anticipated outcomes for clients as a result of the proposed grant. In other words, provide the figure that the applicant estimates for that outcome category under the HUD grant activities column on the Form HUD–9902.

- The number of individuals receiving pre-purchase counseling that will purchase a home;
- The number of individuals receiving pre-purchase counseling that are working toward becoming mortgage ready;
- The number of individuals receiving pre-purchase counseling that, after evaluating their unique financial situation and the costs of homeownership, will elect not to purchase a home;
- The number of individuals receiving default counseling that will successfully avoid foreclosure;
- The number of individuals seeking help in locating or securing residence in rental housing that found alternative rental housing;
- Applicants proposing to address predatory lending should indicate the number of clients affected by predatory lending counseled that will have their mortgage modified, refinanced, or otherwise assisted to avoid foreclosure.

These specific outcomes correspond to the Form HUD–9902. The proposed outcomes the applicant provides will be compared with the results captured in the HUD–9902 the applicant submits in the FY2006 Housing Counseling NOFA, if applicable, to evaluate the impact the applicant was able to achieve with this proposed award, if applicable, and the degree to which the applicant was able to meet or exceed proposed outcomes. Not all outcome categories will be relevant to every organization, depending upon the services provided.

(d) *Information Collection.* Describe the applicant's strategy for following-up with clients and collecting outcome information.

B. Reviews and Selection Process

Two types of reviews will be conducted.

1. Technical Review

First, each application will be reviewed for technical sufficiency, in other words, whether the application meets the threshold requirements set out in this NOFA and the General Section of the SuperNOFA, and whether all required forms have been submitted. The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

2. General Review

The second review considers the responses to the rating factors outlined above and other relevant information. Applications will be evaluated competitively, and ranked against all other applicants that applied in the same funding category.

3. Rating Panels

Detailed information on the rating review panels appears in the General Section of the SuperNOFA.

4. Minimum Score for Fundable Applications

The minimum score for fundable applications is 75 points.

5. Funding Methodology

a. *Comprehensive Counseling.* The following funding formula will be used to calculate the comprehensive counseling portion of the awards under Categories 1–3. Only applicants who receive a score of 75 points or above will be considered eligible for funding. All eligible applicants will then be funded in proportion to the score they receive. Regarding the comprehensive counseling portion of an award, all grantees will receive the lower of either the comprehensive award amount determined with the formula, or the amount actually requested by the applicant, as indicated in the applicant's response to Section V.A.4.c.(1) of this NOFA. This amount must be labeled ''Comprehensive Counseling'' to distinguish it from requested supplemental funds, if applicable.

The formula will work as follows for each category:

(1) *Funding Round 1.* Every applicant that scores 75 points or above will receive a base award ($15,000 for LHCAs; $50,000 for SHFAs; and $200,000 for intermediaries). The total number of applicants receiving the base award will be multiplied by the relevant base amount, and that amount will be subtracted from the total amount available under the Category, or in the cases of Categories 1 and 3, available to the HOC.

(2) *Funding Round 2.* Then, the remaining balance after funding the Round 1 base awards will be divided by the total number of points all applicants in that Category, and HOC in the cases of Categories 1 and 3, score that are above the 75-point cutoff. The calculation will result in a dollar value for each point. The number of points that all applicants in a Category, and in a HOC in the cases of Categories 1 and 3, score above the 75 point base will be multiplied by that dollar value. The result of that calculation will be added to the base award. Any remaining funds after this calculation will carry over into the next funding round.

(3) This same methodology will be used for each subsequent round of funding until all available funds are awarded, or until all eligible applicants are funded to the maximum dollar amount allowed. Subsequent rounds of calculations, if needed, will distribute remaining funds to applicants that scored above 95 points, 91–95 points, 86–90 points, and 80–85 points, respectively.

b. *Supplemental Funding.* The same methodology described above in section a. will be used to distribute the available supplemental funds for Predatory Lending, Homeownership Voucher Counseling, and Colonias to eligible applicants.

Regarding supplemental funding, all grantees will receive the lower of either the supplemental award amount determined with the formula, or the specific amount of supplemental funding actually requested by the applicant, as indicated in the applicant's response in Section V.A.4.c.(1).(b). of this NOFA.

Each applicant will only submit one application and receive a score based on the application for the comprehensive counseling grant. Comprehensive counseling funds will be allocated based on this score. Subsequently, for each supplemental funding category requested, responses to each rating factor will be evaluated on a yes/no, adequate/inadequate basis. An adequate response will result in a score for the supplemental funding identical to the comprehensive score on each respective rating factor. An inadequate supplemental response will result in a 1-point deduction from the comprehensive score. After all five rating factors have been evaluated, the adjusted ratings will result in a distinct

score for the supplemental funds. This method will result in scores for supplemental funding that may be equal to the comprehensive score, or up to five points less than the comprehensive score. In no case can an applicant receive a higher score on an application for supplemental funding that it received on its comprehensive application. This process will be repeated for each supplemental funding allocation. An applicant will receive a separate score for its application for comprehensive counseling, and each supplemental funding category for which it applies.

The base awards for all three supplemental funding categories will be $2,000 for LHCAs, $10,000 for SHFAs, and $40,000 for intermediaries. Only applicants scoring 75 points or above are eligible for supplemental funding. However, because of the limited amount of funds available, all applicants scoring 75 points or above are not guaranteed supplemental funding.

(1) For National and regional intermediaries, up to the top 5 scoring applicants (scoring 75 points or above) for supplemental funding for predatory lending and Homeownership Voucher Counseling that are eligible for supplemental funds, and have not already been fully funded in accordance with the funding methodology described in this section, will receive supplemental funding. For supplemental funding for Colonias, up to the top 3 scoring intermediary applicants (scoring 75 points or above) that are eligible for supplemental funds, and have not already been fully funded in accordance with the funding methodology described in this section, will receive supplemental funding.

(2) For SHFAs, up to the top 2 scoring applicants (scoring 75 points or above) in each HOC for each supplemental category that are eligible for the supplemental funds, and have not already been fully funded, will receive supplemental funding.

(3) For LHCAs, up to the top 10 scoring applicants (scoring 75 points or above) in each HOC for each supplemental category that are eligible for the supplemental funds, and have not already been fully funded, will receive supplemental funding.

6. *Reallocation of Unspent Funds.* If funds designated for a specific grant Category, HOC, or for supplemental funding remain unspent after the formulas have been run and award recommendations are determined, HUD may, at its discretion, reallocate those funds to any other funding Category or supplemental funding area under this NOFA. Additionally, HUD may reallocate unspent funds to any HOC jurisdiction or to HUD Headquarters for awards under this NOFA. HUD may also reallocate unspent funds for housing counseling support activities.

VI. Award Administration Information

A. Award Notices

Following selection, applicants will receive from HUD notification regarding their application.

1. Publication of Recipients of HUD Funding

HUD's regulations at 24 CFR part 4 provide that HUD will publish a notice in the **Federal Register** to notify the public of all decisions made by the Department to provide:

a. Assistance subject to Section 102(a) of the HUD Reform Act; and/or

b. Assistance 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.

2. Debriefing

Beginning 30 days after the awards for assistance are publicly announced and for at least 120 days after awards for assistance are announced publicly, HUD will provide a debriefing to any applicant requesting one. All debriefing requests must be made in writing or by e-mail by the authorized official whose signature appears on the SF–424, or his or her successor in office, and submitted to the person or organization identified as the contact in Section VII.A. of this NOFA. Information provided during a debriefing will include, at a minimum, the final score received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied.

For more information on debriefings, consult the General Section of the SuperNOFA.

B. Administrative and National Policy Requirements

1. 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.

2. Other Matters

a. Requirements for Funding Competitions. *See* General Section.

b. Relocation. *See* General Section.

c. OMB Circulars and Government-wide Regulations Applicable to Financial Assistance Programs. *See* General Section.

d. Conflicts of Interest. *See* General Section.

e. Prohibition Against Lobbying Activities. *See* General Section.

f. Accessible Technology. *See* General Section.

g. Procurement of Recovered Materials. *See* General Section.

h. Participation in HUD Sponsored Program Evaluation. *See* General Section.

i. Executive Order 13202, Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects. *See* General Section.

j. Executive Order 13166, Improving Access to Persons With Limited English Proficiency (LEP). *See* General Section.

k. Executive Order 13279 Equal Protection of the Laws for Faith-Based and Community Organizations. *See* General Section.

l. Salary Limitation for Consultants. *See* General Section.

m. Executive Order 13132, Federalism. *See* General Section.

n. Sense of Congress. *See* General Section.

C. Reporting

Grantees are required to complete and submit a Form HUD–9902, Fiscal Year Activity Report (APPENDIX A). The information compiled from this report provides HUD with its primary means of measuring program performance.

VII. Agency Contact(s)

A. For Technical Assistance

LHCAs and SHFAs should contact the HOC serving their area, as indicated below. Hearing and speech challenged persons may access the telephone numbers listed below by calling the Federal Information Relay Service at 800–877–8339.

Homeownership center	States
Philadelphia Homeownership Center: Mr. Adam Deveney, Acting Director, Program Support Division, Wannamaker Building, 100 Penn Square East, 12th Fl, Philadelphia, PA 19107–3389. For technical questions contact: Robert Wright (215) 656–0527 x3406.	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. For technical questions contact: E. Carolyn Hogans (404) 331–5001, x2129.	Alabama, Puerto Rico, Florida, Georgia, Illinois, Indiana, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.
Denver Homeownership Center: Ms. Irma Devich, Director, Program Support Division, 1670 Broadway, Denver, CO 80202–4801. For technical questions contact: 303–672–5200 Vic Karels X1995, Jonna Munson X1987.	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. For technical questions contact: Rhonda J. Rivera, Chief, *rhonda_j._rivera@hud.gov* 1–888–827–5605 x 3210.	Alaska, Arizona, California, Hawaii, Oregon, Idaho, Nevada, Washington.

National and regional intermediaries should contact HUD Headquarters, Program Support Division at (202) 708–0317 (this is not a toll-free number). Persons with hearing or speech impairments may access any of these numbers via TTY by calling the toll-free federal Information Relay Service at 800–877–8339.

VIII. Other Information

A. Satellite Broadcast. HUD will hold an informational broadcast via satellite for potential applicants to learn more about the program and the application. For more information about the date and time of the broadcast, consult the HUD Web site at *http://www.hud.gov/grants.*

B. Federal E-Grants Information. See the General Section of the SuperNOFA for more information on this topic.

C. Public Access, Documentation, and Disclosure. See the General Section of the SuperNOFA for more information on this topic.

Appendix A—Form HUD–9902, Fiscal Year Activity Report

BILLING CODE 4210–32–P

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.12/31/2006)

Read the Instructions and Public Reporting Statement on the back of this form.

1. Counseling agency name and address/telephone/fax/contact person/e-mail

Check here if any of this is new information ☐

2. Reporting Year (yyyy)

from Oct 1, _____

to Sep 30, _____

	All Counseling Activities	HUD Grant Activities
3. Ethnicity of Clients (select only one)		
a. Hispanic		
b. Not Hispanic		
4. Race of Clients		
Single Race		
a. American Indian/Alaskan Native		
b. Asian		
c. Black or African American		
d. Native Hawaiian or Other Pacific Islander		
e. White		
Multi-Race		
f. American Indian or Alaska Native ***and*** White		
g. Asian ***and*** White		
h. Black or African American ***and*** White		
i. American Indian or Alaska Native ***and*** Black or African American		
j. Other multiple race		
5. Income Levels		
a. < 50% of Area Median Income (AMI)		
b. 50 - 80% of AMI		
c. 80 - 100% of AMI		
d. >100% AMI		
6. Numbers of Clients Receiving Educational/Outreach Services (if client also receives counseling, please include in count below)		
a. Completed Homebuyer Education Workshop		
b. Completed Post-Purchase Homeowner Workshop		
c. Sought Help with Fair Housing Issue		
d. Sought Help with or Attended Workshop on Predatory Lending		
7. Numbers of Clients Counseled, by Purpose of Visit and Results		
a. Seeking Pre-Purchase Homebuyer Counseling		
Purchased Housing		
Client will be Mortgage Ready within 90 Days		
Client will be Mortgage Ready after 90 Days; Receiving Long-Term Prepurchase Counseling		
Entered Lease Purchase Program		
Decided Not to Purchase Housing; No Further Effort to Prepare Needed		
Other		
Total		
b. Seeking Help with Resolving or Preventing Mortgage Delinquency		
Brought Mortgage Current		
Mortgage Refinanced		
Mortgage Modified		
Received Second Mortgage		
Initiated Forbearance Agreement/Repayment Plan		
Executed a Deed-in-Lieu		
Sold Property/Preforeclosure Sale, Chose Alternative Housing Solution		
Mortgage Foreclosed		

7. Numbers of Clients Counseled, by Purpose of Visit and Results **(continued)**	**All Counseling Activities**	**HUD Grant Activities**
Currently Receiving Foreclosure Prevention/Budget Counseling		
Partial Claim		
Other		
Total		
c. Seeking Help Converting Home Equity into Cash or Seeking Better Mortgage Loan Terms		
Obtained a Home Equity Conversion Mortgage (HECM)		
Received Home Equity or Home Improvement Loan		
Received Consumer Loan (Unsecured)		
Mortgage Refinanced		
Referred to Other Social Service Agency		
Sold House, Chose Alternative Housing Solution		
Counseled on HECM; Decided Not to Obtain Mortgage		
Currently Receiving Counseling		
Other		
Total		
d. Seeking Help in Locating, Securing, or Maintaining Residence in Rental Housing		
Received Housing Search Assistance		
Obtained Temporary Rental Relief		
Referred to Agency with Rental Assistance Program		
Advised on Recertification for HUD/Other Subsidy Program		
Referred to Other Social Service Agency		
Counseled or Referred to Legal Aid Agency for Eviction or Other Fair Housing Assistance		
Found Alternative Rental Housing		
Decided to Remain in Current Housing Situation		
Entered Debt Management/Repayment Plan		
Currently Receiving Counseling		
Other		
Total		
e. Seeking Shelter or Services for the Homeless		
Occupied Emergency Shelter		
Occupied Transitional Housing		
Occupied Permanent Housing with Rental Assistance		
Occupied Permanent Housing without Rental Assistance		
Referred to other Social Service Agency		
Remained Homeless		
Currently Receiving Counseling		
Other		
Total		

8. HUD Grant Activity - Summary Data

HUD Grant No.	HUD Grant Amount	Number of Clients	Amount Invoiced
	Total		

9. Name of Person Authorized to Sign this Report

Title

Signature	Date

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.

1. **Counseling Agency Name & Address** - Enter the official name of your agency in the format you submitted to HUD. If the data you enter is new, 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.

3. **Ethnicity of Clients** Enter number of clients to whom you provided counseling during this period. If your client came in for homebuyer education or fair housing in addition to other types of counseling, do not count them twice.

Hispanic or Latino - A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. The term "Spanish origin" can be used in addition to "Hispanic or Latino."

Not Hispanic or Latino - A person not of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.

4. Race of Clients Categories -

American Indian or Alaskan Native - A person having origins with any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community recognition.

Asian - A person having origins with any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

Black or African American - A person having origins with in of the black racial groups of Africa. Terms such as "Haitian" or "Negro" can be used in addition to "Black or African American."

Native Hawaiian or Other Pacific Islander - A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

5. **Income Levels** - Enter the client's income level based on the percentage of the Area Median Income (AMI), adjusted for family size.

6. Number of Clients Receiving Educational or Outreach Services

Homebuyer Education (6a). Enter data for clients who completed a homebuyer education course or workshop. Homebuyer education differs from counseling in that it is usually conducted in a group setting and is not tailored to the unique circumstance of the individual. Counseling goes beyond the general education, is more rigorous, and involves one-on-one and longer-tem relationships. Note that you will also count the client who receives or is receiving counseling under the prepurchase counseling heading.

Post-Purchase Homeowner Workshop (6b). Enter data for clients who completed a post-purchase homeowner education course or workshop. This includes topics such as budgeting and financial management, real estate taxes and insurance, and property maintenance. Please also count the client who supplements education with one-on-one counseling under the appropriate counseling heading.

Fair Housing (6c). Enter data for clients who, in addition to seeking other types counseling as described on this form, had issues affecting a protected class as defined under the Fair Housing Act, 42 USC 3601-3631. The law prohibits discrimination on basis of race, color, religion, sex, handicap, or familial status. Remember to include these clients under the appropriate type of counseling sought.

Predatory Lending (6d). Enter data for clients who attended a predatory lending workshop or outreach program. Please also count the client who supplements education with one-on-one counseling under the appropriate counseling heading.

7. Number of Clients Counseled, by Purpose of Visit and Results.

General

Clients - Please remember that you report clients as the number of individual households 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 and receive the same problem resolution count as **one client.**

Columnar Entries - The report contains two data columns.

c. **All Counseling Activities** - Enter data covering **all** housing counseling activities, including those performed under one or more HUD housing counseling grant.**Results of**

d. **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.

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.

Instructions for Form HUD-9902 continued

Counseling (7a through 7e) - Enter the number of clients to whom you provided counseling during the report period, by the purpose of their visit and results. This count might include clients who entered your workload the previous report period but who carried over into and received counseling 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 workload.

Counseling (7a through 7e) continued -For each of the five types of counseling sought, enter data for the appropriate results listed. NOTE: You might achieve more than one result for the same client during the report year. In the rare event that there is more than one result, **please report only one**. You should select the result that most closely relates to the counseling received.

Example: A mortgagor in default enters into a **forbearance agreement** and later **sells the property**. You report the first result because the counseling enabled the client to seek and enter into forbearance. Also, in the Pre-Purchase Counseling outcomes, enter the client as mortgage ready after 90 days, if the client has entered a homebuyer savings plan, debt management plan, or some other type of long-term financial plan to prepare for homeownership.

8. 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.

9. An authorized staff person must sign and date the report.

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.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HEALTHY HOMES AND LEAD HAZARD CONTROL PROGRAMS

LEAD-BASED PAINT HAZARD CONTROL GRANT PROGRAM

Billing Code 4210-32-C

Lead-Based Paint Hazard Control Grant Program

Overview Information

A. *Federal Agency Name:* Department of Housing and Urban Development, Office of Healthy Homes and Lead Hazard Control.

B. *Funding Opportunity Title:* Lead-Based Paint Hazard Control Grant Program.

C. *Announcement Type:* Initial announcement.

D. *Funding Opportunity Number:* The **Federal Register** number for this NOFA is FR–4900–05. The OMB approval number is 2539–0015.

E. *Catalog of Federal Domestic Assistance (CFDA) Number(s):* 14.900 Lead-Based Paint Hazard Control in Privately Owned Housing

F. *Dates:* Application Deadline. The application due date is July 13, 2004. Please see the General Section of the SuperNOFA for application submission, delivery, and timely receipt requirements.

G. *Optional, Additional Overview Content Information:*

1. Purpose of the Program. The purpose of the Lead-Based Paint Hazard Control Grant Program is to assist states, Native American 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 nonprofit organizations including grassroots faith-based or other community-based organizations.

2. Available Funds. Approximately $96 million in Fiscal Year 2004 and approximately $710,000 in previous years recaptured funds.

3. Eligible Applicants. To be eligible to apply for funding under this program, the applicant must be a state, city, county, or similar 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 lead applicant that will be responsible for ensuring compliance with all requirements specified in this NOFA. If you are a state or Tribal applicant, you must have a Lead-Based Paint Contractor Certification and Accreditation Program authorized by the Environmental Protection Agency (EPA). Grantees funded under the Fiscal Year 2003 Lead-Based Paint Hazard Control NOFA published in the **Federal Register** April 25, 2003, are not eligible to apply.

4. Match. A statutory minimum of 10 percent match in local funds.

Full Text of Announcement

I. Funding Opportunity Description

A. *Program Description.* 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, Pub. L. 102–550). HUD's authority for making funding available under this NOFA is the Consolidated Appropriations Act for Fiscal Year 2004. The Lead-Based Paint Hazard Control Grant Program assists states, Native American Tribes, and local governments in undertaking programs for the identification and control of lead-based paint hazards in eligible privately owned rental and owner-occupied housing units. Refer to Section IV.E.3 of this NOFA for ''Eligibility of HUD Assisted Housing'' that lists the HUD-associated housing programs that meet the definition of eligible housing under this program. HUD is interested in promoting lead hazard control approaches that result in the reduction of elevated blood lead levels in children for the maximum number of low-income families with children under six years of age, for the longest period of time, and that demonstrate techniques which are cost-effective, efficient, and replicable elsewhere. Copies of HUD's Lead-Safe Housing Regulation, and the companion publication ''Interpretive Guidance: The HUD Regulation on Controlling Lead-Based Paint Hazards in Housing Receiving Federal Assistance and Federally Owned Housing Being Sold,'' are available from the National Lead Information Clearinghouse at 800–424–LEAD (this is a toll-free number). If you are a hearing-or speech-impaired person, you may reach the telephone number via TTY by calling the toll-free Federal Information Relay Service at 800–877–8339. Copies are also available from the Office of Healthy Homes and Lead Hazard Control Web site at: *http//www.hud. gov/offices/lead.*

1. Because lead-based paint is a national problem, these funds will be awarded to programs which:

a. Maximize the combination 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 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 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 grassroots faith-based or other 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, grassroots, faith-based, or other community-based organizations, 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 that will continue after the grant period ends;

e. Establishment of a public registry (listing) of lead-safe housing or inclusion of the lead-safe status of properties in another publicly accessible address-based property information system and affirmatively marketed to families with young children; 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 minorities and low-income persons as defined in 24 CFR 135.5 (*see* 59 FR 33881, June 30, 1994).

3. Changes in FY2004 Competitive NOFA.

a. The page limit for the narrative response to the rating factors has been reduced from 25 to 15 pages.

b. Applicants are to complete and submit the Rating Factor Tables included in Section IV. of this NOFA.

c. The minimum percentage of the federal funds requested identified for direct lead hazard control activities has been increased from 60 to 65 percent with temporary relocation now included as a direct lead hazard control activity. Direct lead hazard control activities consist of dust testing, combined lead paint inspection and risk assessments,

interim controls, abatement of lead hazards, temporary relocation, and clearance examinations. Direct hazard control activities do not include blood lead testing of residents or workers, housing rehabilitation, training, community education and outreach, applied research, purchase of supplies or equipment, or administrative costs.

II. Award Information

A. Funding Available. Approximately $95 million in Fiscal Year 2004 and approximately $710,000 in previous years recaptured funds will be available for the Lead-Based Paint Hazard Control Grant Program. Grant award amounts shall be approximately $1–3 million per grant. Approximately 30 to 40 grants will be awarded. New applicants, grantees receiving a renewal grant under the Fiscal Year 2002 NOFA published in the **Federal Register** (FR) on March 26, 2002, or those previously funded lead-based paint hazard control grantee applicants whose period of performance ended prior to the application deadline date will be evaluated and scored as a separate group and will not be in direct competition with applications from current grantee applicants that are eligible for a Competitive Performance-Based Renewal to their existing grant. A maximum of 35 percent of the funds will be made available to applicants eligible for a Competitive Performance-Based Renewal grant. The project duration shall be 42 months for new grant recipients and 36 months for Competitive Performance-Based Renewal grantees. HUD reserves the right to approve no-cost time extensions for a period not to exceed 24 months. Current grantees with active grants at the application deadline date must meet specific performance criteria in their current grant to be eligible for a Competitive Performance-Based Renewal. Current grantees eligible for a Competitive Performance-Based Renewal must meet or exceed the specific work plan performance benchmark goals and objectives outlined in Section III.A.4. for the period ending March 31, 2004, to be eligible to receive $1–3 million to continue grant program activities for an additional 36 months after their current period of performance ends. Current grantees that do not meet the performance criteria in Section III.A.2. are not eligible to submit an application under this NOFA.

B. Contracts or other formal arrangements with nonprofit grassroots faith-based or other community-based organizations. If selected for funding, local, and state applicants are encouraged to enter into formal arrangements with grassroots, faith-based, or other community-based organizations. These formal arrangements could be a contract, a Memorandum of Understanding (MOU), a Memorandum of Agreement (MOA), or a letter of commitment. Such relationships should be established prior to the actual execution of an award or within 120 days of the effective start date of the grant agreement. This requirement does not apply to Native American Tribes.

III. Eligibility Information

See the General Section of the SuperNOFA for additional eligibility requirements applicable to HUD Programs.

A. Eligible Applicants

1. To be eligible to apply for funding under this program, the applicant must be a state, city, county, or similar 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 lead applicant that will be responsible for ensuring compliance with all requirements specified in this NOFA. State government and Native American tribal applicants must have an EPA approved state program for certification of lead-based paint contractors, inspectors, and risk assessors in accordance with 40 CFR 745. Current grantees (except for those grantees receiving a Renewal Grant under the FY2002 competition and those grantees that are not eligible to submit an application for a Competitive-Based Renewal grant) with active grants at the application deadline date and Grantees funded under the Fiscal Year 2003 Lead-Based Paint Hazard Control NOFA published in the **Federal Register** on April 25, 2003, are not eligible to apply.

2. Eligible Applicants for Competitive Performance-Based Renewal Grants. Current grantees with active grants at the application deadline date must meet specific competitive performance criteria in their most recent grant to be eligible for a Performance-Based Renewal Grant. Current grantees that received a Renewal Grant under the FY2002 (Round 10) Lead-Based Paint Hazard Control Program NOFA published in the **Federal Register** on March 26, 2002, are not eligible to receive a Competitive Performance-Based Renewal Grant under this competition, but are eligible to apply as a new or prior grantee under this NOFA. Current grantees that do not meet the performance criteria outlined below (Section III.A.4) for the period ending March 31, 2004, are not eligible for a Competitive Performance-Based Renewal grant.

3. Eligible applicants may submit only one application. In the event that multiple applications are submitted, this will be considered a technical deficiency and the application review process delayed until you notify HUD in writing which application should be reviewed. Your other applications will be returned without being rated or ranked.

4. Eligibility Criteria for Competitive Performance-Based Renewal Grants

ELIGIBILITY CRITERIA

[For period ending March 31, 2004]*

FY	Round	Calendar year quarter grant start date	% of units completed and cleared	% of Federal funds reimbursed through the Line of Credit Control System (LOCCS)
2000	8	Jan–Mar 2001	80	55
2000	8	Apr–Sep 2001	75	50
2001	9	Oct–Dec 2001	65	45
2001	9	Jan–Mar 2002	65	45
2001	9	Apr–Jun 2002	60	40
2001	9	Jul–Dec 2002	55	35
2002	10	Jan–Mar 2003	50	35

ELIGIBILITY CRITERIA—Continued

[For period ending March 31, 2004]*

FY	Round	Calendar year quarter grant start date	% of units completed and cleared	% of Federal funds reimbursed through the Line of Credit Control System (LOCCS)
2002	10	Apr–Jun 2003	45	30

* Based on Quarterly Progress Reporting Data submitted to HUD for the period ending March 31, 2004.

By achieving the above-referenced level of performance, current grantees have successfully competed for eligibility in receiving additional funds.

Active grantees eligible to submit a Competitive Performance-Based Renewal grant application will be required to submit a Total Budget (Federal Share and Matching), a work plan strategy with specific, measurable, and realistic benchmark performance objectives and any supporting materials prescribed in the NOFA for the additional 36-month competitive performance-based renewal period. In addition, grantees awarded grant funds under this category will be required to meet the terms and conditions of their current grant agreement and any additional applicable requirements under this NOFA and subsequent grant agreement modification. HUD may terminate awards to grantees that fail to meet established milestones or benchmark performance standards established by this NOFA or the Award Agreement.

B. Cost Sharing or Matching

You must provide a matching contribution of at least 10 percent of the requested grant sum. This may be in the form of cash, including private sector funding, or in-kind (non-cash) contributions or a combination of these sources. With the exception of Community Development Block Grant (CDBG) funds, Federal Revenue Sharing programs, or other programs which by statute allow their funds to be considered local funds and therefore eligible to be used as matching funds, federal funds may not be used to satisfy the statutorily required 10 percent matching requirement. Federal funds may be used, however, for contributions above the statutory requirement. If an applicant does not include the minimum 10 percent match in the application, it will be considered a curable (correctable) deficiency. Refer to Section IV in the General Section of the SuperNOFA for the specific details on how to correct this deficiency. 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. The letter must describe the contributed resources that you will use in the program and their designated purpose. The signature of the authorized official on the Form SF–424 commits matching or other contributed resources of the applicant organization. A separate letter from the applicant organization is not required.

C. Other

1. Eligible Activities

All lead hazard control activities must be conducted in compliance with the applicable requirements of HUD's Lead-Safe Housing Regulation, 24 CFR Part 35, and as clarified in HUD's Interpretive Guidance about the rule located at *http://www.hud.gov/offices/lead/guidelines/leadsaferule/index.cfm.* Activities must also comply with any additional requirements in effect under a state or Tribal Lead-Based Paint Training and Certification Program that has been authorized by the EPA pursuant to 40 CFR 745.320.

a. *Direct Lead Hazard Identification and Control Activities.* The proposed budget must show a minimum of 65 percent of the total federal amount requested identified for direct lead hazard control activities. Direct lead hazard control activities consist of dust testing, combined lead paint inspection and risk assessments, interim controls, abatement of lead hazards, temporary relocation of occupants when lead hazard control intervention work is conducted in a unit, and clearance examinations. Direct hazard control activities do not include blood lead testing of residents or workers, housing rehabilitation, training, community education and outreach, applied research, purchase of supplies or equipment, or administrative costs. The remaining 35 percent of the funds are to be used for other direct or indirect costs.

b. Direct Project Elements that you may undertake directly or through subrecipients, include:

(1) Performing dust testing, combined lead-based paint inspections and risk assessments, and engineering and architectural activities that are required for, and in direct support of, interim control and lead hazard abatement work, of eligible housing units constructed prior to 1978 to determine the presence of lead-based paint and/or lead hazards from paint, dust, or soil through the use of acceptable testing procedures. The purchase or lease of a maximum of two X-ray fluorescence analyzers used by the grant program, if not already available, are eligible costs. All test results must be provided to the owner of the unit, together with a notice describing the owner's legal duty to disclose the results to tenants and buyers.

(2) Conducting lead hazard control activities that may include any combination of the following:

(a) Interim controls of lead-based paint hazards including lead-contaminated soil in housing (that must include specialized cleaning techniques to address lead dust, according to the HUD Guidelines, located at: *http://www.hud.gov/offices/lead/guidelines/hudguidelines/index.cfm).*

(b) Abatement. The complete abatement of all lead-based paint hazards in a unit or structure is acceptable if it is cost-effective. 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 unit being treated, and children's play areas. All lead hazards identified in a housing unit enrolled in this grant program must be controlled or eliminated by any combination of these strategies.

(3) 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. If families or individuals are temporarily relocated in a project

which utilizes Community Development Block Grant funds, the guidance and requirements of 24 CFR 570.606(b)(2)(i)D(1)–(3) must be met. HUD recommends you review these regulations when preparing your proposal.

(4) 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. These grant funds may be used for lead hazard control work done in conjunction with other housing rehabilitation programs. HUD encourages integration of this grant program with housing rehabilitation, maintenance, weatherization, and other energy conservation activities.

(5) Conducting clearance dust-wipe testing and laboratory analysis (the laboratory must be recognized by the National Lead Laboratory Accreditation Program (NLLAP) as being capable of performing lead analyses of samples of paint, dust-wipes, and/or soil).

(6) Conducting targeted community awareness, affirmative marketing, education, or outreach programs on lead hazard control and lead poisoning prevention designed to increase the ability of the program to deliver lead hazard control services including educating owners of rental properties, tenants, and others on the Residential Lead-Based Paint Hazard Reduction Act, Lead-Safe Housing Regulation, and applicable provisions of the Fair Housing Act especially as it pertains to familial status (*i.e.,* families with children) and disability discrimination, and offering educational materials in languages other than English that are common in the community, consistent with HUD's published LEP Recipient Guidance, 68 FR 70968 and providing 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, and large type).

(7) Procuring liability insurance for lead-hazard control activities.

(8) 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.

(9) Purchasing or leasing equipment having a per-unit cost under $5,000.

(10) Preparing a final report at the conclusion of grant activities.

(11) Conducting required pre-hazard control blood lead testing of children under the age of six years of age residing in units undergoing lead paint inspection/risk assessment, or hazard control, unless reimbursable from Medicaid or another source.

(12) Performing blood lead testing and air sampling to protect the health of the hazard control workers, supervisors, and contractors.

(13) Providing resources to build capacity for lead-safe housing and lead hazard control, including free delivery of HUD-approved lead-safe work practices training courses for housing rehabilitation contractors, rehabilitation workers, homeowners, renters, painters, remodelers, maintenance staff, and others conducting renovation, rehabilitation, maintenance or other work in private housing; free delivery of lead sampling technician training, lead-based paint worker or contractor certification training; and subsidies for licensing or certification fees to low-income persons seeking credentials as lead-based paint workers or contractors or lead sampling technicians.

(14) Providing instruction, training, and material supplies for dust control activities to grassroots faith-based or other community-based organizations, parent organizations, homeowners, and renters in low-income private housing.

(15) Conducting planning, coordination, and training activities to comply with HUD's Lead-Safe Housing Regulation (24 CFR Part 35) that became effective on September 15, 2000. These activities should support the expansion of a workforce properly trained in lead-safe work practices which is available to conduct interim controls on HUD assisted housing covered by these regulations. The regulation and interpretive guidance about the rule are available from the National Lead Information Center at 800–424–LEAD (this is a toll-free number). If you are a hearing- or speech-impaired person, you may reach the telephone number via TTY by calling the toll-free Federal Information Relay Service at 800–877–8339. Copies are also available from the HUD Web site at: *http://www.hud.gov.*

(16) Participating in applied research, studies, or developing information systems to enhance the delivery, analysis, or conduct of lead hazard control activities, or to facilitate targeting and consolidating resources to further childhood lead poisoning prevention efforts.

(17) Purchasing or leasing no more than two (2) X-ray fluorescence analyzers for use by the Lead-Based Paint Hazard Control Grant Program, if not already available.

2. *Threshold Requirements.* As an eligible applicant, you must meet all of the threshold requirements in Section III. C of the General Section of the SuperNOFA as well as any specific threshold requirements listed in this subsection. Applications will not be funded if they do not meet the threshold requirements.

a. Applicants must provide a minimum of 10 percent of the grant funds requested as a matching contribution.

b. *EPA Authorization.* If you are a state government or Indian (Native American) Tribal government, you must have an EPA-authorized Lead-Based Paint Training and Certification Program in effect on the application deadline date to be eligible to apply for Lead Hazard Reduction Demonstration Grant funds. The approval date in the **Federal Register** notice published by the EPA will be used in determining the Training and Certification status of the applicant state or Indian (Native American) Tribal government. If you do not have an EPA authorized program, the application will not be rated and ranked.

c. *DUNS Requirement.* Refer to the General Section of the SuperNOFA for information regarding the DUNS requirement. You will need to obtain a DUNS number to receive an award from HUD.

3. Program Requirements

a. *Environmental Requirements.*

(1) Environmental Requirements. Recipients of lead-based paint hazard control grants must comply with 24 CFR Part 58—''Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities.'' Recipients and other participants in the project are prohibited from committing or expending HUD and non-HUD funds on the project until HUD approves the recipient's Request for the Release of Funds (form HUD 7015.15) or the recipient has determined that the activity is either Categorically Excluded, not subject to the related federal laws and authorities pursuant to 24 CFR 58.35(b) or Exempt pursuant to 24 CFR 58.34. For Part 58 procedures, see *http://www.hud.gov/offices/cpd/energyenviron/environment/index.cfm.* For assistance, contact Karen Choi, the Office of Healthy Homes and Lead Hazard Control Environmental Officer at (213) 894–8000, extension 3015 (this is not a toll-free number) or the HUD Environmental Review Officer in the HUD field office serving your area. If you are a hearing- or speech-impaired person, you may reach the telephone number via TTY by calling the toll-free

Federal Information Relay Service at 800–877–8339. Recipients of a grant under this funded program will be given additional guidance in these responsibilities.

b. *Administrative Requirements.*

(1) Lead-Based Paint Hazard Reduction Act (Title X of the Housing and Community Development Act of 1992). Section 1011 of Title X Section 217 of Pub. L. 104–134 (the Omnibus Consolidated Rescissions and Appropriations Act of 1996, 110 Stat. 1321, approved April 26, 1996) amended Section 1011(a) of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X) to read as follows: Sec.1011. Grants for Lead-Based Paint Hazard Reduction in Target Housing.

(a) General Authority. The Secretary is authorized to provide grants to eligible applicants to evaluate and reduce lead-based paint hazards in housing that is not federally assisted housing, federally owned housing, or public housing, in accordance with the provisions of this section. Grants shall only be made under this section to provide assistance for housing which meets the following criteria—

(b) for grants made to assist rental housing, at least 50 percent of the units must be occupied by or made available to families with incomes at or below 50 percent of the area median income level and the remaining units shall be occupied or made available to families with incomes at or below 80 percent of the area median income level, and in all cases the landlord shall give priority in renting units assisted under this section, for not less than three years following the completion of lead abatement activities, to families with a child under the age of six years, except that buildings with five or more units may have 20 percent of the units occupied by families with incomes above 80 percent of area median income level;

(c) for grants made to assist housing owned by owner-occupants, all units assisted with grants under this section shall be the principal residence of families with income at or below 80 percent of the area median income level, and not less than 90 percent of the units assisted with grants under this section shall be occupied by a child under the age of six years or shall be units where a child under the age of six years spends a significant amount of time visiting.

For the purposes of complying with Section 1011, a unit occupied by a pregnant woman meets the Congressional intent of promoting primary prevention and maybe assisted by this program.

(2) Certified and Trained Performers. Funded activities must be conducted by persons qualified for the activities according to 24 CFR Part 35 (possessing certification as abatement contractors, risk assessors, inspectors, abatement workers, or sampling technicians, or others having been trained in a HUD-approved course in lead-safe work practices).

(3) Consolidated Plans. (This requirement does not apply to Native American Tribes.) 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. If the Analysis of Impediments (AI) includes references to lead-based paint as an impediment to fair housing, this should be included in your application as well. 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) Lead Hazard Control work must be conducted in compliance with HUD's Lead-Safe Housing Regulation, 24 CFR Part 35.

(5) Sixty-five percent of the total federal funds requested must be used for direct lead hazard control activities. The remaining 35 percent of the funds can be used for other direct or indirect costs.

(6) Prohibited Practices. You must not engage in the following prohibited practices:

(a) Open flame burning or torching;

(b) Machine sanding or grinding without a high-efficiency particulate air (HEPA) exhaust control;

(c) Uncontained hydro blasting or high-pressure wash;

(d) Abrasive blasting or sandblasting without HEPA exhaust control;

(e) Heat guns operating above 1,100 degrees Fahrenheit;

(f) Chemical paint strippers containing methylene chloride or other volatile hazardous chemicals in a poorly ventilated space; and

(g) Dry scraping or dry sanding, except scraping in conjunction with heat guns or around electrical outlets or when treating no more than two square feet in any one interior room or space, or totaling no more than 20 square feet on exterior surfaces.

(7) Written Policies and Procedures. You must have clearly established, written policies and procedures for eligibility, program marketing, unit selection, expediting work on homes occupied by children with elevated blood lead levels, and all phases of lead hazard control, including risk assessment, inspection, development of specifications, pre-hazard control blood lead testing, financing, temporary relocation, and clearance testing. Grantees, subcontractors, sub-grantees, subrecipients, and their contractors must adhere to these policies and procedures.

(8) 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 (Section 1011). You must maintain a publicly available registry (listing) of units in which lead hazards have been controlled and ensure that these units are affirmatively marketed to agencies and families as suitable housing for families with children under six years of age. The grantee must also notify the owner of the information that is collected so that the owner will comply with disclosure requirements under 24 CFR part 35, Subpart A.

(9) Testing. In developing your application budget, include costs for lead paint inspection, risk assessment, and clearance testing for each dwelling that will receive lead hazard control, as follows:

(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 whichever is more stringent. It is particularly important to provide this full cycle of testing for lead hazard control, including interim controls. Testing must be conducted according to the HUD Guidelines, located at: *http://www.hud.gov/offices/lead/guidelines/hudguidelines/index.cfm,* and the EPA lead hazard standards rule at 40 CFR part 745. All test results must be provided to the owner in a timely fashion, together with a notice describing the owner's legal duty to disclose the results to tenants and buyers under 24 CFR part 35, Subpart A.

(i) Lead-Based Paint and Lead-Based Paint Hazard Identification. A combined lead-based paint inspection and risk assessment is required. You should ensure that lead paint inspection and risk assessment reports are conducted in accordance with established protocols and sufficient to support hazard control decisions.

(ii) Clearance Testing. Clearance testing shall be completed in accordance with Chapter 15 of the HUD Guidelines and the EPA lead hazards standards rule at 40 CFR part 745 for abatement

projects and the Lead-Safe Housing Regulation (24 CFR part 35) for lead hazard control activities or other abatement. The clearance standards shall be the more restrictive of those set by the local jurisdiction or by EPA or HUD.

(iii) Blood lead testing. Before lead hazard control work begins, each occupant who is under six years of age should 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 (CDC) publications *Preventing Lead Poisoning in Young Children* (1991), and *Screening Young Children for Lead Poisoning: Guidance for State and Local Public Health Officials* (1997).

(10) 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.

(11) Data collection. You will be required to collect and maintain the data necessary to document the various lead hazard control methods used and the cost of these methods.

(12) Section 3 Employment Opportunities. Please refer to Section III.C.4.c. of the General Section of the SuperNOFA. The requirements of Section 3 of the Housing and Urban Development Act of 1968 are applicable to this program.

(13) Replacing Existing Resources. Funds received under this grant program shall not be used to replace existing community resources dedicated to any ongoing project.

(14) Certifications and Assurances. You must include the certifications and assurances listed in the General Section of the SuperNOFA with your application.

(15) Conducting Business in Accordance with HUD Core Values and Ethical Standards. Refer to the General Section of the SuperNOFA for information about conducting business in accordance with HUD's core values and ethical standards.

(16) Lead-Safe Work Practice Training Activities. Applicants are encouraged to provide resources to promote the expansion of a workforce properly trained in lead-safe work practices and which is available to conduct interim controls and/or lead hazard abatement as well as follow lead-safe work practices while performing work on HUD assisted housing units per the provisions of the HUD Lead-Safe Housing Regulation 24 CFR Part 35(1330 (a) (4) (iii)(v), and to safely repair, rehabilitate, and maintain other privately-owned residential property.

(17) By September 30, 2005, applicants eligible for a Competitive Performance-Based Renewal grant are to participate in an established statewide or jurisdiction-wide strategic plan to eliminate childhood lead poisoning as a major public health problem by 2010 or are to assist in the development of such a plan (further guidance will be provided to grantees on developing the elimination plan). Prior grantee and new applicants are encouraged to include an outline of the steps that they will take to participate in or develop a statewide or jurisdiction-wide strategic plan. Applicants are encouraged to collaborate with Centers for Disease Control and Prevention (CDC) Childhood Lead Poisoning Prevention grantees, which are now required to develop such plans. At a minimum, the plan must include the following elements:

(a) Mission Statement;

(b) Purpose and Background on Lead Poisoning Prevalence;

(c) Goals, Objectives, and Activities; and

(d) Evaluation Plan.

(18) Work Plan. The work plan shall consist of the goals and specific time-phased objectives established for each of the major activities and tasks required to implement the program. These major activities and tasks are outlined in the Quarterly Progress Reporting System (Form HUD–96006) and include: Program Management and Capacity Building including data collection and program evaluation; Community Education, Outreach and Training; and Lead Hazard Activities including testing, interventions conducted, and temporary relocation.

(a) The work plan narrative shall include:

(i) The management plan that describes how the project will be managed, and the timeline for staffing the program, establishing a lead-based paint contractor pool, and obtaining HUD approval for the Release of Funds Request (HUD Form 7015.15);

(ii) A detailed description of how assistance and funding will flow from the grantee to the actual performers of the hazard reduction work;

(iii) The selection process for sub-grantees, sub-contractors and/or subrecipients;

(iv) The identification, selection, and prioritization process for the particular properties where lead hazard control interventions are to be conducted;

(v) A description of the financing mechanism used to support lead hazard control work in units (name of administering agency, eligibility requirements, type of financing (grant, forgivable or deferred loans, private sector financing, *etc.*), any owner contribution requirement, and the terms, conditions and amounts of assistance available (include affordability terms and forgiveness and recapture of funds provisions);

(vi) The inspection/risk assessment testing procedures using EPA standards to identify lead hazards and to conduct clearance testing. (Dust wipe samples, 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 (NLAPP));

(vii) The process for developing work specifications and bids on properties selected for lead hazard control;

(viii) The levels of intervention and clearance testing procedures to be conducted for units enrolled;

(ix) The number of rental-occupied, vacant, and owner-occupied units proposed for each intervention level;

(x) The relocation plan that will be carried out for residents required to be out of their homes during hazard control activities;

(xi) The education, outreach, and training activities to be undertaken by the program;

(xii) The blood lead testing and other health measures to be undertaken to protect children and other occupants of units undergoing lead hazard control work; and

(xiii) The evaluation process used to measure program performance.

(b) Objectives and Milestones. Measurable quarterly performance objectives include:

(i) The overall objectives for lead hazard control activities including the total number of lead hazard evaluations, units projected to be completed and cleared, and the expenditure of federal grant funds (HUD Agreement HUD–1044). Quarterly performance milestones are to be developed to achieve the overall objectives for these activities;

(ii) The overall objectives for community education, outreach, and training activities. Quarterly performance milestones are to be developed to achieve the overall objectives for these activities;

(iii) Quarterly performance benchmarks for 36-, and 42-month grants have been developed. These benchmarks included in this NOFA can also be found on the HUD Web site at: *http://www.hud.gov/offices/lead/grantfrm/hudgrantee.cfm.*

Development of your work plan should include and reflect these benchmark standards.

(19) If your program includes conducting research involving human subjects in a manner which requires Institutional Review Board (IRB) approval and periodic monitoring, address how you will obtain such approval and your monitoring plan (before you can receive funds from HUD for activities that require IRB approval, you must provide an assurance that your study has been reviewed and approved by an IRB and evidence of your organization's institutional assurance). Describe how you will provide informed consent (*e.g.*, from the subjects, their parents, or their guardians, as applicable) to help ensure their understanding of, and consent to, the elements of informed consent, such as the purposes, benefits, and risks of the research. Describe how this information will be provided and how the consent will be collected. For example, describe your use of ''plain language'' forms, flyers, and verbal scripts, and how you plan to work with families with limited English proficiency or primary languages other than English, and with families which include persons with disabilities.

IV. Application and Submission Procedures

A. Address To Request Application Package

See the General Section of the SuperNOFA for specific procedures concerning the form of application submission (*e.g.*, mailed applications, express mail overnight delivery). Be advised that there is no Application Kit for this Lead Hazard Control Grant Program. All the information required to submit an application is contained in this Notice of Funding Availability (NOFA).

1. *Guidebook and Further Information.* You may request general information, copies of the General Section and Program Sections of the SuperNOFA from the SuperNOFA Information Center (800–HUD–8929 or 800–HUD–2209 (TTY)) between the hours of 9 a.m. and 8 p.m. (eastern time) Monday through Friday, except on federal holidays. When requesting information, please refer to the name of the program you are interested in. 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 copies of the SuperNOFA or this NOFA can be made immediately following publication of the SuperNOFA. The SuperNOFA Information Center opens for business simultaneously with the publication of the SuperNOFA. You can also obtain information on this SuperNOFA and download application information for this SuperNOFA through the Web site, *http://www.grants.gov.*

B. Content and Form of Application Submission

1. Application Submission Requirements for New and Prior Grantee Applicants (Including Grantees Receiving a Renewal Grant Under the FY2002 Competition)

Applicants under this category of the NOFA are to follow the submission requirements described in Section IV.B.1.a. below.

Grantee applicants eligible to submit a Performance-Based Renewal application are to follow the submission requirements described in Section IV. B.2. below.

a. *Applicant Information.*

(1) Application Format. The application narrative response from new and eligible prior grantees to the Rating Factors is limited to a maximum of 15 pages (excluding appendices and worksheets). Your response must be typewritten on one side only on 8½ by 11 inch paper using a 12-point standard font with not less than ''inch margins on all sides. Appendices should be referenced and discussed in the narrative response. Materials provided in the appendices should directly apply to the specific rating factor narrative. Information that is not referenced or does not directly apply to a specific narrative response may not be rated or ranked by reviewers.

(2) Application Checklist (Voluntary). Your application must contain all of the required information noted in this Program Section and the General Section of this SuperNOFA. These items include the standard forms, certifications, and assurances listed in the General Section of this SuperNOFA that are applicable to this funding (collectively referred to as the ''standard forms''). The standard forms can be found in the General Section of this SuperNOFA. The ''Checklist and Submission Table of Contents'' below includes a listing of the required items needed for submitting a complete application and receiving consideration for funding. You are to assemble the application in the order shown in the Checklist and Submission Table of Contents and note the corresponding page number where the response is located. Inclusion of this Checklist and Submission Table of Contents with your proposal is recommended but not required.

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Checklist and Submission Table of Contents
Lead Hazard Control Grant Program

(Do Not Use This Checklist for Competitive Performance-Based Renewal Applications)

The following checklist is provided to ensure that 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. **Inclusion of this Checklist and Submission Table of Contents with your proposal is recommended but not required.**

☐	**Transmittal Letter**	Cover page
☐	**Applicant Abstract (limited to a maximum of 2 pages)**	
☐	**Application Forms**	
☐	Form SF-424	
☐	Form SF-424 Supplemental	
☐	HUD Form-424B	
☐	HUD Form-424CB	
☐	HUD Form-424CBW, Total Budget (Federal Share and Matching) with Supporting Narrative and Cost Justification	
☐	HUD Form-2880 Disclosure and Update Report	
☐	HUD Form-2990 Certification of Consistency with the EZ/EC Strategic Plan	
☐	HUD Form-2991 Certification of Consistency with the Consolidated Plan	
☐	Form SF-LLL Disclosure of Lobbying Activities Required ☐ Form SF-LLL Not Required	
	Threshold Requirements	
☐	Copy of Lead-Based Paint Element in Consolidated Plan	
☐	10 % Matching Contribution	
	Rating Factor Response (limited to a maximum of 15 pages)	
☐	1. Capacity of the Applicant and Relevant Organizational Experience	
☐	2. Needs/Extent of the Problem	
☐	3. Soundness of Approach	
☐	4. Leveraging Resources	
☐	5. Achieving Results and Program Evaluation	
	Appendices	
☐	Appendix ❑ Rating Factor 1, 2, 3 and 4 Tables ❑ HUD Form-96009 Benchmark Standards (42 Months) ❑ HUD Form-96010 Logic Model ❑ Other Rating Factor Related Materials	
☐	HUD Form-2993 Acknowledgment of Application Receipt	
☐	HUD Form-2994 Client Comments and Suggestions (completion of this form is optional)	

*The forms included in the Checklist and Submission Table of Contents are found in the **General Section** of this SuperNOFA or this Program NOFA and are available as fillable Adobe Reader (PDF) or Word (DOC) formats from www.grants.gov

Applicants are encouraged to use the electronic version of HUD Form 424CBW

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(3) The following are the items to be included in an application:

(a) Transmittal Letter. The applicant (or applicants) submitting the application, the dollar amount requested, the number of units to receive lead hazard control work, what the program funds are requested for, the nature of involvement with grassroots faith-based and other community-based organizations, and the name, mailing address, telephone number, and principal contact person of ''the applicant.''

(b) Checklist and Submission Table of Contents (Voluntary)

(c) Abstract Summary. An abstract summary describing the goals and objectives of your proposed program (two-page maximum). The abstract should briefly highlight the major goals and objectives established for the program.

(d) Forms. All forms as required by Section IV.(B) of the General Section of the SuperNOFA.

(e) Budget. A detailed budget (total budget is the federal share and matching contribution (Form HUD–424-CBW) with supporting narrative and 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 Section IV. of this NOFA. The budget shall include not more than 10 percent for administrative costs and not less than 90 percent for direct project elements. A minimum of 65 percent of the total federal amount requested must be dedicated to direct lead hazard control activities (Applicants are to identify the direct lead hazard control costs that meet this requirement). In the event of a discrepancy between grant amounts requested in various sections of the application, the amount you indicate on the Form SF–424 will govern as the correct value.

(f) Matching Contribution. An itemized breakout of your required matching contribution, including:

(i) Values placed on donated in-kind services;

(ii) Letters or other evidence of commitment from donors; and

(iii) The amounts and sources of contributed resources.

(g) Application Forms. Standard Forms SF-LLL and Forms HUD–27300, 2880, 2990, 2991, 2993, and 2994.

(h) Grant Partners. Contracts, Memoranda of Understanding or Agreement, letters of commitment or other documentation describing the proposed roles of agencies, local broad-based task forces, participating grassroots faith-based and other community or neighborhood-based groups or organizations, local businesses, and others working with the program.

(i) Consolidated Plan Element. A copy of the lead hazard control element included in your current program year's Consolidated Plan. (This does not apply to Native American Tribes) 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.

(j) Rating Factor Response. Narrative responses to the five rating factors. b. Proposed Activities. Unless otherwise noted in this NOFA, all applicants 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). Please refer to the General Section for additional requirements and submittal procedures.

2. Application Submission Requirements for Competitive Performance-Based Renewal Applicants

a. *General Instructions and Guidelines.* Current lead hazard control grantees that meet the eligibility requirements described in Section III A.2. and 4. are eligible to submit an application for a Competitive Performance-Based Renewal grant. If a current lead hazard control grantee does not meet these threshold requirements, they are not eligible to submit a Competitive Performance-Based Renewal application.

b. *Preparing Your Application.*

(1) Application Checklist (Voluntary). Your application must contain all of the required information noted in this Program Section and the General Section of this SuperNOFA. These items include the standard forms, certifications, and assurances listed in the General Section of this SuperNOFA that are applicable to this funding (collectively referred to as the ''standard forms''). The standard forms can be found in the General Section of this SuperNOFA. The ''Checklist and Submission Table of Contents'' below includes a listing of the required items needed for submitting a complete application and receiving consideration for funding. You are to assemble the application in the order shown in the Checklist and Submission Table of Contents and note the corresponding page number where the response is located. Inclusion of this Checklist and Submission Table of Contents with your proposal is recommended but not required.

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Checklist and Submission Table of Contents
Lead Hazard Control
Competitive Performance-Based Renewal Grant Program

Do not use this checklist for applications that are not Competitive Performance-Based Renewals

The following checklist is provided to ensure that 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. **Inclusion of this Checklist and Submission Table of Contents with your proposal is recommended but not required.**

☐	**Transmittal Letter**	Cover page
☐	**Applicant Abstract (limited to a maximum of 2 pages)**	
☐	**Application Forms**	
☐	Form SF-424	
☐	HUD SF-424 Supplemental	
☐	HUD Form-424B	
☐	HUD Form-424CB	
☐	HUD Form-424CBW, Total Budget (Federal Share and Matching) with Supporting Narrative and Cost Justification	
	Threshold Requirements	
☐	10 % Matching Contribution	
	Other Requirements	
☐	Work Plan for Performance-Based Period (Up to 36 Months)	
☐	HUD Form-96008 Benchmark Standards (36 Months)	
☐	Rating Factor 1 and 3 Tables	
	Appendices	
☐	HUD Form-2993 Acknowledgment of Application Receipt	
☐	HUD Form-2994 Client Comments and Suggestions (completion of this form is optional)	

*The forms included in the Checklist and Submission Table of Contents are found in the **General Section** of the SuperNOFA or this Program NOFA and are available as fillable Adobe Reader (PDF) or Word (DOC) formats from the HUD website at: **www.hud.gov.**

Applicants are encouraged to use the electronic version of HUD Form 424CBW

(2) Transmittal Letter. Prepare a brief letter applying for the Performance-Based Renewal and signed by the Chief Executive or other authorized official. The transmittal letter should indicate the applicant agency, the amount of the grant requested for a Performance-Based Renewal, the amount of cash or in-kind matching contributions and the number of housing units in which lead hazard control will be conducted. Also include the name, telephone number, facsimile number, and e-mail address of the individual to contact for further information pertaining to the application.

(3) Abstract Summary. Prepare a brief (two-page maximum) abstract summary describing your jurisdiction, and the proposed lead-based paint hazard control project. Include the following items (be specific and concise):

- The total amount of the federal request and the amount of the matching contribution for the entire period of performance (including your current grant period and up to 36 months additional period);
- the number of units in which lead hazard control activities will be conducted (include your current grant agreement and those to be treated during the 36 month modification period);
- the organization(s) that will participate in the program, either conducting lead hazard control activities or in other roles;
- demographic, socio-economic and housing characteristics of neighborhood(s) selected for hazard control activities;
- your prior activities, experience and achievements in residential lead-based paint hazard control work or related work, including testing and treatment methods, and collaboration with other agencies;
- the scope and magnitude of the proposed lead hazard control project that details the area selected, number of housing units, intended beneficiaries, and the projected impact on the neighborhood/jurisdiction; how the work will be accomplished;
- Any changes proposed in your work plan strategy for the 36-month proposed extension period.

(4) Work Plan. Applicants should develop a work plan that includes specific, measurable and time-phased objectives for each major program activity. The applicant's work plan should reflect the benchmark standards for production, expenditures and other activities that have been developed by the Office of Healthy Homes and Lead Hazard Control. These benchmark standards, as well as policy guidance on developing work plans, have been included in this Section of the NOFA and are available at the HUD Web site at: *http://www.hud.gov/offices/lead/lhc/pgi/index.cfm.* Applicants should describe the proposed activities and provide HUD with measurable outcome results to be achieved with the requested funds. Measurable outcome results should be stated in terms relevant to the purpose of the program funds as a direct result of the work performed within the performance period of the grant (*e.g.*, estimated number of units to be made lead-safe, estimated number of children living in units made lead-safe, estimated number of persons to be trained to perform lead hazard control activities, estimated number of educational programs to be presented and/or the number of persons to be served by such programs, and the basis for these estimates). Each proposed activity must be eligible as described in the NOFA and meet statutory requirements for assistance to low- and very low-income persons. Applicants are to complete the Factor 3 Table-Soundness of Approach to support the work plan narrative.

3. Forms, Certifications, Assurances, and Other Related Grant Application Information.

The forms, certifications, assurances and other related grant application resource information that will assist you in preparing your application in response to this NOFA can be found in the General Section of the SuperNOFA and in this NOFA. These forms are also available for this SuperNOFA through the HUD Web site at: *http://www.hud.gov*.

In addition, applicants submitting FY2004 grant applications under any other Office of Healthy Homes and Lead Hazard Control (OHHLHC) program NOFAs must provide assurances that all funded applications will be managed and implemented concurrently. In addition, the applicant must describe how program costs will be allocated among the different grant programs for which the applicant is seeking funding.

a. *Standard Forms.* Refer to the General Section of the SuperNOFA for the standard forms to be included in the application including the use of the SF–424 and Form HUD–424. Refer to the Checklist and Submission Table of Contents for the complete list of forms applicable to eligible new, prior grantee or renewal applicants for this NOFA.

b. *Forms for Rating Factor Responses.* The following forms are to be completed and included in the application.

(1) Rating Factor 1 Table–Capacity of the Applicant and Relevant Organizational Experience (For Lead Hazard Control (LHC) and Competitive Performance Based Renewal (CPBR) Applicants).

(2) Rating Factor 2 Table–Need/Extent of the Problem (For LHC Program only).

(3) Rating Factor 3 Table–Soundness of Approach (LHC and CPBR Program applicants); and Work Plan Development Worksheet with Minimum Benchmark Standards for 42 Months—Form HUD–96009 (LHC) or for 36 Months—Form HUD–96008 (CPBR applicants).

(4) Rating Factor 4 Table–Leveraging Resources (LHC Program only).

(5) Rating Factor 5–Form HUD–96010 Logic Model—Achieving Results and Program Evaluation (LHC Program only).

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Factor 1 Capacity Of The Applicant And Relevant Organizational Experience
A. Key Personnel
B. Partners

A. Key Personnel

Name and Position Title (please include the organization position titles in addition to those shown). Resumes or position descriptions are to be included in appendix.	Percent of Time Proposed for this Grant (HUD Funded or In-Kind)	Percent of Time to be spent on other LHC HUD grants	Percent of time to be spent on other activities
	Note: These three columns should total 100%		
A.1 Overall Project Director			
Name:			
Organization Position Title:			
Phone Number: Fax Number:			
Email:			
A.2 Day-to-Day Program Manager ☐ To be hired ☐ On staff			
Name:			
Organization Position Title:			
Phone Number: Fax Number:			
Email:			
A.3 Other ☐ To be hired ☐ On staff			
Name:			
Organization Position Title:			
Phone Number: Fax Number:			
Email:			

B. Partners

Name of the organization or entity that partners or will partner with applicant and if partner will be subgrantee/subrecipient	Description of Commitment and Status	Proposed Activities To Be Conducted by Partner	Amount of HUD Grant Funds (If Subgrant)
B.1 Name:			
Type of Organization			
Sub grantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.2 Name:			
Type of Organization			
Sub grantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.3 Name:			
Type of Organization			
Sub grantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.4 Name:			
Type of Organization			
Sub grantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.5 Name:			
Type of Organization			
Sub grantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.6 Name:			
Type of Organization			
Sub grantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.7 Name:			
Type of Organization			
Sub grantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			

Definitions:
Partner Name: Name of organization or entity that will partner with applicant in conducting program activities.
Type of Organization or Program: Health, Housing, Environmental, Community Development Department, Planning Department, Grassroots Faith-Based or Community-Based Organization, Childhood Lead Poisoning Prevention Program, Financial Institution, Job Training and Economic Opportunity Organization, etc.
Description of Commitment: Memorandum of Understanding/Agreement, Contract, Sub-grant, Letter, etc.
Proposed Activities to be Conducted by Partner: The type of activities that will be conducted by the grant partner in support of program efforts (i.e. rehabilitation, testing, training, education and outreach, specification writing, relocation, etc.)
Amount of HUD Grant Funds if Subgrantee/Subrecipient: The dollar amount subgrantee/subrecipient will be receiving for the services they will provide.

Factor 2 **Need/Extent Of The Problem**

A. Blood Lead Level (BLL)
B. Housing Age and Tenure
C. Very Low and Low-Income Population

Name of Jurisdiction	**Name of Target Area (s)**

A. Documented Blood Lead Level (BLL)

A.1 Total Number of Children <6 Years (72 months) of Age in Jurisdiction: % of Total Population:

Blood Lead Level	Number of Children Under 6 Years	% of Total
< 10 µg/dL		
≥10 µg/dL and <20 µg/dL		
≥ 20 µg/dL		
Total Tested		**100%**
Source and Date Documented (Indicate Period Covered)*		

A.2 Total Number of Children <6 Years (72 months) of Age in Target Area: % of Total Population:

Blood Lead Level	Number of Children Under 6 Years	% of Total
< 10 µg/dL		
≥10 µg/dL and <20 µg/dL		
≥ 20 µg/dL		
Total Tested		**100%**
Source and Date Documented (Indicate Period Covered)*		

*Attach documentation in appendix - State or local health department may be a good source for this information

B. Housing Age and Tenure

B.1 Jurisdiction

Year Built	Number	% of Total	Owner	Renter
Pre-1940				
1940-1949				
1950-1959				
1960-1969				
1970-1979				
1980 or newer				
Total				

B.2 Target Area (s)

Year Built	Number	% of Total	Owner	Renter
Pre-1940				
1940-1949				
1950-1959				
1960-1969				
1970-1979				
1980 or newer				
Total				

Source: 2000 Census - http://factfinder.census.gov/servlet/DatasetMainPageServlet?_ds_name=DEC_2000_SF3_U&_program=DEC&_lang=en
Instructions:

1. Select "Census 2000 Summary File 3 (SF3) – Sample Data"
2. Click on "Detailed Tables" on the side menu
3. On the next page, select "Place" from the pull-down menu next to "Select a geographic type"
4. Select the "State" from the pull-down menu next to "Select a State"
5. Select one or more "cities" of interest from the selected state and click "Add"
6. Click the button that says "Next"
7. On the next page, select "H36. Tenure by Year Structure Built" from the pull-down menu, then "Select one or more tables" and click "Add"
8. Click "Show Tables"

*Attach copy of the downloaded information in appendix.

C. Very Low and Low-Income Population – As Determined by HUD

C.1 Jurisdiction

Number of Families ≤50% of AMI	%	Total Number of Families <80% of AMI*	%

C.2 Target Area (s)

Number of Families ≤50% of AMI	%	Total Number of Families <80% of AMI	%

Source: Income Limits As Determined by HUD- http://www.huduser.org/datasets/il.html
Instructions:

1. Select the appropriate State
2. Click on the link that says "Open PDF file"
3. Search for appropriate location

Factor 3	Soundness Of Approach

A. Proposed Lead Hazard Control Activities — **Total Units To Be Completed and Cleared**

Activity	Who Will Perform This Activity (Name or Agency/Organization)	Number of Units	Housing Tenure			Estimated Timeline to Complete Work	Estimated Per Unit Cost
			Owner Occupied	Rental	Vacant		
Identification, Selection, Prioritization of Units (Referrals)*							
Intake/Enrollment							N/A
Financing (Grant, Loan, Other)							N/A
Pre-Hazard Control Blood Lead Testing			N/A	N/A	N/A		
Paint Inspections/Risk Assessments							
Laboratory Analysis of Samples			N/A	N/A	N/A		
Work Specifications			N/A	N/A	N/A		
Bid Process/ Contractor Selection			N/A	N/A	N/A		
Temporary Relocation							
Interim Controls							
Hazard Abatement							
Quality Control–Contractor Performance			N/A	N/A	N/A		N/A
Clearance Evaluations			N/A	N/A	N/A		
Maintenance Plan – Unit Follow Up			N/A	N/A	N/A		N/A
Community Outreach/ Education		N/A	N/A	N/A	N/A		N/A
Training		N/A	N/A	N/A	N/A		N/A

Activity:
*Identification, Selection, Prioritization of Units (Referrals) This should be a higher number than the number of units that are projected to be completed and cleared by the program
Who Will Perform This Activity: Applicant Agency, Partner Organization, Contractor, Grassroots Faith-Based or Community-Based Non-Profit Organization.
Number of Units: Number of units to receive program services.
Housing Tenure: Number of units to receive program services according to housing tenure status (i.e. owner occupied, renter occupied, vacant)
Estimated Time to Complete Work for each unit: Hours, days, weeks required to complete an activity
Estimated Unit Cost: Self explanatory

Factor 4	Leveraging Resources

Name Of The Organization Or Entity That Will Contribute Match Or Leveraged Funds And If The Organization Will Be a Subgrantee/Subrecipient	Work To Be Accomplished In Support Of The Program.	Value Of In-Kind Or Cash Match Contribution*	Additional Leveraged Funds Contribution	Total Of Match And Leveraged Contributions
Name: Type of Organization: Sub grantee/Subrecipient: ☐ Yes ☐ No				
Name: Type of Organization: Sub grantee/Subrecipient: ☐ Yes ☐ No				
Name: Type of Organization: Sub grantee/Subrecipient: ☐ Yes ☐ No				
Name: Type of Organization: Sub grantee/Subrecipient: ☐ Yes ☐ No				
Name: Type of Organization: Sub grantee/Subrecipient: ☐ Yes ☐ No				
Name: Type of Organization: Sub grantee/Subrecipient: ☐ Yes ☐ No				
Name: Type of Organization: Sub grantee/Subrecipient: ☐ Yes ☐ No				
Name: Type of Organization: Sub grantee/Subrecipient: ☐ Yes ☐ No				
Name: Type of Organization: Sub grantee/Subrecipient: ☐ Yes ☐ No				
	Total Amount	$	$	$

Name of the organization or entity that will contribute match or leveraged funds and if they are to be a subgrantee/subrecipient: Self explanatory.
Work to be accomplished in support of the program: The type of activities that will be accomplished in support of the program (i.e. outreach, training, risk Assessments/paint Inspections, relocation, etc.)
Value of In-kind or Cash Match Contribution: As required by statute or appropriation.
Additional Leveraged Funds Contribution: Additional funds above the match contribution required by statute or appropriation
Total of Match and Leveraged Contributions: The total of an applicant's In-kind or Cash Match Contribution and any additional Leveraged Funds Contribution

WORK PLAN DEVELOPMENT WORKSHEET
WITH MINIMUM BENCHMARK PERFORMANCE STANDARDS
FOR 36-MONTH PERIOD OF PERFORMANCE

Healthy Homes and Lead Hazard Program — OMB Approval Number 2539-0015 (exp 1/31/2006)

Grant Number: **Grantee Organization:** **Period of Performance: Feb 1, 2003 - January 31, 2006**

ACTIVITY	Q1 2003 Jan - Mar	Q2 2003 Apr - Jun	Q3 2003 Jul -Sep	Q4 2003 Oct -Dec	Q5 2004 Jan - Mar	Q6 2004 Apr - Jun	Q7 2004 Jul - Sep	Q8 2004 Oct - Dec	*Q9 2005 Jan - Mar	Q10 2005 Apr - Jun	Q11 2005 Jul - Sep	Q12 2005 Oct - Dec	Q13 2006 Jan - Mar	Q14 2006 Apr-Jun
Applicant Capacity (0-120 days)														
Staff Hired														
Approved Environmental Review and Release of Funds														
Written Policies and Procedures														
Lead Hazard Control Implementation Units in Grant Agreement = #														
Paint Inspections/Risk Assessments:														
Performance Standard		5%	15%	30%	45%	55%	65%	85%	95%	100%				
Work Plan Milestone														
% Planned														
Actual # Completed														
Actual % Completed														
** *Units in Progress*														
Units Completed and Cleared:														
Performance Standard			2%	5%	15%	30%	45%	55%	* 65%	85%	95%	100%		
Work Plan Milestone														
% Planned														
Actual # Completed														
Actual % Completed														
Cumulative LOCCS DRAWDOWNS Grant Award Amount = $														
Performance Standard				5%	10%	15%	20%	30%	* 45%	60%	80%	95%	100%	
LOCCS Drawdown Work Plan Milestone														
% Planned														
Actual LOCCS Drawdown														
Actual Cumulative LOCCS Drawdown %														
Community Outreach / Education/ Training														
Community Outreach and Education Work Plan Milestone														
Community Outreach and Education Milestone Achieved														
Skills Training Work Plan Milestone														
Skills Training Milestone Achieved														
Performance Measured Against Approved Work Plan Milestones													100%	
Close-Out Feb 1 - Apr 30, 2006														

* Renewal Eligibility Milestone

** No bench mark standard

WORK PLAN DEVELOPMENT WORKSHEET
WITH MINIMUM BENCHMARK PERFORMANCE STANDARDS
FOR 42-MONTH PERIOD OF PERFORMANCE

	Healthy Homes and Lead Hazard Programs														OMB Approval Number 2539-0015 (exp 1/31/2006)
Grant Number:		**Grantee Organization:**							**Period of Performance: September 30, 2003 - March 29, 2007**						
	Q1 2003	Q2 2004	Q3 2004	Q4 2004	Q5 2004	Q6 2005	Q7 2005	Q8 2005	Q9 2005	Q10 2006	Q11 2006	Q12 2006	Q13 2006	Q14 2007	Q15 2007
ACTIVITY	Oct -Dec	Jan - Mar	Apr - Jun	Jul - Sep	Oct - Dec	Jan - Mar	Apr - Jun	Jul - Sep	Oct - Dec	Jan - Mar	Apr-Jun	Jul - Sep	Oct - Dec	Jan - Mar	Apr - Jun
Applicant Capacity(0-180 days)															
Staff Hired															
Approved Environmental Review and Release of Funds															
Written Policies and Procedures															
Lead Hazard Control Implementation Units in Grant Agreement = #															
Paint Inspections/Risk Assessments:															
Performance Standard			5%	15%	25%	35%	45%	55%	65%	75%	85%	95%	100%		
Work Plan Milestone															
% Planned															
Actual # Completed															
Actual % Completed															
*** Units in Progress*															
Units Completed and Cleared:															
Performance Standard				2%	5%	15%	30%	45%	55%	65%	75%	85%	95%	100%	
Work Plan Milestone															
% Planned															
Actual # Completed															
Actual % Completed															
Cumulative LOCCS DRAWDOWNS Grant Award Amount = $															
Performance Standard					5%	10%	15%	20%	30%	40%	50%	60%	80%	95%	100%
LOCCS Drawdown Work Plan Milestone															
% Planned															
Actual LOCCS Drawdown															
Actual Cumulative LOCCS Drawdown %															
Community Outreach / Education / Training															
Community Outreach and Education Work Plan Milestone															
Community Outreach and Education Milestone Achieved															
Skills Training Work Plan Milestone															
Skills Training Milestone Achieved															
Performance Measured Against Approved Work Plan Milestones														100%	
Close-Out March 30 - June 29, 2007															

Request for Release of Funds and Certification

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB No. 2506-0087
(exp. 11/30/2004)

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 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.

Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

1. Program Title(s)	2. HUD/State Identification Number	3. Recipient Identification Number (optional)
4. OMB Catalog Number(s)	5. Name and address of responsible entity	
6. For information about this request, contact (name & phone number)		
8. HUD or State Agency and office unit to receive request	7. Name and address of recipient (if different than responsible entity)	

The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following

9. Program Activity(ies)/Project Name(s)	10. Location (Street address, city, county, State)

11. Program Activity/Project Description

Part 2. Environmental Certification (to be completed by responsible entity)

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal ☐ did ☐ did not require the preparation and dissemination of an environmental impact statement.
4. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
5. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
6. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

7. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
8. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

Signature of Certifying Officer of the Responsible Entity	Title of Certifying Officer
X	Date signed
Address of Certifying Officer	

Part 3. To be completed when the Recipient is not the Responsible Entity

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

Signature of Authorized Officer of the Recipient	Title of Authorized Officer
X	Date signed

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)

Previous editions are obsolete form **HUD-7015.15** (1/99)

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C. *Submission Dates and Times*

1. Application Due Dates: The application is due July 13, 2004. Refer to the General Section of the SuperNOFA for additional submission requirements including acceptable submission methods, acceptable proof of delivery and other information to assist the applicant.

D. *Intergovernmental Review:* Not required

E. *Funding Restrictions*

1. *Ineligible Activities.* You may not use grant funds for:

a. Purchase of real property.

b. Purchase or lease of equipment having a per unit cost in excess of $5,000, except for the purchase of X-ray fluorescence analyzers.

c. 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.

d. Lead hazard control activities in publicly owned housing, or project-based Section 8 housing (This housing stock is not eligible under Section 1011 of the Lead-Based Paint Hazard Reduction Act).

2. *Administrative Costs.* There is a 10 percent maximum for administrative costs as specified in Section 1011(j) of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of the Housing and Community Development Act of 1992, Pub. L. 102–550). Additional information about allowable administrative costs is provided below.

a. *Purpose.* The intent of this HUD grant program is to allow the Grantee to be reimbursed for the reasonable direct and indirect costs, for the overall management of the grant. In most instances the grantee, whether a state or a local government, principally serves as a conduit to pass funding to sub-grantees, which are to be responsible for conducting lead-hazard reduction work. Program planning and management costs of sub-grantees and other subrecipients are not included in the 10 percent maximum for grantee administrative costs. Congress set a maximum of 10 percent of the total grant sum for the grantee to perform the function of overall management of the grant program, including passing on funding to sub-grantees. The cost of that function, for the purpose of this grant, is defined as the ''administrative cost'' of the grant, and is limited to 10 percent of the total grant amount. The balance of 90 percent or more of the total grant sum is reserved for sub-grantees or other direct-performers of lead hazard identification and reduction work including relocation. For purposes of the Lead-Based Paint Hazard Control Grant Program, lead hazard identification and reduction includes lead paint inspection/risk assessments, interim controls, abatement of lead hazards, clearance testing, and relocation.

b. *Administrative Costs: What They Are Not.* For the purposes of this HUD grant program for states and local governments to provide support for the evaluation and reduction of lead hazards in low- and moderate-income, private target housing, the term ''administrative costs'' should not be confused with the terms ''general and administrative cost,'' ''indirect costs,'' ''overhead,'' and ''burden rate.'' These are accounting terms usually represented by a government-accepted standard percentage rate. The percentage rate allocates a fair share of an organization's costs that cannot be attributed to a particular project or department (such as the chief executive's salary or the costs of the organization's headquarters building) to all projects and operating departments (such as the Fire Department, the Police Department, the Community Development Department, the Health Department or this program). Such allocated costs are added to those projects' or departments' direct costs to determine their total costs to the organization.

c. *Administrative Costs: What They Are: For the purposes of this HUD grant program*, ''Administrative Costs'' are the grantee's allowable direct costs for the overall management of the grant program plus the allocable indirect costs. The allowable limit of such costs that can be reimbursed under this program is 10 percent of the total grant sum. Should the grantee's actual costs for overall management of the grant program exceed 10 percent of the total grant sum, those excess costs shall be paid for by the grantee. However, excess costs paid for by the grantee may be shown as part of the requirement for cost-sharing funds to support the grant.

d. *Administrative Costs Definition:*

(1) *General:* Administrative costs are the allowable, reasonable, and allocable direct and indirect costs related to the overall management of the HUD grant for lead-hazard reduction activities. Those costs shall be segregated in a separate cost center within the grantee's accounting system, and they are eligible costs for reimbursement as part of the grant, subject to the 10 percent limit. Such administrative costs do not include any of the staff and overhead costs directly arising from specific sub-grantee program activities eligible under this NOFA, because those costs are eligible for reimbursement under a separate cost center as a direct part of project activities.

The grantee may elect to serve solely as a conduit to sub-grantees, who will in turn perform the direct program activities eligible under this NOFA, or the grantee may elect to perform all or a part of the direct program activities in other parts of its own organization, which shall have their own segregated, cost centers for those direct program activities. In either case, not more than 10 percent of the total HUD grant sum may be devoted to administrative costs, and not less than 90 percent of the total grant sum shall be devoted to direct program activities. The grantee shall take care not to mix or attribute administrative costs to the *direct* project cost centers.

(2) *Specific.* Reasonable costs for the grantee's overall grant management, coordination, monitoring, and evaluation are eligible administrative costs. Subject to the 10 percent limit, such costs include, but are not limited to, necessary expenditures for the following goods, activities and services:

(a) Salaries, wages, and related costs of the grantee's staff, the staff of affiliated public agencies, or other staff engaged in grantee's overall grant management activities. In charging costs to this category the recipient may either include the entire salary, wages, and related costs allocable to the program for each person whose primary responsibilities (more than 65 percent of their time) with regard to the grant program involve direct overall grant management assignments, or the pro rata share of the salary, wages, and related costs of each person whose job includes any overall grant management assignments. The grantee may use only one of these two methods during this program. Overall grant management includes the following types of activities:

(i) Preparing grantee program budgets and schedules, and amendments thereto;

(ii) Developing systems for the selection and award of funding to sub-grantees and other sub-recipients;

(iii) Developing suitable agreements for use with sub-grantees and other sub-recipients to carry out grant activities;

(iv) Developing systems for assuring compliance with program requirements;

(v) Monitoring sub-grantee and sub-recipient activities for progress and compliance with program requirements;

(vi) Preparing presentations, reports, and other documents related to the program for submission to HUD;

(vii) Evaluating program results against stated objectives;

(viii) Providing local officials and citizens with information about the overall grant program; however, a more general education program, helping the public understand the nature of lead hazards, lead hazard reduction, blood-lead screening, and the health consequences of lead poisoning is a direct project support activity);

(ix) Coordinating the resolution of overall grant audit and monitoring findings; and

(x) Managing or supervising persons whose responsibilities with regard to the program include such assignments as those described in paragraphs (a) through (i).

(b) Travel costs incurred for official business in carrying out the overall grant management;

(c) Administrative services performed under third party contracts or agreements, for services directly allocable to grant management such as: legal services, accounting services, and audit services;

(d) Other costs for goods and services required for and directly related to the overall management of the grant program; and including such goods and services as telephone, postage, rental of equipment, renter's insurance for the program management space, utilities, office supplies, and rental and maintenance (but not purchase) of office space for the program.

(e) The fair and allocable share of grantee's general costs that are not directly attributable to specific projects or operating departments such as salaries, office expenses and other related costs for local officials (*e.g.*, mayor and city council members, etc.), and expenses for a city's legal or accounting department which are not charged back to particular projects or other operating departments. If a grantee has an established burden rate, it should be used; if not, the grantee shall be assigned a negotiated provisional burden rate, subject to final audit.

3. Eligibility of HUD-Assisted Housing. The chart ''Eligibility of HUD-Assisted Housing'' lists the housing units that may participate under the Lead Hazard Control Grant Program. Only those HUD-assisted units on the list are eligible to participate and receive Lead Hazard Control Grant funds.

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Eligibility of HUD-Assisted Housing

Program	Eligible?	Program	Eligible?
Housing Components of Community Planning & Development Programs		Housing in Military Impacted Areas (Section 238)	Yes
Community Development Block Grants (Entitlement)	Yes	Single Family Home Mortgage Coinsurance (Section 244)	Yes
Community Development Block Grants (Non-Entitlement) for States and Small Cities	Yes	Graduated Payment Mortgages (Section 245)	Yes
Community Development Block Grants (Section 108 Loan Guarantee)	Yes	Adjustable Rate Mortgages (ARMs) (Section 251)	Yes
Special Purpose Grants	Yes	Manufactured Homes (Title I)	Yes
The **Home** Program: **HOME** Investment Partnerships	Yes	**Housing - Multifamily Programs**	
HOPE for Homeownership of Single Family Homes	Yes	Rent Supplements (Section 101)	No
Shelter Plus Care - Sponsor-based Rental Assistance	No	Multifamily Rental Housing (Section 207)	Yes
Shelter Plus Care - Tenant-based Rental Assistance	Yes	Cooperative Housing (Section 213)	Yes
Shelter Plus Care - Project-based Rental Assistance	No	Mortgage and Major Home Improvement Loan Insurance for Urban Renewal Areas (Section 220)	Yes
Shelter Plus Care - SRO Rental Assistance	No	Multifamily Rental Housing for Moderate-Income Families - Section 221(d)(3)	No
Single Family Property Disposition Homeless Initiative	No	Multifamily Rental Housing for Moderate-Income Families - Section 221(d)(4)	Yes
Emergency Shelter Grants	Yes	Existing Multifamily Rental Housing (Section 223(f))	Yes
Housing Opportunities for Persons With AIDS (HOPWA)	Yes	Supplemental Loans for Multifamily Projects (Section 241)	Yes
Surplus Properties (Title V)	No	Supportive Housing for Persons with Disabilities (Section 811)	No
Supportive Housing Demonstration Program Transitional Housing Component	Yes	**HOPE 2**: Homeownership of Multifamily Units (Title IV)	No
Supportive Housing Demonstration Program Permanent Housing Component	Yes	Low-Income Housing Preservation and Resident Homeownership (Title VI)	No
Supplemental Assistance for Facilities to Assist the Homeless (SAFAH)	Yes	Emergency Low-Income Housing Preservation (Title II)	No
Supportive Housing Program	Yes	Flexible Subsidy (Section 201)	No
Section 8 SRO Mod Rehab for Homeless Individuals	No	**Public and Indian Housing**	
Innovative Demonstration Program	Yes	Section 8 Project-Based Certificate Program	No
Housing - Single Family Programs		Section 8 Tenant Based Certificate and Voucher Program	Yes
One- to Four-Family Home Mortgage Insurance (Section 203(b) and (i))	Yes	Section 8 Moderate Rehabilitation Program	No
Rehabilitation Mortgage Insurance (Section 203(k))	Yes	Public Housing Development	No
Homeownership Assistance for Low- and Moderate-Income Families (Section 221(d)(2))	No	Public Housing Operating Subsidy	No
Homes for Service Member (Section 222)	Yes	Public Housing Modernization (Comprehensive Grant Program)	No
Housing in Declining Neighborhoods (Section 223(e))	Yes	Public Housing Modernization (Comprehensive Improvement Assistance Program)	No
Condominium Housing (Section 234)	Yes		

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F. *Other Submission Requirements:* Refer to the General Section of the SuperNOFA for other application submission requirements.

1. *Addresses and Number of Copies.* The applicant, must submit an original and 3 copies of a complete application to: Department of Housing and Urban Development, Office of Healthy Homes and Lead Hazard Control, ATTN: Lead Hazard Control Grant Program, 451 Seventh Street, SW., Room P3206, Washington, DC 20410.

V. Application Review Information

A. Criteria

1. New and Prior Grantee Applicants (including eligible FY2002 (Round 10) Renewal Grantees)

a. Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 points Maximum). 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 grassroots faith-based and other community-based organizations, sub-contractors, consultants, subrecipients, and members of consortia that are firmly committed to your project. In rating this factor, HUD will consider:

(1) The applicant's recent, relevant and successful demonstrated experience (including working with governmental, parent groups, and grassroots faith-based or other community-based partners) to undertake eligible program activities. Applicants are to identify the organizations or entities that will assist the applicant in implementing the program. The applicant must describe the knowledge and experience of the current or 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. The applicant must demonstrate that it has sufficient personnel or will be able to retain qualified experts or professionals, and be prepared to perform lead hazard evaluation, lead hazard control intervention work, and other proposed activities within 120 days of the effective date of the grant award. HUD reserves the right to terminate the grant if sufficient personnel or qualified experts are not retained within these 120 days. In the narrative response for this factor, you should include information on your program staff, their experience, their commitment to the program, salary information, and position titles. Resumes (for up to three key personnel) or position descriptions for those key personnel to be hired, and a clearly identified organizational chart for the lead hazard control grant program effort (and for the overall organization) must be included in an appendix. Indicate the percentage of time that key personnel will devote to all lead hazard control projects (*see* Factor 1 Table—Key Personnel and Partners). The applicant's day-to-day program manager must be experienced in the management of housing rehabilitation or lead hazard control, childhood lead poisoning prevention, or similar work involving project management, and must be dedicated to the proposed program for a minimum of 75 percent of the time. Ideally, the program manager should be available at the inception of the program in order to implement this comprehensive program within the 120-day period after the effective date of the grant award. The applicant should provide a description of any previous experience in enrolling units and in completing lead hazard control work, housing rehabilitation or other work in a timely and effective manner. Describe how any other principal components of your agency, other public entities, or other organizations will participate in implementing or otherwise supporting or participating in 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 the applicant received previous HUD Lead-Based Paint Hazard Control Grant funding, this past experience will be evaluated in terms of cumulative progress and achievements under the previous grant(s). If the applicant has received multiple HUD Lead Hazard Control Grants, performance under the most recent grant award will be primarily evaluated. The applicant must provide a description of its progress and performance implementing the most recent grant award including the total number of housing units enrolled, assessed, and completed and cleared as a result of program efforts. The applicant must also describe outcomes, capacity building efforts and impediments experienced during a previous Lead Hazard Control Grant program. Other work plan activities and tasks associated with implementing HUD's Lead-Safe Housing Regulation, integrating lead-safe work practices into the private market, and promoting effective education, outreach, and other training activities should be described. The applicant should also describe specific instances where the program has contributed positive impacts in the community, and indicate what activities were undertaken to develop, enhance or expand the local infrastructure through collaboration.

HUD's evaluation process will consider an applicant's past performance record as reported to HUD in effectively organizing and managing their grant operations, in meeting performance and work plan benchmarks and goals, and in managing funds, including their ability to account for funds appropriately, the timely use of funds received either from HUD or other federal, state, or local programs, and meeting performance milestones. HUD may also use other information relating to these items from sources at hand, including public sources such as newspapers, Inspector General or Government Accounting Office Reports or Findings, hotline complaints, or other sources of information that have been proven to have merit.

(3) Applicants are to complete the Factor 1 Table to support the narrative information submitted.

b. Rating Factor 2: Needs/Extent of the Problem (20 points maximum). This factor addresses the extent to which there is a need for the proposed program to address a documented problem related to lead-based paint and lead-based paint hazards in your identified target area(s). An applicant will be scored in this rating factor based on their documented need as evidenced by thorough, credible, and appropriate data and information. The evaluation will be based only on the applicant's documentation of the data submitted. The data submitted in response to this rating factor will be verified using data available from the Census, HUDuser, other data available to HUD and/or in cooperation with the Centers for Disease Control and Prevention. The applicant is to complete the Factor 2 Table—Need/Extent of the Problem in Section IV. of this NOFA.

A maximum of 20 Points will be awarded in this rating factor based on the information documenting the number of children with an elevated blood lead level, the number of pre–1978 housing units, and the number and percentage of families with incomes at or below 80 percent of the Area Median Income (AMI) as determined by HUD

within your jurisdiction and/or target areas.

(1) Documented Number of Children with an Elevated Blood Lead Levels (EBLL) (10 Points Maximum).

Provide the actual number of children documented as having an elevated blood lead level (EBLL) residing within the applicant's jurisdiction for the most recent complete calendar year and identify the source of the data. Data prior to calendar year 2001 will not be accepted. States must report the number in the city, county, or other area where funds will actually be used. Consortia of local governments must report the number in the cities or counties making up the consortium. For the purposes of this application, the ''documented number of children'' with an EBLL is based on the Centers for Disease Control and Prevention (CDC) level of concern. A child under six years of age with a blood lead level test result equal to or greater than 10 micrograms of lead per deciliter of blood, which was performed by a medical health care provider is considered to have an EBLL. The actual number of children with an EBLL (not an estimate) must be reported to HUD in order to receive points for this subfactor. Do not send the children's names or addresses or other identifiers. Failure to provide this number in the application means that no points will be awarded for this subfactor. For you to receive maximum points for this rating factor there must be a direct relationship between your proposed lead hazard control activities and the documented community needs. Since an objective of the program is to prevent at-risk children from being poisoned, specific attention must be paid to documenting the identified need as it applies to any selected targeted area(s). Applicants are to use the Factor 2 Table to document the target area(s) need:

Points based on the documented number of children with an EBLL will be awarded based on the chart below.

Points awarded	Number of documented children with EBLL (≥10μg/dL)
2	<100
4	100–250
6	251–500
8	501–799
10	≥800

(2) Housing market data relevant to the specified target area(s) Housing Age for the following sub-categories: Pre-1940, 1940–1949, 1950–1959, 1960–1969, 1970–1979 and 1980 or newer (Census information includes 1970–1979 category). (5 Points Maximum);

Points awarded	Pre-1980 owner-occupied and renter occupied units
1	≤3500
2	>3500–10,000
3	>10,000–20,000
4	>20,000–35,000
5	>35,000

(3) 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 (*www.huduser.org*), with adjustments for smaller and larger families (Very-Low and Low-Income Population) (5 Points Maximum); Points will be awarded for the percentage of the population at or below (80%) of the Area Median Income for the jurisdiction.

Points awarded	Very low and low-income percentages of families <80% in jurisdiction
1	≤15%
2	>15–20%
3	>20–25%
4	>25–30%
5	>30%

c. Rating Factor 3: Soundness of Approach (40 points). This factor addresses the quality and cost-effectiveness of your proposed work plan. Applicants should develop a work plan that includes specific, measurable and time-phased objectives for each major program activity. The applicant's work plan should reflect benchmark standards for production, expenditures and other activities that have been developed by the Office of Healthy Homes and Lead Hazard Control. These benchmark standards, as well as policy guidance on developing work plans have been included in this NOFA and are available at the HUD Web site at: *www.hud.gov/offices/lead/lhc/pgi/index.cfm.* This policy guidance provides a sample format and outline for developing the Lead Hazard Control Grant Program Work Plan.

Applicants should describe the proposed activities and provide HUD with measurable outcome results to be achieved with the requested funds. Measurable outcome results should be stated in terms relevant to the purpose of the program funds as a direct result of the work performed within the performance period of the grant (*e.g.*, estimated number of units to be made lead-safe, estimated number of children living in units made lead-safe, estimated number of persons to be trained to perform lead hazard control activities, estimated number of educational programs to be presented and/or the number of persons to be served by such programs, and the basis for these estimates). Each proposed activity must be eligible as described in the NOFA and meet statutory requirements for assistance to low- and very low-income persons.

Your response to this factor must include the elements described below:

Lead Hazard Control Work Plan Strategy (32 points). Describe your work plan goals and specific time-phased strategy to complete work under the grant within the 42-month or less period of performance for your lead hazard control grant program. You should provide the information described in paragraphs (a) through (c) of this factor.

(1) Implementing a Lead Hazard Control Program (13 of 32 points). Describe how you will implement the strategy for your proposed lead hazard control program. The description must include information on:

(a) How the project will be organized, managed, and staffed. You must also identify the specific steps that will be taken to train and ensure the availability of enough lead-based paint contractors and workers to conduct lead hazard control interventions, and to perform other program activities. In addition, you must provide a detailed description of the selection process for sub-grantees, subcontractors or subrecipients, and how assistance and funding will flow from the grantee to those who will actually perform the work under the grant.

(b) The overall number of eligible privately owned housing units scheduled for lead hazard control intervention work and the strategy for their identification, selection, prioritization, and enrollment in the selected target area(s). Discuss the eligibility criteria for unit selection and how the program will identify units that meet these criteria. Explain how you would target resources to maximize the return on investment from grant funding. As funding is a constraint for this program, it is imperative to maximize the impact of grant dollars. Include in this discussion your proposed technical approach and how this choice addresses local conditions and needs as well as attempting to maximize the number of children protected from lead hazards. As there are a variety of reduction techniques that grantees can apply to lead hazards, it is important that HUD be able to assess the effectiveness of a grantee's choice of a technical strategy. Explain how referrals of eligible units will be obtained from childhood lead poisoning

prevention programs, other health care or housing agencies or health providers that serve children. Also discuss how referrals from the Section 8/Housing Choice Voucher programs and other agencies that provide housing assistance to low-income households with children including CDBG, HOME Investment Partnerships Program-funded housing programs or other sources. (Include as attachments any referral agreements, commitment letters or other documents from other entities that describe their participation recruiting eligible units in the lead hazard control grant program; see Rating Factor 4 Leveraging Resources for additional information regarding referral agreements. Applicants are to complete the Factor 3 Table).

(c) The degree to which the work plan focuses on eligible privately owned housing units occupied or to be occupied by low-income families with children under six years of age. Describe your planned approaches to control lead hazards in vacant and/or occupied units before children are poisoned and your plans to ensure that the program will continue to affirmatively market and match these units made lead-safe with low-income families with children under six years of age in the future. Discuss strategies to control lead hazards in units where children have already been identified with an elevated blood lead level (EBL), including your process for referring and tracking children with EBLs for medical case management, and your capacity to rapidly complete lead hazard control work in their units. Provide estimates of the number of low-income children you will assist through this program. You should describe how the program will respond to the needs of children with elevated blood lead levels (EBLs) located outside the target area(s).

(d) Discuss the lead hazard control financing strategy, including eligibility requirements, terms, conditions, dollar limits, and amounts available for lead hazard control work. Applicants must also describe how grant funds will be recaptured by the program in the event that a recipient of grant funds fails to comply with any terms and conditions of the financing arrangement (*e.g.*, affordability, sale of property, etc.). You must discuss the way assistance from the grant funds will be administered to or on behalf of property owners (*e.g.*, use of grants, deferred loans and/or forgivable loans, and the basis and schedule for forgiveness), and the role of other resources, such as private sector financing. You should identify the entity that will administer the financing process and describe how coordination and payment between the program and contractors performing the work will be accomplished. Describe matching requirements, if any, proposed for assistance to rental property owners.

(e) Statewide or jurisdiction-wide strategic plan to eliminate childhood lead poisoning as a major public health problem by 2010. Prior grantee and new applicants are encouraged to include an outline of the steps that they will take to participate in or develop a statewide or jurisdiction-wide strategic plan. Applicants are encouraged to collaborate with Centers for Disease Control and Prevention (CDC) Childhood Lead Poisoning Prevention grantees, who are now required to develop such plans. At a minimum, the plan must include the following elements:

(i) Mission Statement;

(ii) Purpose and Background on Lead Poisoning Prevention Prevalence;

(iii) Goals, Objectives, and Activities; and

(iv) Evaluation Plan.

(f) Consolidated Plan and Analysis of Impediments to Fair Housing Choice. You also must provide documentation of the priority that the community's Consolidated Plan and Analysis of Impediments to Fair Housing Choice has placed on addressing the needs you described. (This section does not apply to Native American Tribes. However, a Native American Tribe applicant may use the Indian Housing Plan to document how the Indian Housing Plan addresses the need for lead hazard control grant activities.) You should describe how your proposed program will satisfy the stated needs in the Consolidated Plan or Indian Housing Plan, and eliminate impediments identified in the Analysis of Impediments (AI). Also describe how your proposed program will further and support the policy priorities of the Department: including promoting healthy homes and the quality of housing. The applicant should describe its activities that remove barriers to affordable housing within their communities or support such efforts at the state and local level. This priority relates to HUD's Strategic Goal for Increasing Homeownership Opportunities and Promoting Decent Affordable Housing. In addition, applicants should describe how your strategy will provide long-term benefits to families with children under six years of age, and whether any of the proposed activities will occur in an Enterprise Zones/Enterprise Community/Renewal Communities (EZ/EC/RC) and how they will benefit the residents of those zones or communities. A list of EZ/EC/RC communities is available at: *http://www.hud.gov.*

If your application addresses needs that are in the Consolidated Plan, Analysis of Impediments to Fair Housing Choice, or the result of court orders or consent decrees, settlements, conciliation agreements, voluntary compliance agreements, Childhood Lead Poisoning Prevention Programs or other relevant local initiatives you will receive a higher score in this rating factor than applicants that do not relate their program to identified needs.

(2) Technical Approach/Performance (15 of 32 points). New and prior grantee and FY2002 (Round 10) renewal grantee applicants are to respond to the items below (see Factor 3 Table of this NOFA).

(a) Describe your process for the conduct of a combined paint inspection and risk assessment lead hazard evaluation in units of eligible privately owned housing to confirm that there are lead-based paint hazards in the housing units where lead hazard control is undertaken.

(b) Describe your testing methods, schedule, and costs for performing blood lead testing, combined paint inspections and risk assessments and clearance examinations to be used. If you propose to use a more restrictive standard than the HUD/EPA thresholds (*e.g.*, less than 0.5 percent or 1.0 mg/square centimeter for lead in paint, or less than 40, 250, 400 μg/square foot for lead in dust on floors, sills and troughs, respectively; or 400 ppm in bare soil in children's play areas and 1200 ppm for bare soil in the rest of the yard), identify the standard(s) that will be used. All testing shall be performed in accordance with applicable regulations.

(c) Describe the lead hazard control methods and strategies you will undertake and the number of units you will treat for each method selected (interim controls or hazard abatement). Complete abatement of all lead painted surfaces in all units is generally not acceptable as a strategy. In cases where only a few surfaces have lead hazards in a specific unit and abatement is cost-effective, the applicant must provide a detailed rationale for selecting complete abatement as a strategy. 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. Explain your cost estimates, providing detail on how the estimates were developed, with particular references to cost effectiveness.

(d) Schedule. Provide a realistic schedule for completing key activities, by quarter, so that all activities can be completed before or within the period of performance of the grant. Key production activities include enrollment of units, paint inspections/risk assessments, and completion/clearance of units. When developing the schedule, the applicant shall take into consideration their previous experience and performance in administering similar lead hazard control or rehabilitation programs.

(e) Time frames. Describe the estimated elapsed timeframe for treating a typical unit that will receive lead hazard control, including referral/intake, enrollment (qualification of the unit as eligible), combined paint inspection/risk assessments, preparation of specifications or work write-up, selection of the contractor, lead hazard control intervention work activities, quality control and monitoring of work activities, and clearance. The time frame should include an estimate of the staff and contractor time required to treat a typical unit that will receive lead hazard control. Describe the schedule for emergency referrals (*e.g.*, unit occupied by a child under six years of age with an elevated blood lead level). List the type of unit (*e.g.*, owner-occupied, rental, or vacant) and the number of units projected in each of the following categories: lead-based paint inspections/risk assessments; interim controls; hazard abatement and clearance inspections.

(f) Workflow and Production Control. Provide guidelines and/or flowcharts showing agency/partner responsibilities for each step in the process (from intake to clearance) and describe/show how coordination and hand-offs will be handled. Discuss how the actual production status of units, from intake to final clearance, will be monitored, and how and when production bottlenecks will be identified, remedied and monitored.

(g) Describe how you will integrate proposed lead hazard control activities with rehabilitation activities, including providing the training needed to create a workforce properly trained in lead-safe work practices for units assisted or rehabilitated under other HUD programs, and any collaboration with local housing or health departments, rehabilitation programs or community development corporations to stage lead hazard control and rehabilitation in the same units.

(h) Describe your contracting process, including development of specifications or adoption of existing 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, and requirements for coordination among lead hazard control, rehabilitation, weatherization, and other contractors.

(i) Describe your plan for occupant protection or the temporary relocation of the occupants of units selected and undergoing lead hazard control work. Describe any plan to avoid overnight relocation in small scale projects consistent with 24 CFR 35.1345(a)(2) and HUD's Interpretive Guidance of 24 CFR part 35, including J24, R18, and R19. Your work plan should address the use of safe houses and other temporary housing arrangements, storage of household goods, stipends, incentives, etc.

(3) Economic Opportunity (4 points).

(a) Describe the ways you will train individuals and contractors in housing related trades, such as painters, remodelers, renovators, maintenance personnel, rehabilitation specialists, and others in lead-safe work practices.

(b) Describe how you will help to integrate lead-safety into other housing activities, such as meeting the requirements of the HUD Lead-Safe Housing Regulation in housing units rehabilitated or assisted with federal funds.

(c) Describe the methods to be used to provide economic opportunities for residents and businesses throughout the community within the target area. 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. Grantees must comply with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and HUD's implementing rules at 24 CFR Part 135. Describe how you will accomplish the requirement by (1) providing training and employment opportunities for low- and very low-income persons living within the grantee's jurisdiction, and by (2) providing business opportunities to businesses owned by low and very low-income persons living within the grantees jurisdiction. Applicants that provide training, employment or business opportunities for low- and very low-income persons will receive one point in this sub factor.

(4) Lead Hazard Control Outreach and Community Private Sector Involvement (6 points). Applicants are encouraged to solicit participation of grassroots faith-based and other community-based and private sector organizations to accomplish outreach and community involvement activities and to build long-term capacity to sustain accomplishments in the target area. Applicants that partner, fund, or subcontract with grassroots faith-based and other community-based organizations will receive one point in this-sub factor. Your application must describe:

(a) 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.

(b) Strategy for involving neighborhood or grassroots faith-based and other community based organizations in your proposed activities. Your activities may include training (including training residents to screen houses through visual assessment and sampling), outreach, community education, marketing, inspection (including dust lead testing), and the conduct of lead hazard control activities. HUD will evaluate the proposed level of substantive involvement of such organizations during the review process.

(c) Strategies and methodologies that affirmatively further fair housing and increase access to lead-safe housing for all segments of the population: homeowners, owners of rental properties, and tenants. This outreach should address ways to avoid housing discrimination against families with young children, and ways to ensure that all families will have adequate, lead-safe housing choices in the future. These strategies could include your plans to develop and implement a registry (listing) of lead-safe housing that is available to the public, or to incorporate the inclusion of the lead-safe status of properties in another publicly accessible address-based property information system. The strategy could also include affirmatively marketing your services to those populations least likely to apply and who may not be served by any of the partner organizations working with you.

(5) Data Collection and other Program Support Activities (2 points).

(a) Identify and discuss the specific methods you will use (in addition to HUD reporting requirements) to document activities, progress, program effectiveness, and how changes necessary to improve performance will be implemented. Describe how you will obtain, document, and report on information collected.

(b) Provide a detailed description of any proposed participation in research activities, studies, or development of information systems designed to enhance the delivery, analysis, or conduct of lead hazard control activities, or that will facilitate the targeting and pooling of resources to further childhood lead poisoning prevention efforts.

If you are proposing to participate in research activities, describe the objectives, methodology and impact at the local level of the proposed research activities.

d. Rating Factor 4: Leveraging Resources (10 points). This factor addresses your ability to obtain other community and private sector resources that can be combined with HUD's program resources to achieve program objectives. 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 of services, equipment, or supplies allocated to the proposed program. Resources may be provided by governmental entities, public or private organizations, and other entities partnering with you. Leveraging arrangements with rental property owners may have the benefits of increasing the efficiency of public lead hazard identification and control expenditures and creating a financial stake for rental property owners in the quality of lead hazard control work. Contractual or other formal relationships with grassroots faith-based and other community-based organizations are a requirement for state and local government applicants. Documentation of relationships with grassroots faith-based and community-based organizations must be provided in this application either in the form of signed agreements or commitment letters. This requirement does not apply to Native American Tribe applicants. You also may partner with other program funding recipients to coordinate the use of resources in your target area(s).

(1) You should detail any activities to increase the understanding of lead poisoning prevention in your community. This could include partnerships with childhood lead screening programs, collaboration with ongoing health, housing, or environmental research efforts which could result in a greater availability of resources, and efforts to build capacity for lead-safe housing.

(2) Matching funds must be shown to be specifically dedicated to and integrated into supporting the lead-based paint hazard control program. Refer to Section III. B. Cost Sharing or Matching Requirements for additional information. You may not include funding from any federally funded program (except the CDBG program) as part of your required 10 percent match. Other resources from the private sector or other sources committed to the program that exceed the required 10 percent match will provide points for this rating factor. Contributions above the first 10 percent may include funds from other federally funded programs, and/or state, local, charity, nonprofit or for-profit entities. 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. The letter must describe the contributed resources that you will use in the program and their designated purpose. The signature of the authorized official on the Form SF–424 commits matching or other contributed resources of the applicant organization. A separate letter from the applicant organization is not required. Staff in-kind contributions should be given a monetary value based on the local market value of the staff skills. If you do not provide letters from contributors specifying details and the amount of the actual contributions, those contributions will not be counted. Contributions required of rental property owners may be included as part of your match. You should document and estimate the amount of the match from each resource.

Applicants will not receive full points under this rating factor if they do not submit evidence of a firm commitment and the appropriate use of leveraged resources under the grant program. Such evidence must be provided in the form of letters of firm commitment, memoranda of understanding, or other signed 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 the 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 grassroots faith-based and other community-based organizations in specific program activities, such as: hazard evaluation and control; monitoring; and awareness, education, and outreach within the community. Describe how you will ensure that commitments to sub-grantees specified in your proposal will be honored and executed, contingent upon an award from HUD.

e. Rating Factor 5: Achieving Results and Program Evaluation. (10 Points). This factor emphasizes HUD's commitment to ensuring that applicants achieve the goals outlined in their work plan and other benchmark standards and assess their performance to ensure performance goals are met. Achieving results means you, the applicant, have clearly identified the benefits, or outcomes of your program. Outcomes are ultimate goals. Benchmarks or outputs are interim activities or products that lead to the ultimate achievement of your goals.

Program evaluation requires that you, the applicant, identify program outcomes, interim products or benchmarks, and performance indicators that will allow you to measure your performance. Performance indicators should be objectively quantifiable and measure actual achievements against anticipated achievements. Your Evaluation Plan should identify what you are going to measure, how you are going measure it and the steps you have in place to make adjustments to your work plan if performance targets are not met within established timeframes. The degree to which benefits are maximized relative to cost is important. In particular, different technical approaches vary widely in cost, but also produce different levels of benefits. Evaluation should explore how well the technical strategy meets the conditions and needs found in the grantee's jurisdiction.

This rating factor reflects HUD's goal to embrace high standards of ethics, management and accountability. Applicants are required to complete the HUD 96010 Logic Form included in the General Section of this SuperNOFA.

(1) An applicant is to identify and describe specific methods, measures, and tools that 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. In evaluating this factor, HUD will consider how you have described outcome measures and benefits of your program including:

(a) 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), or your plan for the integration and coordination of lead hazard control activities into those activities in the future.

(b) Plans to develop public/private lending partnerships to finance lead hazard control as part of acquisition and rehabilitation financing such as the use of Community Reinvestment Act ''credits'' by lending institutions or other financing strategies.

(c) Results of any specific plans and objectives established to implement and/or maintain a registry (listing) of lead-safe housing that is available to the public, or to incorporate the inclusion of the lead-safe status of properties in another publicly accessible address-based property information system. Results could include how the information would be managed and affirmatively marketed to the public so that families (particularly low-income families with children under six years of age) can make informed decisions regarding their housing options. Prior grantee applicants must address any registry (listing) of lead-safe housing developed during the prior grant period by specifically discussing the availability, amount of information contained, and its maintenance.

(d) The extent to which affirmatively furthering fair housing for all segments of the population is advanced by the proposed activities. (This section does not apply to Native American Tribes.) Detail how your proposed work plan will support the community's efforts to affirmatively further affordable housing and discuss the impact of prior activities that have contributed to enhanced lead-safe housing opportunities.

(e) The resulting impact of plans to adopt or amend statutes, regulations, or policies that will more fully integrate lead hazard control into community policies and priorities.

(f) Results of activities to coordinate and cooperate with other organizations that will lead to a reduction in lead risks to community residents. This could include documenting such activities as: free training to create a workforce properly trained in lead safe work practices; 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.

(g) How your program will be held accountable for meeting program goals, objectives, and the actions undertaken in implementing the grant program. Applicants should provide a description of the mechanism to assess progress and track performance in meeting the goals and objectives outlined in the work plan. Applicants should provide assurances that work plans and performance measures developed for the program will assist intended beneficiaries, and that work will be conducted in a timely and cost-effective manner.

f. Bonus Points (2 Points). Applicants may also meet the requirements listed in the General Section of this SuperNOFA for a possible award of two bonus points.

g. Competitive Performance-Based Renewal applications will be rated and ranked based on the criteria below:

(1) The maximum number of points to be awarded will be 40.

(a) Production (10 points). The number of units completed and cleared. Grantees whose percentage of units completed and cleared in their current agreement meets or exceeds the performance criteria below will be awarded points based on the chart below.

% Units completed and cleared	Round 8 FY 2000	Round 9 FY 2001	Round 10 FY 2002
>45–55	.....	.....	3
>55–60	.....	.....	4
>60–65	.....	.....	5
>65–70	.....	6	6
>70–80	.....	7	7
>80–85	8	8	8
>85–90	9	9	9
>90–100	10	10	10

(b) Cumulative LOCCS Drawdowns (10 Points). The cumulative drawdowns from LOCCS as a percentage of the federal funds awarded in their current agreement. Grantees whose percentage of cumulative LOCCS drawdowns in their current agreement meet or exceed the performance criteria below will be awarded points based on the chart below.

% Cumulative LOCCS drawdowns to date	Round 8 FY 2000	Round 9 FY 2001	Round 10 FY 2002
>30–40	.....	.....	3
>40–45	.....	.....	4
>45–50	.....	5	5
>50–55	.....	6	6
>55–60	7	7	7
>60–70	8	8	8
>70–75	9	9	9
>75–100	10	10	10

(c) Other Work Plan Achievements. (5 Points). A grantee will be awarded points for meeting or exceeding their community education, outreach, and training objectives that were outlined in their most recent approved work plan and reported to HUD.

(d) Work Plan and Budget. (15 Points) The work plan and budget submitted by a grantee will be evaluated to ensure that there are specific and measurable performance objectives with benchmark milestones developed for the 36-month additional period of performance.

B. Reviews and Selection Process

1. *Rating and Ranking.* Please refer to the General Section of the SuperNOFA. Only those applications that meet the threshold review requirements will be rated and ranked. With the exception of applicants eligible for a Competitive Performance-Based Renewal grant, HUD intends to fund the highest ranked applications receiving a minimum score of 75 within the limits of funding.

A current grantee eligible to receive a Competitive Performance-Based Renewal Grant will be rated and ranked based on its demonstrated performance in terms of the number of housing units completed and cleared (as a percentage of units in current grant agreement), the cumulative Line of Credit Control System (LOCCS) drawdowns to date, and other work plan benchmarks or milestones achieved. Performance will be evaluated based upon the quarterly progress data submitted to HUD for the period ending March 31, 2004, and other data available to HUD.

In addition, the work plan and budget (including budget narrative) submitted in response to this NOFA will be evaluated as part of the rating and ranking process. Current grantees that are eligible to submit a Performance-Based Renewal application and are successful applicants, will have their current grant agreement modified to allow for an additional 36-months grant. Eligible current grantee applicants are not to respond to the Factors for Award in this NOFA, but must submit the required budget forms included in this NOFA and develop a work plan strategy with benchmark standards for conducting lead hazard control program activities. A work plan and budget

should be developed for the 36-month period. The submission requirements for the Performance-Based Renewal grant can be found in Section IV of this Program Section of the NOFA.

a. *Remaining Funds*. Refer to the General Section of this SuperNOFA for HUD's procedures if funds remain after all selections have been made within a category of the Lead Hazard Control Grant Program.

2. *Factors for Award Used To Rate and Rank Applications*.

a. *Implementing HUD's Strategic Framework and Demonstrating Results*. HUD is committed to ensuring that programs result in the achievement of HUD's strategic mission. To support this effort, grant applications submitted for HUD programs will be rated on how well they tie proposed outcomes to HUD's policy priorities and Annual Goals and Objectives, and the quality of proposed Evaluation and Monitoring Plans.

HUD is encouraging applicants to undertake specific activities that will assist the Department in implementing its policy priorities. HUD's Strategic Goals and Policy Priorities are outlined in the General Section of this SuperNOFA. For Lead Hazard Control Grant Program applicants, activities that promote economic opportunities for low-income persons support HUD's policy priority for Improving the Quality of Life in Our Nation's Communities. A new applicant will be awarded one point under Rating Factor 3: Economic Opportunities for activities that are undertaken to specifically address this policy priority. Activities that promote the participation of grassroots faith-based or community and parent organizations support HUD's policy priority for: Providing Full and Equal Access to Grassroots Faith-Based and Other Community-Based Organizations. An applicant will be awarded one point under Rating Factor 3: Lead Hazard Control Outreach and Community Private Sector Involvement for activities undertaken that specifically addresses this policy priority. For initiatives that break down regulatory barriers that impede the production of affordable housing, an applicant will be awarded up to two (2) points under Rating Factor 1 for activities that remove barriers to affordable housing within their communities or support such efforts at the state and local level. This priority relates to HUD's Strategic Goal for Increasing Homeownership Opportunities and Promoting Decent Affordable Housing. Refer to the General Section of the SuperNOFA for additional details pertaining to this policy priority. Applicants addressing this policy priority are to complete Form HUD–27300—Questionnaire for HUD's Initiative on Removal of Regulatory Barriers.

b. The maximum number of points to be awarded is 102. This maximum includes two bonus points as described in the General Section of this SuperNOFA. With the exception of applicants eligible for a Competitive Performance-Based Renewal grant, a minimum score of 75 is required for fundable applications.

c. The factors for rating and ranking eligible new applicants and prior grantees, and the maximum points for each factor are stated below:

Rating factor	Maximum points
1. Capacity of the Applicant and Relevant Organizational Experience	20
2. Needs/Extent of the Problem	20
3. Soundness of Approach	40
4. Leveraging Resources	10
5. Achieving Results and Program Evaluation	10
Empowerment Zone and Enterprise Community Bonus Points	2
Total	102

d. The factors for rating and ranking Competitive Performance-Based Renewal applications are stated below:

Rating factor	Maximum points
1. Production	10
2. Cumulative LOCCS Drawdowns	10
3. Other Work Plan Achievements	5
4. Work Plan and Budget	15
Total	40

VI. Award Administration Information

Refer to the General Section for additional details on award administration

A. Award Notices

1. Successful applicants will receive a letter from the Office of Healthy Homes and Lead Hazard Control Grant Officer indicating that they have been selected for an award. This letter will provide additional details regarding the effective start date of the grant and any additional data and information to be submitted to execute a grant agreement. This letter is not an authorization to begin work or incur costs under the grant. A fully executed grant agreement is the authorizing document. Unsuccessful applicants will also be notified that their application was not selected for an award and will be afforded an opportunity to request a debriefing on the unsuccessful application according to the procedures outlined in the SuperNOFA.

2. *Negotiation*. Refer to the General Section of the SuperNOFA for additional details.

3. *Adjustments to Funding*. Refer to the General Section of the SuperNOFA for additional details.

4. *Performance and Compliance Actions of Funding Recipients*. HUD will measure and address the performance and compliance actions of funding recipients in accordance with the applicable standards and sanctions of their respective programs.

B. Administrative and National Policy Requirements

Refer to the General Section of the SuperNOFA for additional details regarding the Administrative and National Policy Requirements applicable to HUD Programs.

1. *Coastal Barrier Resources Act*. Pursuant to the Coastal Barrier Resources Act (16 U.S.C. 3501), you may not use these grant funds for properties located in the Coastal Barrier Resources System.

2. *Flood Disaster Protection Act*. Under the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001–4128), you may not use these grant funds for lead-based paint hazard control of a building or manufactured home that is 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 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

b. 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.

3. *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. The Model Agreement may be obtained from the HUD Web site at: *http://www.hud.gov/utilities/intercept.cfm?/offices/lead/grantfrm/pgi*/95_06.pdf.

4. *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 State or local law or the HUD Guidelines for the Evaluation and Control of Lead-Based Hazards in Housing (HUD Guidelines). The Guidelines are available from the HUD Web site at: *http://www.hud.gov/offices/lead/guidelines/hudguidelines/index.cfm*.

5. *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.

6. *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.

C. Reporting. Successful applicants will be required to submit quarterly, annual, and final program and financial reports according the requirements of the Office of Healthy Homes and Lead Hazard Control. Specific guidance and additional details will be provided to successful applicants. For each reporting period, as part of the required report to HUD, a grant recipient must include a completed Logic Model (form HUD 96010), which identifies output and outcome achievements.

VII. Agency Contact(s)

For Further Information and Technical Assistance: You may contact Linda J. Ciancio, Acting Director; Program Management and Assurance Division; Office of Healthy Homes and Lead Hazard Control; 451 7th Street, SW., Washington, DC 20410, or by telephone, FAX, or e-mail: 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 number via TTY by calling the toll-free Federal Information Relay Service at 800–877–8339. Fax: (202) 755–1000; or E-mail: *Linda_J._Ciancio@hud.gov* (use underscores)

VIII. Other Information

Refer to the General Section of the SuperNOFA for details regarding other information on submitting a complete application that meets HUD requirements.

A. Paperwork Reduction Act: The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2539–0015. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average 80 hours per application and 16 hours per grant award. This includes the time for collecting, reviewing, and reporting the data. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

B. Other Office of Healthy Homes and Lead Hazard Control Information: For additional general, technical, and grant program information pertaining to the Office of Healthy Homes and Lead Hazard Control at: *http://www.hud.gov/offices/lead*.

BILLING CODE 4210–32–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HEALTHY HOMES AND LEAD HAZARD CONTROL PROGRAMS

HEALTHY HOMES TECHNICAL STUDIES PROGRAM

Billing Code 4210-32-C

Healthy Homes Technical Studies Program

Overview Information

A. *Federal Agency Name:* Department of Housing and Urban Development, Office of Healthy Homes and Lead Hazard Control.

B. Funding Opportunity Title: Healthy Homes Technical Studies Program.

C. Announcement Type: Initial announcement.

D. *Funding Opportunity Number:* The Federal Register number is: FR–4900–N–06. The OMB Paperwork Approval number is: 2539–0015.

E. *Catalog of Federal Domestic Assistance (CFDA) Number(s):* 14.906, Healthy Homes Technical Studies Grant Program.

F. Dates: An original and three copies of your application must be submitted on or before July 13, 2004. See the General Section of the SuperNOFA Section IV, Application and Submission Information, regarding application submission procedures and timely filing requirements.

G. Additional Overview Content Information

a. To fund technical studies to improve methods for detecting and controlling housing-related health and safety hazards. The purpose of the Healthy Homes Technical Studies program is to improve our knowledge of housing-related health hazards, and to improve or develop new hazard assessment and control methods.

b. The total amount to be awarded is approximately $2.0 million.

c. The anticipated amounts and/or numbers of individual awards will be approximately 3–6 awards, ranging from approximately $200,000 to approximately $1 million.

d. The type of award instruments that will be used are grants or cooperative agreements, with substantial involvement of the government in the case of cooperative agreements.

e. Academic, not-for-profit and for-profit institutions located in the U.S., state, and local governments, and federally recognized Native American tribes are eligible to apply. For-profit institutions are not allowed to earn a profit.

f. Cost sharing is not required, but is encouraged.

g. There are no limitations on the number of applications that each applicant may submit.

h. You can obtain application materials from the sources described below.

I. Funding Opportunity Description

A. Purpose of the Program

The overall goal of the Healthy Homes Technical Studies program is to gain knowledge to improve the efficacy and cost-effectiveness of methods for evaluation and control of housing-related health and safety hazards.

B. Program Description

HUD is funding studies to improve our knowledge of housing-related health hazards, and to improve or develop new hazard assessment and control methods, with a focus on the key hazards. Key hazards are described in Appendix A of this NOFA. HUD encourages you to consider using the ''community based participatory research'' approach, where applicable, in the design and implementation of your healthy homes technical studies application (*see* e.g., *http://www.niehs.nih.gov/translat/cbpr/cbpr.htm*).

A description of current and recently completed Healthy Homes Technical Studies projects and grantee contact information can be found on the HUD Web site at: *http://www.hud.gov/offices/lead/hhi/hhigranteeinfo.cfm*.

The Healthy Homes Initiative (HHI), which includes the Healthy Homes Technical Studies Program and the Healthy Homes Demonstration Grant Program (see the separate funding announcement for this program), departs from the more traditional approach of attempting to correct one hazard at a time. In April 1999, HUD submitted to Congress a preliminary plan containing a full description of the HHI. The preliminary plan (Summary and Full Report) and a description of the HHI are available on the HUD Web site at: *http://www.hud.gov/offices/lead/hhi/index.cfm*.

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.*, asthma triggers). 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 of this NOFA briefly describes the housing-associated health and injury hazards HUD considers key targets for intervention. Appendix B of this NOFA lists the references that serve as the basis for the information provided in this NOFA. HUD has also developed resource papers on a number of topic areas of importance under the Healthy Homes Initiative, including mold, environmental aspects of asthma, carbon monoxide, and unintentional injuries. These papers can be downloaded from the HUD website at: *http://www.hud.gov/offices/lead/hhi*.

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. Goals of the Healthy Homes Initiative

a. Mobilize public and private resources, involving cooperation among all levels of government, the private sector, grassroots organizations, particularly including faith-based, and other community-based, non-profit organizations to develop the most promising, cost-effective methods for identifying and controlling housing-based hazards; and

b. 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.

2. Objectives of the Healthy Homes Technical Studies Program

With this NOFA, HUD hopes to advance the recognition and control of residential health and safety hazards and more closely examine the link between housing and health. The overall objectives of Healthy Homes Technical studies projects to be funded through this NOFA include, but are not limited to:

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 education campaigns, and barriers and incentives affecting future use of the most cost-effective strategies; and

e. Investigation of the health effects on children living in deteriorated housing and the impact on their development and productivity.

f. Evaluation of residential health and safety hazard assessment and control

methodologies and approaches (including both existing methods and the evaluation of improved or novel approaches). Areas of particular interest to HUD include:

(1) Improving indoor air quality, such as through cost-effective approaches to upgrading residential ventilation or improving control/management of combustion appliances. Applicants should discuss how proposed approaches might affect residential energy costs (*e.g.*, increasing air exchange rates resulting in an increase in heating costs);

(2) Improving or assessing the efficacy of current methods for residential Integrated Pest Management (IPM). IPM approaches focus on the use of economical means for managing pests, which incorporate information on the life cycles of pests and their interaction with the environment, while minimizing hazards to people, property, and the environment. HUD is particularly interested in IPM methods for reducing cockroach and/or rodent populations in multifamily housing;

(3) Controlling excess moisture by reducing migration through the building envelope and condensation of water vapor on interior surfaces, with an emphasis on low cost interventions for low-income housing;

(4) Dust control measures (*e.g.*, preventing track-in of exterior dust and soil, improved methods for interior dust cleaning) have been identified as key areas in the HHI Preliminary Plan;

(5) Evaluating the effectiveness of education and outreach methods designed to provide at-risk families with the knowledge to adopt self-protective behaviors with respect to housing-related health hazards; and

(6) Additional ideas will be considered with an open mind toward novel techniques and applications.

g. Analysis of existing data or generation of new data to improve knowledge regarding the prevalence and severity of specific hazards in various classes of housing, with a focus on low-income housing. Specific examples include:

(1) The prevalence of carbon monoxide and other indoor air quality hazards;

(2) The prevalence and patterns of moisture problems and biological contaminants associated with excess moisture (*e.g.*, fungi, bacteria, dust mites);

(3) The prevalence of specific childhood injury hazards in housing; and

(4) Improved understanding of the relationship between a residential exposure and childhood illness or injury.

h. Low-cost analytical techniques for the rapid, on- and off-site determination of environmental contaminants of concern (*e.g.*, bioaerosols, pesticides, allergens). HUD's primary interest is in the improvement of existing instruments or methods, and not in the development of new technologies or instruments.

(1) Establish and validate any necessary procedures (*e.g.*, such as extraction and/or digestion) that would work well with the field device/procedure;

(2) Improve old technology (*e.g.*, colorimetric tests, titrimetric procedures) as well as examine and improve newer techniques; and

(3) Consider the safety, environmental impacts, and cost of the procedure, particularly as used in the field.

i. In proposing to conduct a study on a particular topic, applicants should consider:

(1) The ''fit'' of the proposed hazard assessment and/or control methods within the overall goal of addressing ''priority'' health and safety hazards in a cost-effective manner;

(2) The efficacy of the proposed methods for hazard control and risk reduction (*e.g.*, how long is effective hazard reduction maintained?);

(3) Consider where and how these methods would be applied and tested, and/or perform demonstration activities; and

(4) The degree to which your study will help develop practical, widely applicable methods and protocols or improve our understanding of a residential health hazard.

Although HUD is soliciting proposals for technical studies on these broad topics, HUD will also consider funding applications for technical studies on topics that are relevant under the overall goals and objectives of this program, as described above. In such instances, the applicant should describe how the proposed project activity addresses these overall goals and objectives.

Applicants should consider the efficiencies that might be gained by working cooperatively with some of the recipients of HUD's Healthy Homes Demonstration and Lead Hazard Control grants, which are widely distributed throughout the U.S. Information on current grantees is available at: *http://www.hud.gov/offices/lead.*

You may address one or more of the technical studies topic areas within your proposal, or submit separate applications for different topic areas.

C. Authority

These grants are authorized under sections 501 and 502 of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–1 and 1701z–2); and the Consolidated Appropriations Resolution of 2004, Pub. L. 108–199.

II. Award Information

A. Funding Available

Approximately $2 million in Fiscal Year 2004 will be available for the Healthy Homes Technical Studies Program. Awards will be made on a competitive basis following evaluation of all proposals according to the rating factors described in Section V. of this NOFA. HUD anticipates awarding three to six grants or cooperative agreements ranging from approximately $200,000 to approximately $1 million each.

Applications for supplementation of existing projects are eligible to compete with applications for new awards (*i.e.*, for work outside of the scope of the original agreement).

B. Anticipated Start Date and Period of Performance for New Grants

The start date for new awards is expected to be October 1, 2004. The period of performance cannot exceed 36 months from the time of award. Applicants are encouraged to plan studies with shorter performance periods, however when developing your schedule you should also consider the possibility that issues may arise that would delay project completion. For example, it is the Department's experience that projects requiring Institutional Review Board (IRB) approval and oversight (*i.e.*, in conformance with HUD's regulation (24 CFR 60), which incorporates the Department of Health and Human Services' regulation of studies involving human subjects), or which involve the development of new instrumentation, are prone to delays. HUD reserves the right to approve no cost time extensions for any award under this program for a total period not to exceed 12 months.

C. Type of Award Instrument

All awards in response to this solicitation will be made as grants or cooperative agreements. Anticipated substantial involvement by HUD on cooperative agreements may include, but will not be limited to, review and comment on the study design, including:

1. Study objectives;
2. Data collection;
3. Sample and data analysis;
4. Review and provide technical recommendations in response to

quarterly progress reports (*e.g.*, possible amendments to study design based on preliminary results);

5. Review and provide technical recommendations on the final study report.

III. Eligibility Information

A. Eligible Applicants

Eligible Applicants. Academic and not-for-profit institutions located in the U.S., state and local governments, and federally recognized Native American tribes 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). Applications for supplementation of existing projects are eligible to compete with applications for new awards. Federal agencies and federal employees are not eligible to submit applications. The General Section of this SuperNOFA provides additional eligibility requirements.

B. Cost Sharing or Matching

Cost sharing or matching is not required. In rating your application, however, you will receive a higher score under Rating Factor 5 if you provide evidence of significant cost sharing.

C. Other

1. Threshold Requirements Applicable to All Applicants Under the SuperNOFA

As an applicant, you must meet all of the threshold requirements described in the General Section of the SuperNOFA. Threshold requirements include Eligibility, Compliance with Fair Housing and Civil Rights Laws, Conducting Business in Accordance with Core Values and Ethical Standards, Delinquent Federal Debts and Pre-Award Accounting System Surveys. Information about threshold requirements is provided in the General Section of the SuperNOFA. Applicants that meet all of the threshold requirements will be eligible to receive funds from HUD.

2. Program Requirements

a. You must comply with all relevant state and federal regulations regarding exposure to and proper disposal of hazardous materials; and

b. Agree that 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 B of this program section of the NOFA).

c. HUD Healthy Homes Technical Studies grant funds will not replace existing resources dedicated to any ongoing project;

d. Laboratory analysis covered by the National Lead Laboratory Accreditation Program (NLLAP) will be conducted by a laboratory recognized under the program;

e. Standardized Dust Sampling Protocol and Quality Control Requirements. Grantees collecting samples of settled dust from participant homes for environmental allergen analyses (*e.g.*, cockroach, dust mite) will be required to use a standard dust sampling protocol, unless there is a strong justification to use an alternate protocol. The HUD protocol will be posted on the OHHLHC Web site at: *http://www.hud.gov/offices/lead/hhi/hhiresources.cfm.* Grantees conducting these analyses will also be required to include quality control dust samples, provided by OHHLHC at no cost to the grantee, with the samples that are submitted for laboratory analyses. For the purpose of budgeting laboratory costs, you should assume that five percent of your total allergen dust samples will consist of QC samples.

f. 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; and

g. 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, will be met;

h. If an individual researcher or a research team submits the application, the institution administering the grant will meet the civil rights threshold in the General Section of this NOFA.

3. DUNS Requirement

Refer to the General Section of the SuperNOFA for information regarding the DUNS requirement. A DUNS number must be provided for the institution that is submitting an application.

IV. Application and Submission Information

If you are interested in applying for funding under this program, please review carefully the General Section of the SuperNOFA and the following additional information.

A. Addresses to Request Application Package

There is no Application Kit. All the information required to submit an application is contained in this program NOFA and the General Section of the SuperNOFA. Forms can be downloaded from the Web at: *http://www.grants.gov.*

B. Content and Form of Application Submission

1. *Applicant Data.* 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 the General Section of the SuperNOFA. The required items are:

a. A transmittal letter, signed by the chief executive or other authorized official, that identifies what the technical study program funds are requested for, the dollar amount requested, and the applicant(s) submitting the application. 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. If two or more organizations are working together on the project, a primary applicant must be designated.

b. Application Abstract Summary. An abstract describing the project title, the names and affiliations of all investigators, and a summary of the objectives, expected results, and study design (two-page maximum) must be included in the proposal.

c. Checklist and Submission Table of Contents (see Appendix C of this program NOFA; inclusion of this checklist is voluntary).

d. All forms as required by the General Section of this SuperNOFA (necessary forms are also identified in the Checklist Submission Table of Contents in Appendix C). A Certification of Consistency with the Consolidated Plan is not required for this application. Form HUD–27061 (Race and Ethnicity Data) is not required with the application, however, if race and ethnicity data are collected and reported, you must follow the instructions in this form.

e. A project description/narrative statement addressing the rating factors for award of funding under this program

section of the NOFA. The narrative statement must be numbered in accordance with each factor for award (Rating Factors 1 through 5). The project description can either be included in the responses to the rating factors or provided separately. The response to the rating factors should not exceed a total of 25 pages (10–12-point font with at least ¾ inch margins on 8½ by 11 inch pages). Any pages in excess of this limit will not be read.

f. 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 project efforts. Each letter of commitment, memorandum of understanding, or agreement to participate must 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.

g. In conformance with the Common Rule (Federal Policy for the Protection of Human Subjects, (required by HUD at 24 CFR Part 60), if your research involves human subjects, your organization must provide an assurance (*e.g.*, a letter signed by an appropriate official) that the research has been reviewed and approved by an IRB before you can initiate activities that require IRB approval. Before receiving such funds, you must also provide the number for your organization's assurance (*i.e.*, an ''institutional assurance'') that has been approved by the Department of Health and Human Service's Office of Human Research Protections (OHRP). For additional information on what constitutes human subject research or how to obtain an institutional assurance, see the OHRP Web site at: *http://ohrp.osophs.dhhs.gov/.*

h. Within Appendix 1of your application, include materials that are required in support of your application (*e.g.*, resumes of the principal investigator and other key personnel, letters of commitment). 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 technical studies. This information will not be counted towards the page limit. Also include Form HUD–96010 Logic Model in Appendix 1.

i. Within Appendix 2 of your application, include any optional materials (*e.g.*, figures, data, letters of support) to support your application. These additional optional materials must not exceed 20 pages for the entire application. Any pages in excess of this limit will not be read.

j. Within Appendix 3 of your application, include the required forms and 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.(A), Rating Factor 3(4), below. *In completing the budget forms and justification, you should address the following elements:*

(1) Direct Labor costs should include all full- and part-time staff required for the planning and implementation phases of the project. These costs should be based on FTE (full time equivalent) or hours per year (hours/year) (*i.e.*, one FTE equals 2,080 hours/year);

(2) You should budget for three trips to HUD Headquarters in Washington, DC, planning each trip for two people, with the first trip occurring shortly after award, for a stay of two or three days, depending on your location, and the remaining trips having a stay of one or two days, depending on your location;

(3) A separate budget proposal should be provided for any subrecipients receiving more than 10 percent of the total federal budget request;

(4) You should be prepared to provide supporting documentation for salaries and prices of materials and equipment upon request;

(5) Organizations that have a federally negotiated indirect rate should use that rate and the appropriate base. Other organizations, not having a federally negotiated rate schedule, must obtain a rate from their cognizant federal agency, otherwise the organization will be required to obtain a negotiated rate through HUD; and

(6) You should submit the negotiated rate agreements for fringe benefits and indirect costs, if applicable, as an attachment to the budget sheets.

C. Submission Dates and Times

You must submit an original and three copies of your application on or before July 13, 2004. Refer to the General Section of the SuperNOFA for additional submission requirements including acceptable submission methods, acceptable proof of delivery and other information regarding application submission.

D. Intergovernmental Review

Funding received through this NOFA is not subject to Executive Order (EO) 12372, ''Intergovernmental Review of Federal Programs.''

E. Funding Restrictions

1. Administrative Costs. There is a 10 percent maximum allowance for administrative costs. Additional information about allowable administrative costs is provided in Appendix D of this NOFA.

2. Purchase of Real Property.

3. Purchase or lease of equipment having a per unit cost in excess of $5,000, unless prior written approval is obtained from HUD.

4. Medical treatment costs.

F. Other Submission Requirements

1. *Address for Submitting Applications.* Submit an original and three copies of your completed application to:

U.S. Department of Housing and Urban Development; Office of Healthy Homes and Lead Hazard Control; ATTN: Healthy Homes Technical Studies Program; 451 Seventh Street, SW., Room P3206; Washington, DC 20410–3000.

2. *Application Submission. See* the General Section of this SuperNOFA for specific procedures concerning the form of application submission (*e.g.*, mailed applications, express mail, or overnight delivery).

V. Application Review Information

A. Criteria

1. *Threshold Requirements.* 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 in Section V.4. of this NOFA. Your application must receive a total score of at least 75 points to remain in consideration for funding.

2. *Rating and Ranking.* Applications will be reviewed by an Application Review Panel (ARP) which will assign each application a score based on the rating factors presented below. The ARP chairperson selects and provides at least one application to panel members to score during a calibration round to ensure that all panel members are consistent in their application of the rating factors. When the calibration round is completed, each application is reviewed and scored by at least two panel members. If significant scoring discrepancies are identified among the reviewers of an application, the reviewers discuss their differences and are then given an opportunity to rescore the application among themselves and, if needed, with the full ARP. An average score is then computed for each

application. The ARP chair may call upon an advisor (generally a scientist with another federal agency) to the ARP to review and comment on a proposal; however, the advisor does not score the application. At a final meeting, the ARP identifies the top-ranking applications to be recommended for funding.

The factors for rating and ranking applicants, and maximum points for each factor, are provided below. Each factor is weighted as indicated by the number of points that are attainable for it. The maximum score that can be assigned to an application is 102 points. Applicants should be certain that these factors are adequately addressed in the project description and accompanying materials. The five rating factors are listed below:

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (22 points);

Rating Factor 2: Need/Extent of the Problem (15 points);

Rating Factor 3: Soundness of Approach (45 points);

Rating Factor 4: Leveraging Resources (8 points);

Rating Factor 5: Achieving Results and Program Evaluation (10 points); RC/EZ/EC Bonus Points (2 points);

Total: 102 points

Applicants are eligible to receive two bonus points for projects located within federally designated Renewable Communities (RC)/Employment Zones (EZ)/Enterprise Communities (EC) (RC/EZ/ECs) and which will serve the residents of these communities (*see* the General Section of the SuperNOFA).

You will receive one point under Rating Factor 3.c(2) for each of the applicable FY2004 policy priorities that are adequately addressed in your application with the exception of ''Removal of Barriers to Affordable Housing,'' for which you can receive up to two points (*see* the General Section of the SuperNOFA). Policy priorities that are applicable to the Healthy Homes Technical Studies NOFA are: (1) Improving our Nation's Communities (focus on distressed communities); (2) Providing Full and Equal Access to Grass-Roots Faith-based and other Community-based Organizations in HUD Program Implementation; (3) Participation of Minority-Serving Institutions in HUD Programs, and (4) Removal of Barriers to Affordable Housing.

3. *Rating Factors.*

a. Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (22 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, subrecipients, 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* (14 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 technical study that is proposed under this program NOFA; and

(2) *Past performance of the study team in managing similar projects* (8 points). Demonstrated ability to successfully manage various aspects of a complex technical study in such areas as logistics, study personnel management, data management, quality control, community study involvement (if applicable), and report writing, as well as overall success in project completion (*i.e.*, projects 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.

If applicable, describe the past performance of your organization in implementing a previously awarded Healthy Homes or Lead Hazard Control (OHHLHC) grant, or grants that your organization received from other sources to support research on relevant, related topics. Provide details about the nature of the project, the funding agency, and your performance (*e.g.*, timely completion, achievement of desired outcomes). If your organization has an active OHHLHC grant or cooperative agreement, provide a description of the progress and outcomes achieved under that grant.

b. Rating Factor 2: Need/Extent of the Problem (15 Points). This factor addresses the extent to which there is a need for your proposed technical study. In responding to this factor, you should document in detail how your project would make a significant contribution towards achieving some or all of HUD's stated goals and objectives for the Healthy Homes Technical Studies Program. You should demonstrate how your proposed study addresses a need associated with an important housing-related health hazard, with an emphasis on children's health. Specific topics to be addressed for this factor include:

(1) Provide a concise review of the health hazard that is addressed in your study and why you consider it a ''high priority'' hazard. If available, include documented rates of illness or injury associated with the hazard, including local, regional, and national data;

(2) Discuss how your proposed project would significantly advance the current state of knowledge for your focus area, especially with respect to the development of practical solutions; and,

(3) Discuss how you anticipate your study findings will be used to improve current methods for assessing or mitigating the hazard that your study addresses. Indicate why the method/protocol that would be improved through your study would be widely adopted (*e.g.*, low cost, easily replicated, lack of other options).

c. Rating Factor 3: Soundness of Approach (45 Points). This factor addresses the quality of your proposed technical study plan. Specific components include:

(1) *Soundness of the study design (20 points).* The project description/study design must be thorough and feasible, and reflect your knowledge of the relevant scientific literature. You should clearly describe how your study builds upon the current state of knowledge for your focus area. If possible, your study should be designed to address testable hypotheses, which are clearly stated. Your study design should be statistically based, with adequate power to test your stated hypotheses. The study design should be presented as a logical sequence of steps or phases, with individual tasks described for each phase. You should identify any important ''decision points'' in your study plan and you should discuss plans for data management, analysis, and archiving.

(2) *Policy Priorities (5 points).* Indicate if your proposed study will address any of the FY2004 policy priorities that are applicable to this program that were described previously in Section V.A.2 of this program NOFA (*see* the General Section of the SuperNOFA for additional details regarding these policy priorities). You will receive one point for each of the applicable policy priorities that are addressed in your application, with the exception of ''Removal Of Barriers to Affordable Housing,'' for which you can receive a maximum of 2 points.

(3) *Quality assurance mechanisms (8 points).* You must describe the quality

assurance mechanisms that will be integrated into your project design to ensure the accuracy and reliability of the results.

(a) 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) that provide the basis for your quality assurance mechanisms should be cited.

(b) For the collection of data using instruments such as surveys and visual assessment tools, describe the procedures that you will follow to ensure accurate data capture and transfer. Also, indicate whether research was done (or is planned) to validate the instrument.

(c) If your project involves human subjects in a manner which requires Institutional Review Board (IRB) approval and periodic monitoring, address how you will obtain such approval and your monitoring plan (before you can initiate activities that require IRB approval, you must provide an assurance that your study has been reviewed and approved by an IRB and evidence of your organization's ''institutional assurance;'' *see* Section IV.B.1.f. Describe how you will provide informed consent (*e.g.*, from the subjects, their parents or their guardians, as applicable) to help ensure their understanding of, and consent to, the elements of informed consent, such as the purposes, benefits and risks of the research. Describe how this information will be provided and how the consent will be collected. For example, describe your use of 'plain language' forms, flyers and verbal scripts, and how you plan to work with families with limited English proficiency or primary languages other than English, and with families including persons with disabilities.

(4) *Project management plan (8 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 appropriate resources (*e.g.*, personnel, financial) to successfully meet the proposed schedule. The management plan should clearly identify the specific responsibilities for each member of the project team. You should include preparation of one or more articles for peer-reviewed academic journals and submission of the draft(s) to the journal(s) after HUD acceptance during the period of performance of your grant or cooperative agreement.

(5) *Budget Proposal (4 points).*

(a) 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 NOFA. HUD is not required to approve or fund all proposed activities. Your detailed budget should be submitted using Form HUD–424–CBW. You must thoroughly document and justify all budget categories and costs (*see* Form HUD–424–CB for the major budget categories) and all major tasks, for yourself, subrecipients, partners, major subcontractors, joint venture participants, or others contributing resources to the project. A separate detailed budget (*i.e.*, Form HUD–424–CBW) is required for subrecipients who will receive more than 10 percent of the federal budget request. Your budget proposal should be activity- and task-related.

(b) Your narrative justification associated with these budgeted costs should be included as an attachment to the Total Budget (Federal Share and Matching), but does not count in the 25-page limit for this submission.

(c) The application will not be rated on the proposed cost; however, cost will be considered in addition to the rated factors to determine the proposal most advantageous to the federal government. Cost will be the deciding factor when proposals ranked under the listed factors are considered acceptable and are substantially equal.

d. Rating Factor 4: Leveraging Resources (8 Points).

Your proposal should demonstrate that the effectiveness of HUD's Healthy Homes Technical Studies award is being increased by securing other public and/or private resources or by structuring the project in a cost-effective manner, such as integrating the project into an existing study. Resources may include funding or in-kind contributions (such as services, facilities or equipment) allocated to the purpose(s) of your project. 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 project efforts. Each letter of commitment, memorandum of understanding, or agreement to participate must 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.

e. Rating Factor 5: Achieving Results and Program Evaluation (10 Points).

This factor emphasizes HUD's commitment to ensuring that applicants keep promises made in their applications and assess their performance to ensure performance goals are met. Achieving results means you, the applicant, have clearly identified the benefits or outcomes of your program. Outcomes are ultimate goals. Benchmarks or outputs are interim activities or products that lead to the ultimate achievement of your goals.

Program evaluation requires that you, the applicant, identify program outcomes, interim products or benchmarks, and performance indicators that will allow you to measure your performance. Performance indicators should be objectively quantifiable and measure actual achievements against anticipated achievements. Your evaluation plan should identify what you are going to measure, how you are going to measure it, and the steps you have in place to make adjustments to your work plan if performance targets are not met within established timeframes.

In your response to this Rating Factor you are to discuss the performance goals for your project and identify specific outcome measures. You are also to describe how the outcome information will be obtained, documented, and reported. You must complete and return the Logic Model Form included in the General Section of the SuperNOFA showing your proposed project long-term, mid-term, short-term, and final results, and how they support HUD's departmental goals and objectives. Information about developing a Logic Model is available at: *http://www.hud.gov*.

Also, in responding to this factor, you should:

(1) Identify benchmarks that you will use to track the progress of your study;

(2) Identify milestones that are critical for achieving study objectives (*e.g.*, recruitment of study participants, developing a new analytical protocol), potential obstacles in meeting these objectives, and how you would respond to these obstacles. These milestones should be clearly indicated in your study timeline.

This rating factor reflects HUD's goal to embrace high standards of ethics, management and accountability.

B. Review and Selection Process

1. *Corrections To Deficient Applications.* The General Section of this SuperNOFA provides the procedures for corrections to deficient applications.

2. *Partial Funding.* In the selection process, HUD reserves the right to offer partial funding to any or all applicants. If you are offered a reduced award amount, you will have a maximum of 14 calendar days to accept such a reduced award. If you fail to respond within the 14-day limit, you shall be considered to have declined the award.

3. *Remaining Funds.* See the General Section of this NOFA for HUD's procedures if funds remain after all selections have been made within the Healthy Homes Technical Studies Program.

C. Anticipated Announcement and Award Dates

The anticipated date for the announcement of awards under the Lead Technical Studies Program is September 30, 2004.

VI. Award Administration Information

A. Award Notices

1. *Notice of Award.* Applicants who have been selected for award will be notified by letter from the Grant Officer. The letter will state the program for which the application has been selected, the amount the grantee is eligible to receive, and the name of the Government Technical Representative (GTR). This letter is not an authorization to begin work or incur costs under the grant. An executed grant agreement is the authorizing document.

HUD may require that all the selected applicants participate in negotiations to determine the specific terms of the grant 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, and proceed with negotiations with the next highest-ranking applicant. If you accept the terms and conditions of the award, you must return your signed grant agreement by the date specified during negotiation.

After receiving the letter, additional instructions on how to have the grant account entered into HUD's Line of Credit Control System (LOCCS) payment system will be provided. Other forms and program requirements will also be provided.

In accordance with OMB Circular A–133 (Audits of States, Local Governments and Non-Profit Organizations), grantees will have to submit their completed audit-reporting package along with the Data Collection Form (SF–SAC) to the Single Audit Clearinghouse. The address can be obtained from their Web site. The SF–SAC can be downloaded at: *http://harvester.census.gov/sac/*.

2. *Debriefing.* The General Section of the SuperNOFA provides the procedures for requesting a debriefing.

B. Administrative and National Policy Requirements

1. *Program Performance.* Awardees shall take all reasonable steps to accomplish all HUD–funded activities within the approved period of performance. HUD reserves the right to terminate the grant or cooperative agreement prior to the expiration of the period of performance if the awardee fails to make reasonable progress in implementing the approved program of activities.

2. *Conducting Business in Accordance with HUD Core Values and Ethical Standards.* If awarded assistance under this NOFA, prior to entering into a grant agreement with HUD, you will be required to submit a copy of your code of conduct and describe the methods you will use to ensure that all officers, employees, and agents of your organization are aware of your code of conduct. See the General Section of the SuperNOFA for information about conducting business in accordance with HUD's core values and ethical standards.

3. *Participation in HUD–Sponsored Program Evaluation.* As a condition of the receipt of financial assistance under this NOFA, you will be required to cooperate with all HUD staff or contractors performing HUD–funded research and evaluation studies pertaining to the subject of the grant or cooperative agreement.

4. *Environmental Requirements.* In accordance with 24 CFR 50.19(b)(1) and (b)(5), 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.

C. Reporting

1. *Post Award Reporting Requirements.* Final budget and work plans are due 60 days after the start date.

2. *Quality Assurance Plan (QAP).* Successful applicants will be required to submit a Quality Assurance Plan to HUD prior to initiating work under the award. This is a streamlined version of the format used by some other federal agencies, and is intended to help ensure the accuracy and validity of the data that you will collect under the agreement. You should plan for this and include it in your study work plan. (See the QAP template for this program at: *http://www.hud.gov*.)

3. *Progress reporting.* Progress reporting is done on a quarterly basis. For specific reporting requirements, see policy guidance: *http://www.hud.gov/offices/lead*.

4. *Final report.* The award agreement will specify the requirements for final reporting (*e.g.*, scientific manuscript, report).

5. *Racial and Ethnic Beneficiary Data.* HUD does not require grantees to collect racial and ethnic beneficiary data for this program. If, however, racial and ethnic data are collected and reported as part of a study funded under this program NOFA, you must use the Office of Management and Budget's Standards for the Collection of Racial and Ethnic Data as presented on Form HUD–27061, Racial and Ethnic Data Reporting Form (and instructions for its use), found at: *http://www.grants.gov*.

VII. Agency Contact(s)

For technical or programmatic questions, you may contact Dr. Peter Ashley, Office of Healthy Homes and Lead Hazard Control, at the address above; telephone (202) 755–1785, extension 115 (this is not a toll-free number) or via e-mail at *Peter_J._Ashley@hud.gov*. For administrative questions on grants or cooperative agreements, you may contact Ms. Curtissa L. Coleman, Office of Healthy Homes and Lead Hazard Control, at the address above; telephone (202) 755–1785, extension 119 (this is not a toll-free number) or via e-mail at *Curtissa_L._Coleman@hud.gov*. 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 800–877–8339.

VIII. Other Information

A. HUD Reform Act of 1989

The provisions of the HUD Reform Act of 1989 that apply to this NOFA are explained in the General Section of the SuperNOFA.

B. Paperwork Reduction Act

The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction

Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2539–0015. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average 80 hours per application and 16 hours per grant award. This includes the time for collecting, reviewing, and reporting the data. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

Appendix A—Key Residential Health and Injury Hazards

The following briefly describes the residential 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 absences, emergency room visits, and hospitalizations. 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 percent of inner-city housing and affect 5–15 percent of the population, whereas dust mites appear to be the dominant allergen in other environments.

Interventions known to have beneficial effects include the installation of impervious mattress and pillow covers, which can reduce allergen exposure by 90 percent. Other dust mite control measures include dehumidification, laundering bedding, and removal of carpets and other materials that accumulate dust and are difficult to clean (*e.g.*, 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 (ACMs) 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 the 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 ACMs 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 pipes, 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 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 that 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 percent. Among low-income children living in older housing where lead-based paint is most prevalent, the

rate climbs to 16 percent; and for African-American children living in such housing, it reaches 21 percent.

HUD estimates that 38 million dwellings have some lead-based paint, and that 26 million have significant lead-based paint hazards. Of those, about 5.7 million have young children and of those, about 1.6 million have household incomes under $30,000 per year. Lead hazard control (LHC) 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 percent of airways disease, and 60 percent 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 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.*, IPM, clean and 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. For example, 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 LHC simultaneously through its lead and 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 that 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 of age, almost half stored at least one pesticide product within the reach of children. Exposure to chlorpyriphos (CP), a commonly used organophosphate insecticide, in the prenatal and early postnatal period may impair neurological development. 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, the 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-$2,500. 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 clothes 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 U.S. were disabled for at least one 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 75 percent of deaths: fires/ burns; drowning; and mechanical suffocation. Falls and poisoning are the next most common causes of death.

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 (*e.g.*, smoke alarms, electrical socket covers, etc.).

Appendix B—Relevant Publications and Guidelines

To secure any of the documents listed, call the telephone number provided. If you are a hearing- or speech-impaired person, you may reach the telephone numbers through TTY by calling the toll-free Federal Information Relay Service at 800–877–8339. A number of these

references are provided on HUD's CD, ''Residential Lead Desktop Reference, 3rd Edition.'' This CD can be obtained at no charge by calling the National Lead Information Clearinghouse's (NLIC's) toll free number, 800–424–LEAD. Several of these references can be downloaded from the Internet without charge from the HUD Office of Healthy Homes and Lead Hazard Control's Internet site at: *http://www.hud.gov/offices/lead*.

Regulations

1. *Worker Protection:* Occupational and Safety Administration (OSHA) publications listed below can be purchased by calling either OSHA Regulations at 202–693–1888 (OSHA Regulations) (this is not a toll free number) or the Government Printing Office (GPO) at 202–512–1800 (this is not a toll-free number). If you are a hearing- or speech-impaired person, you may reach these telephone numbers through TTY by calling the toll-free Federal Information Relay Service at 800–877–8339. OSHA standards and other publications can be downloaded or purchased (as applicable) from OSHA's publication Web page, *http://www.osha.gov/pls/publications/pubindex.list*. A broad range of information on construction and other worker protection requirements and guidelines is available from OSHA's home page at: *http://www.osha.gov/*.

2. *Waste Disposal*. A copy of the EPA regulations at 40 CFR parts 260–268 can be purchased by calling 800–424–9346, or, from the Washington, DC, metropolitan area, 703–412–9810 (this is not a toll-free number). If you are a hearing- or speech-impaired person, you may reach this telephone number via TTY by calling the toll-free Federal Information Relay Service at 800–877–8339. The regulations can also be downloaded without charge from the EPA Web site at: *http://www.epa.gov/docs/epacfr40/chapt-I.info/subch-I/htm*.

3. *Lead*.

(a) Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; Final Rule: 40 CFR part 745 (EPA) (Lead Hazard Standards, Work Practice Standards, EPA and State Certification and Accreditation Programs for those engaged in lead-based paint activities) can be purchased by calling the Toxic Substances Control Act (TSCA) Hotline at 202–554–1404 (this is not a toll-free number). If you are a hearing- or speech-impaired person, you may reach this telephone number through TTY by calling the toll-free Federal Information Relay Service at 800–877–8339. The rule and guidance can be downloaded from the Internet without charge at: *http://www.epa.gov/lead/*.

(b) 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 B through R, published September 15, 1999 (64 FR 50201) (HUD) can be purchased by calling NLIC's toll-free number (800–424–LEAD) or downloaded without charge from the HUD Web site at: *http://www.hud.gov/offices/lead*.

(c) Requirements for Disclosure of Information Concerning Lead-Based Paint in Housing, 24 CFR Part 35, Subpart A (HUD, Lead-Based Paint Disclosure Rule) by calling the NLIC's toll free number (800–424–LEAD). If you are a hearing- or speech-impaired person, you may reach this telephone number through TTY by calling the toll-free Federal Information Relay Service at 800–877–8339. The rule, guidance, pamphlet and disclosure formats can be downloaded from the HUD Web site at: *http://www.hud.gov/offices/lead*.

(d) U.S. Environmental Protection Agency. Lead; Identification of Dangerous Levels of Lead; Final Rule at 66 FR 1205–1240 (January 5, 2001). This rule and guidance can be obtained without charge by calling the NLIC's toll free number (800–424–LEAD) or by calling the TSCA at: 202–554–1404 (this is not a toll-free number). The rule and guidance can be downloaded from the EPA Web site at: *http://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. These guidelines can be purchased by calling 800–245–2691 toll-free. If you are a hearing- or speech-impaired person, you may reach this telephone number via TTY by calling the toll-free Federal Information Relay Service at 800–877–8339. The Guidelines can be downloaded from the HUD Web site without charge at *http://www.hud.gov/offices/lead*.

Reports and Articles

1. The Healthy Homes Initiative: A Preliminary Plan (Summary and Full Report); HUD, July 1995. A copy of this summary and report can be downloaded from the HUD Web site without charge at: *http://www.hud.gov/offices/lead*.

2. Institute of Medicine. Indoor Allergens. Assessing and Controlling Adverse Health Effects. National Academy Press. Washington, DC 1993.

3. Mott L., Our Children at Risk. Natural Resources Defense Council. Washington, DC 1997. Can be ordered from the Internet from at: *http://www.nrdc.org*.

4. Rom W.N., Ed. Environmental and Occupational Medicine. Little, Brown and Co., Boston. 1992.

5. President's Task Force on Environmental Health Risks and Safety Risks to Children. Asthma and The Environment: An Action Plan to Protect Children. Washington, DC 1999.

6. Eliminating Childhood Lead Poisoning: A Federal Strategy Targeting Lead Paint Hazards. Washington, DC 2000. Can be downloaded from the Internet without charge from *www.epa.gov/children*.

7. Jacobs, D.E., R.P. Clickner, J.Y. Zhou, *et al.*, 2002. Prevalence of Lead-Based Paint in U.S. Housing. Env. Health Persp. 110(10): A599–A606.

8. Galke, W., S. Clark, J. Wilson, *et al.*, 2001. Evaluation of the HUD lead hazard control grant program: Early overall findings. Env. Res. 86, 149–156.

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APPENDIX C
Checklist and Submission Table of Contents
Healthy Homes Technical Studies Program

The following checklist is provided to ensure you have submitted all required items to receive consideration for funding. Assemble the application in the order shown below and number your pages consecutively. **Inclusion of this Checklist and Submission Table of Contents with your proposal is recommended but not required.**

		Page
☐	**Transmittal Letter** (one page limit)	Cover Page
☐	**Applicant Abstract** (limited to a maximum of 2 pages)	
	Checklist and Submission Table of Contents (this form)	
☐	**Application Forms** (to be included in Appendix 3)	
☐	SF-424	
☐	Form HUD-424B (Assurances/Non-Construction Programs)	
☐	Form HUD-424CB (Grant Application Detailed Budget)	
☐	Form HUD-424CBW, Total Budget Summary (Federal Share and Matching) With Supporting Narrative and Cost Justification	
☐	SF-424 Supplement (Survey on Equal Opportunity for Applicants) (only for applicants that are private, nonprofit organizations)	
☐	Form HUD-2990 Certification of Consistency with the EZ/EC Strategic Plan	
☐	Form HUD-96010 Logic Model	
☐	Form SF-LLL Disclosure of Lobbying Activities Required ☐ Form SF-LLL Not Required	
	Rating Factor Response (limited to a maximum of 25 pages)	
☐	1. Capacity of the Applicant and Relevant Organizational Experience	
☐	2. Needs/Extent of the Problem	
☐	3. Soundness of Approach	
☐	4. Leveraging Resources	
☐	5. Achieving Results and Program Evaluation	
	Appendices	
☐	❑ Appendix 1 – Required materials in support of the Rating Factors (e.g., resumes of key personnel, organizational chart, letters of commitment) arranged in order by Rating Factor (3-page limit on resumes; resumes do not count as part of the page limit). Include HUD-96010 Logic Model Form in this Appendix. ❑ Appendix 2 – Optional materials in support of the Rating Factors, arranged in order by Rating Factor (e.g., maps, letters of support, etc.) 20 page limit. Appendix 3 – Required forms and budget materials (see Application Forms, above).	
☐	Form HUD-2993 Acknowledgment of Application Receipt	
☐	Form HUD-2994 Client Comments and Suggestions (optional)	

*The forms included in the Checklist and Submission Table of Contents are found in the **General Section** of this SuperNOFA or this Program NOFA and are available as fillable Adobe Reader (PDF) or Word (DOC) formats from the HUD website at: ***www.grants.gov***

Applicants are encouraged to use the electronic version of Form HUD-424-CBW.

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Appendix D—Administrative Costs

I. Purpose

The intent of this HUD grant program is to allow the Grantee to be reimbursed for the reasonable direct and indirect costs, subject to a top limit, for overall management of the grant. In most instances the grantee, whether a state or a local government, principally serves as a conduit to pass funding to sub-grantees, which are to be responsible for the conducting lead-hazard reduction work. Congress set a top limit of ten percent of the total grant sum for the grantee to perform the function of overall management of the grant program, including passing on funding to sub-grantees. The cost of that function, for the purpose of this grant, is defined as the ''administrative cost'' of the grant, and is limited to ten percent of the total grant amount. The balance of ninety percent or more of the total grant sum is reserved for project implementation activities.

II. Administrative Costs: What They Are Not

For the purposes of this HUD grant program, ''administrative costs'' should not be confused with the terms ''general and administrative cost,'' ''indirect costs,'' ''overhead,'' and ''burden rate.'' These are accounting terms usually represented by a government-accepted standard percentage rate. The percentage rate allocates a fair share of an organization's costs that cannot be attributed to a particular project or department (such as the chief executive's salary or the costs of the organization's headquarters building) to all projects and operating departments (such as the Fire Department, the Police Department, the Community Development Department, the Health Department or this program). Such allocated costs are added to those projects' or departments' direct costs to determine their total costs to the organization.

III. Administrative Costs: What They Are

For the purposes of this HUD grant program, ''Administrative Costs'' are the grantee's allowable direct costs for the overall management of the grant program plus the allocable indirect costs. The allowable limit of such costs that can be reimbursed under this program is 10 percent of the total grant sum. Should the grantee's actual costs for overall management of the grant program exceed 10 percent of the total grant sum, those excess costs shall be paid for by the grantee. However, excess costs paid for by the grantee may be shown as part of the requirement for cost-sharing funds to support the grant.

IV. Administrative Costs: Definition

A. General

Administrative costs are the allowable, reasonable, and allocable direct and indirect costs related to the overall management of the project activities that are supported by the HUD grant. Those costs shall be segregated in a separate cost center within the grantee's accounting system, and they are eligible costs for reimbursement as part of the grant, subject to the 10 percent limit. Such administrative costs do not include any of the staff and overhead costs directly arising from specific sub-grantee program activities eligible under this NOFA, because those costs are eligible for reimbursement under a separate cost center as a direct part of project activities.

The grantee may elect to serve solely as a conduit to sub-grantees, who will in turn perform the direct program activities eligible under this NOFA, or the grantee may elect to perform all or a part of the direct program activities in other parts of its own organization, which shall have their own segregated, cost centers for those direct program activities. In either case, not more than 10 percent of the total HUD grant sum may be devoted to administrative costs, and not less than 90 percent of the total grant sum shall be devoted to direct program activities. The grantee shall take care not to mix or attribute administrative costs to the direct project cost centers.

B. Specific

Reasonable costs for the grantee's overall grant management, coordination, monitoring, and evaluation are eligible administrative costs. Subject to the 10 percent limit, such costs include, but are not limited to, necessary expenditures for the following goods, activities and services:

(1) Salaries, wages, and related costs of the grantee's staff, the staff of affiliated public agencies, or other staff engaged in grantee's overall grant management activities. In charging costs to this category the recipient may either include the entire salary, wages, and related costs allocable to the program for each person whose primary responsibilities (more than 65 percent of their time) with regard to the grant program involve direct overall grant management assignments, or the pro rata share of the salary, wages, and related costs of each person whose job includes any overall grant management assignments. The grantee may use only one of these two methods during this program. Overall grant management includes the following types of activities:

(a) Preparing grantee program budgets and schedules, and amendments thereto;

(b) Developing systems for the selection and award of funding to sub-grantees and other sub-recipients;

(c) Developing suitable agreements for use with sub-grantees and other subrecipients to carry out grant activities;

(d) Developing systems for assuring compliance with program requirements;

(e) Monitoring sub-grantee and subrecipient activities for progress and compliance with program requirements;

(f) Preparing presentations, reports, and other documents related to the program for submission to HUD;

(g) Evaluating program results against stated objectives;

(h) Providing local officials and citizens with information about the overall grant program; however, a more general education program, helping the public understand the nature of lead hazards, lead hazard reduction, blood-lead screening, and the health consequences of lead poisoning is a direct project support activity;

(i) Coordinating the resolution of overall grant audit and monitoring findings; and

(j) Managing or supervising persons whose responsibilities with regard to the program include such assignments as those described in paragraphs (a) through (i).

(2) Travel costs incurred for official business in carrying out the overall grant management;

(3) Administrative services performed under third party contracts or agreements, for services directly allocable to grant management such as: legal services, accounting services, and audit services;

(4) Other costs for goods and services required for and directly related to the overall management of the grant program; and including such goods and services as telephone, postage, rental of equipment, renter's insurance for the program management space, utilities, office supplies, and rental and maintenance (but not purchase) of office space for the program.

(5) The fair and allocable share of grantee's general costs that are not directly attributable to specific projects or operating departments such as salaries, office expenses and other related costs for local officials (*e.g.*, mayor and city council members, etc.), and expenses for a city's legal or accounting department which are not

charged back to particular projects or other operating departments. If a grantee has an established burden rate, it should be used; if not, the grantee shall be assigned a negotiated provisional burden rate, subject to final audit.

BILLING CODE 4210–32–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HEALTHY HOMES AND LEAD HAZARD CONTROL PROGRAMS

LEAD TECHNICAL STUDIES PROGRAM

Billing Code 4210-32-C

Lead Technical Studies Program Overview Information

A. *Federal Agency Name:* Department of Housing and Urban Development, Office of Healthy Homes and Lead Hazard Control.

B. *Funding Opportunity Title:* Lead Technical Studies Program.

C. *Announcement Type:* Initial announcement.

D. *Funding Opportunity Number:* The **Federal Register** number is: FR–4900–N–10. The OMB Paperwork Approval number is: 2539–0015.

E. *Catalog of Federal Domestic Assistance (CFDA) Number:* 14.902, Lead Technical Studies Grant Program.

F. *Dates:* An original and three copies of your application must be submitted on or before July 13, 2004. See the General Section of the SuperNOFA Section IV, Application and Submission Information, regarding application submission procedures and timely filing requirements.

G. *Additional Overview Content Information:*

1. The funding opportunity is for technical studies to improve methods for detecting and controlling residential lead-based paint health and safety hazards.

2. The total amount to be awarded is approximately $3 million, of which $1 million is a set-aside for Historically Black Colleges and Universities (HBCUs).

3. The anticipated amounts and/or numbers of individual awards will be approximately six to ten awards, ranging from approximately $200,000 to approximately $750,000.

4. The types of instruments awarded will be grants or cooperative agreements, with substantial involvement of the government for cooperative agreements.

5. Academic, not-for-profit and for-profit institutions located in the U.S., state and local governments, and federally recognized Native American tribes are eligible to apply. For-profit institutions are not allowed to earn a fee. HBCUs are also eligible to apply under the set-aside.

6. Cost sharing is not required, but is encouraged.

7. There are no limitations on the numbers of applications that each applicant may submit, and,

8. One can get application materials from the sources described below.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of the Program. The purpose of the Lead Technical Studies program is to improve methods for detecting and controlling residential lead-based paint hazards.

A. Program Description

1. *General Goals and Objectives.* The overall goal of the Lead Technical Studies grant program is to gain knowledge to improve the efficacy and cost-effectiveness of methods for evaluation and control of residential lead-based paint hazards.

Through the Lead Technical Studies Program, HUD is helping ''develop the capacity of eligible applicants * * * to carry out activities under'' lead hazard control grant programs, by advancing the technology and increasing the effectiveness of workers on lead hazard control (LHC) projects, in fulfillment of the requirements of section 1011(g)(1) of Title X of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4852(g)(1)) and is ''conduct[ing] research to develop improved methods for evaluating [and] reducing lead-based paint hazards in housing,'' and related topics, in fulfillment of the requirements of sections 1051 and 1052 of Title X.

HUD encourages applicants to consider using the ''community based participatory research'' approach, where applicable, in the design and implementation of lead technical studies (*see e.g., http://www.niehs.nih.gov/translat/cbpr/cbpr.htm*).

Brief descriptions of active and previously funded lead technical studies projects can be found on HUD's Web site at: *http://www.hud.gov/offices/lead/techstudies/index.cfm*. Where it is appropriate, as an applicant, you are strongly encouraged to ensure that your proposed study builds upon HUD-sponsored work that has been completed previously, in addition to other relevant research (*i.e.*, that contained in government reports and in the published literature).

2. *Background.* HUD has been actively engaged in a number of activities relating to lead-based paint hazard control as a result of the Lead-Based Paint Poisoning Prevention Act of 1971, as amended, 42 U.S.C. 4801–4856. Sections 1051 and 1052 of the Residential 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 technical studies on specific topics related to the evaluation and mitigation of residential lead hazards. Section 1053 of Title X authorized HUD to spend funds to conduct these studies, under the Lead Hazard Control Grant Program's funding authorization in section 1011(o). The HUD-sponsored technical studies program also responds to recommendations by the Task Force on Lead-Based Paint Hazard Reduction and Financing, which was established pursuant to section 1015 of Title X. (42 U.S.C. 4852a). 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 program section of this NOFA), recommended that research be conducted on a number of key topics to address significant gaps in our knowledge of lead exposure and hazard control.

The findings of technical studies 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 partly amended in September 1997 (Chapter 7, Lead-Based Paint Inspection). For availability of the *Guidelines, see* Appendix A.

B. Eligible Activities

HUD is especially interested in the following lead technical studies topics:

1. *Use of novel or dry cleaning techniques.* Current methods for cleaning lead-contaminated dust from hard surfaces consist of a combination of HEPA vacuuming and wet cleaning. Research sponsored by both the U.S. Environmental Protection Agency and HUD has shown that trisodium phosphate (TSP) is not more effective than other detergents in cleaning lead contaminated dust (USEPA 1998, Rich *et al.* 2002). Additional HUD-sponsored research showed that use of household vacuums without HEPA filtration for cleaning as an interim control method (*i.e.*, not following lead abatement or other interim control activities) did not produce detectable airborne lead emissions (Public Health Institute/California Dept. of Health Services, unpublished data). The same study also found that wet washing was considerably more effective than vacuuming in removing dust-lead from smooth floors.

There are other cleaning techniques that might be effective in cleaning hard surfaces, but which have not been studied. The other cleaning techniques include the use of disposable cloths or towelettes (either used directly or at the end of a wand) or dry cleaning methods using disposable wipes that collect dust electrostatically. Important considerations include both efficacy in

the removal of lead-contaminated dust and cost.

The use of a disposable wet cleaning medium, a technique that can be referred to as ''wet wipe and toss'' consists of the use of a disposable rag or non-woven cellulosic material that can be dipped in cleaning solution, used once to clean a surface, and then discarded. Conceptually, this may benefit cleaning since a fresh wipe material is always used and there is no return to the rinse solution (*i.e.*, as with a mopping technique), a practice that may contaminate the cleaning water (a disadvantage is the potential for creating a large amount of solid waste). This technique may be most appropriate for cleaning small surfaces, such as windowsills or troughs, but could also be used for floors if the wipe medium is secured on a holder at the end of a handle. Commercially available products include pre-moistened cleaning pads (resembling large size baby wipes) and integrated spray and wipe assemblies with disposable cleaning pads.

Disposable dry cleaning media for dust control was introduced into the commercial market relatively recently. This cleaning technique makes use of a disposable dust collector, made of cloth or paper with an electrostatic charge. Some unpublished reports indicate that they can be effective in dust removal, including cleanup of lead-contaminated dust. Without focusing on any specific commercial product, it would be of interest to establish the usefulness of some of these products to clean a variety of surfaces prior to clearance, or to remove lead-contaminated dust on specific surface types as an interim control procedure.

Additional ideas would be welcome, along with novel approaches to evaluate the effectiveness of the cleaning techniques.

2. *Reducing exterior soil and dust-lead hazards.* Studies have shown that lead in exterior dust and soil can be an important source of lead exposure to young children, both through direct contact and indirectly when tracked or blown into the home. HUD has funded several studies that have assessed approaches to reducing the risk posed by this large environmental lead reservoir. Examples of these studies have focused on the following topics: reducing the bioavailability (as determined using in vitro testing) of lead in soil through the addition of composted biosolids; reducing soil hazards in urban yards through targeted landscaping (*e.g.*, raised beds, improving ground cover); reducing exterior dust-lead levels through exterior building treatments and street and sidewalk cleaning; and, reducing surface soil-lead hazards by overlaying clean soil with grass cover.

Additional study is needed to assess the long-term effectiveness of interim controls to reduce soil and exterior dust-lead hazards. Research is also needed to develop interim controls and strategies for exterior dust and soil that are reasonable in cost, feasible to implement, and which do not require frequent maintenance to maintain their effectiveness.

3. *Potential exposure and contamination from floor sanding of lead-containing floor varnish.* A HUD-funded pilot study by the Wisconsin Division of Public Health, ''Potential Lead Exposures from Sanding Floors Containing Leaded Varnish,'' found that although no floor varnish was identified as lead-based paint using X-ray fluorescence (XRF), 52% of varnish samples exceeded the definition of lead-based paint based on laboratory analysis. Also, more than 70% of the settled dust samples (not dust wipe samples) exceeded the floor dust clearance level of 40 $\mu g/ft^2$ after floor sanding. Use of low-cost dust controls significantly reduced the amount of lead-contaminated dust on the floors. Hand-scraping of varnished stairs was also shown to be a high risk operation for occupational (personal) lead exposure.

HUD is interested in expanding this study to include a larger number of homes and floor refinishing contractors, and to include additional regions of the country. HUD is also interested in the ease of achieving clearance (using dust wipes) after floor sanding of varnishes that contain lead followed by cleaning, and in the development of procedures for minimizing the spread of lead-contaminated dust during sanding (*i.e.*, considering the large amount of dust produced during sanding).

4. *Approaches to streamlining performance of interim controls, abatement, and clearance in multi-family housing where repeat operations occur.* The performance of abatement or interim control of lead-based paint hazards in multi-family housing may result in repetitive operations (for example in common areas such as hallways and stairwells) that hinder the movement, access, and exit of residents. For some of these areas, such as a hallway on each floor, or a stairwell or entranceways to buildings, repetitive operations such as interim controls may require relocation of residents until work can be completed, clean-up accomplished, and clearance attained.

There may be ways to show, with statistical significance, and through the use of existing, previous, or historical data that repeat operations may be defined with sufficient specificity to allow accelerated clean-up and clearance. HUD is interested in studies to determine whether repeat operations in multi-family housing can be sufficiently safe to allow return of residents to their units based on considered professional judgment and data collected from similar operations. This approach may be analogous to the approach taken to prove a negative exposure assessment for OSHA exposure determinations.

5. *Effectiveness of Ongoing Maintenance Program Activities in Controlling Lead-Based Paint Hazards.* While a variety of lead abatement and interim control techniques have been evaluated for their effectiveness in controlling lead-based paint hazards, there are few studies directly assessing the effectiveness of ongoing lead-based paint maintenance programs. HUD is interested in evaluating the effectiveness and feasibility of ongoing lead-based paint maintenance programs, identifying program components for which particular implementation difficulties exist, and evaluating proposed measures for overcoming those difficulties. Such an evaluation of program components could address whether and how technically-acceptable and cost-effective work practices are selected and implemented, how effectively supervisors monitor work activities to ensure that lead-based paint hazards are controlled and that dust and debris are contained and cleaned up during and after work, and how well clearance procedures (including necessary re-cleaning) are integrated into the maintenance program, among other factors.

6. *Use of Available Databases to Improve the Efficacy of Lead Hazard Control Activities.* Public databases can be used to help target and assess the effectiveness of lead hazard control activities. Examples of this include the use of census data to identify neighborhoods that are at high risk for lead poisoning (*e.g.*, age and value of housing used in combination with indicators of socioeconomic status); the use of blood-lead screening data to target dwellings that have been associated with repeated identification of resident children with elevated blood-lead levels. At a broader level, serial blood-lead screening data could be used to assess the effectiveness of lead hazard control activities or laws that require lead hazard control treatments in high risk housing (*e.g.*, by

comparing community screening levels before and laws were enacted while accounting for the overall downward trend in blood lead levels). HUD is interested in studies that assess novel uses of public databases to improve the efficacy of lead hazard control programs (*e.g.*, targeting neighborhoods), assess the effectiveness of enforcement and lead hazard control activities and regulations, and other, novel uses of these data.

7. *Other Focus Areas that are Consistent with the Overall Goals of HUD's Lead Technical Studies Program.* Additional ideas will be considered with an open mind if proposed with novel techniques and applications. HUD will also consider funding applications for technical studies on topics which are relevant under the overall goals and objectives of the lead technical studies program, as described above. In such instances, the applicant should describe how the proposed activity addresses these overall goals and objectives.

C. Ineligible Activities

1. Purchase or lease of equipment having a per-unit cost in excess of $5,000, unless prior written approval is obtained from HUD.

2. Medical treatment costs.

D. Authority

These grants are authorized under sections 1011(g)(1), 1011(o), 1051–1053 of the Residential Lead Based Paint Hazard Reduction Act of 1992 (Title X of the Housing and Community Development Act of 1992, 42 U.S.C. 4851 *et seq.*); and the Consolidated Appropriations Resolution of 2004, Pub. L. 108–199.

II. Award Information

A. Funding Available

Approximately $3 million in Fiscal Year 2004 for Lead Technical Studies. Of this amount, $1 million is set-aside for Historically Black Colleges and Universities (HBCUs). Cooperative agreements will be awarded on a competitive basis following evaluation of all proposals according to the rating factors described in this program NOFA. HUD anticipates that approximately six to ten grants will be awarded, ranging from approximately $200,000 to approximately $750,000 each. In FY2003, HUD awarded six grants averaging $272,000.

Applications for supplementation of existing projects are eligible to compete with applications for new awards (*i.e.*, for work outside of the scope of the original agreement).

B. Anticipated Start Date and Period of Performance for New Grants

The start date for new awards is expected to be October 1, 2004. The period of performance cannot exceed 36 months from the time of award. Applicants are encouraged to plan studies with shorter performance periods, however when developing your schedule you should also consider the possibility that issues may arise that would delay project completion. For example, it is HUD's experience that projects requiring Institutional Review Board approval and oversight (*i.e.*, in conformance with HUD's regulation (24 CFR 60) incorporating the Department of Health and Human Services' regulation of studies involving human subjects) or which involve the development of new instrumentation, are prone to delays. HUD reserves the right to approve no cost time extensions for a total period not to exceed 12 months.

C. Type of Award Instrument

Awards in response to this solicitation will be made as grants or cooperative agreements. Anticipated substantial involvement for cooperative agreements may include, but will not be limited to:

1. Review and possibly suggest amendments to the study design, including: study objectives; field sampling plan; sample handling and preparation; and sample and data analysis.

2. Review and provide technical recommendations in response to quarterly progress reports (*e.g.*, amendments to study design based on preliminary results).

3. Review and provide technical recommendations on the final study report.

III. Eligibility Information

A. Eligible Applicants

Academic and not-for-profit institutions located in the U.S., state and local governments, and federally recognized Native American tribes 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). HBCUs, that is, educational institutions that satisfy the requirements of 34 CFR 608.2, are also eligible to apply under the set-aside. Applications for supplementation of existing projects are eligible to compete with applications for new awards. Federal agencies and federal employees are not eligible to submit applications. The General Section of the SuperNOFA provides additional eligibility requirements.

B. Cost Sharing or Matching

Cost sharing or matching is not required. In rating your application, however, you will receive a higher score under Rating Factor 4 if you provide evidence of significant cost sharing.

C. Other

1. *Threshold Requirements Applicable to All Applicants Under the SuperNOFA.* As an applicant, you must meet all of the threshold requirements described in the General Section of the SuperNOFA. Threshold requirements include Eligibility, Compliance with Fair Housing and Civil Rights Laws, Conducting Business in Accordance with Core Values and Ethical Standards, Delinquent Federal Debts and Pre-Award Accounting System Surveys. Information about threshold requirements is provided in the General Section of the SuperNOFA. Applicants that meet all of the threshold requirements will be eligible to receive funds from HUD.

2. *Program Requirements.*

a. Program Performance. Grantees shall take all reasonable steps to accomplish all grant-funded activities within the approved period of performance. HUD reserves the right to terminate the grant prior to the expiration of the period of performance if the grantee fails to make reasonable progress in implementing the approved program of activities.

b. Compliance with all relevant state and federal regulations regarding exposure to and proper disposal of hazardous materials;

c. 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 program section of the NOFA);

d. HUD technical studies grant funds will not replace existing resources dedicated to any ongoing project;

e. Laboratory analysis covered by the National Lead Laboratory Accreditation Program (NLLAP) will be conducted by a laboratory recognized under the program;

f. Human research subjects will be protected from research risks in conformance with Federal Policy for the Protection of Human Subjects, required by HUD at 24 CFR part 60;

g. The requirements of the Occupational Safety and Health Administration (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, will be met;

h. If an individual researcher or a research team submits the application, the institution administering the grant will meet the civil rights threshold in the General Section of this NOFA.

3. *DUNS Requirement.* Refer to the General Section of the SuperNOFA for information regarding the DUNS requirement. A DUNS number must be provided for the institution that is submitting an application.

IV. Application and Submission Information

If you are interested in applying for funding under this program, please review carefully the General Section of the SuperNOFA and the following additional information.

A. Addresses to Request Application Package

There is no Application Kit. All the information required to submit an application is contained in the program section of this NOFA and the General Section of the SuperNOFA. Forms can be downloaded from the web at: *http://www.grants.gov.*

B. Content and Form of Application Submission

1. *Applicant Data.* 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 the General Section of the SuperNOFA. The remaining application item that is recommended for inclusion with your application is a non-standard form (*i.e.*, excluding such items as narratives) that can be found as Appendix B to this program NOFA. The required items are:

a. A transmittal letter, signed by the chief executive or other authorized official, that provides the title of your proposed project, the dollar amount requested, and identifies the applicant(s) submitting the application. If you are applying under the HBCU set-aside, indicate this in the letter. Include the name, mailing address, telephone number, and principal contact person of the prime applicant. If two or more organizations are working together on the project, a primary applicant must be designated.

b. Application Abstract Summary. An abstract with the project title, the names and affiliations of all investigators, and a summary of the objectives, expected results, and study design (two-page maximum) must be included in the proposal.

c. Checklist and Submission Table of Contents (*see* Appendix B of this program NOFA; inclusion of this checklist is voluntary).

d. All forms as required by the General Section of this SuperNOFA. A Certification of Consistency with the Consolidated Plan is not required for this application.

e. A project description/narrative statement addressing the rating factors for award of funding under this program section of the NOFA. The narrative statement must be numbered in accordance with each factor for award (Rating Factors 1 through 5). The project description can either be included in the responses to the rating factors or provided separately. The response to the rating factors should not exceed a total of 25 pages (10- to 12-point font with at least ¾ inch margins on 8½ by 11 inch pages) for each technical study topic area. Any pages in excess of this limit will not be read.

f. In conformance with the Common Rule (Federal Policy for the Protection of Human Subjects, codified by HUD at 24 CFR part 60), if your research involves human subjects, your organization must provide an assurance (*e.g.*, a letter signed by an appropriate official) that the research has been reviewed and approved by an Institutional Review Board (IRB) before you can initiate activities that require IRB approval. Before initiating such activities you must also provide the number for your organization's assurance (*i.e.*, an ''institutional assurance'') that has been approved by the Department of Health and Human Service's Office of Human Research Protections (OHRP). For additional information on what constitutes human subject research or how to obtain an institutional assurance see the OHRP web site at: *http://ohrp.osophs.dhhs.gov/.*

g. Within Appendix 1 of your application, include the resumes of the principal investigator and other key personnel and other materials that are needed in your response to the rating factors (*e.g.*, organizational chart, letters of commitment). 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 technical studies. This information will not be counted towards the page limit. Also include Form HUD–96010 Logic Model in Appendix 1 (needed for response to rating factor 5).

h. Within Appendix 2 of your application, include attachments, appendices, or other relevant information may accompany the project description, but must not exceed 20 pages for the entire application, although mandatory materials (organizational chart, resumes, job descriptions, letters of commitment and memoranda of agreement from participating organizations) are not included in this page limit. Any pages in excess of this limit will not be read.

i. Within Appendix 3 of your application, include the required forms and a detailed total budget with supporting cost justification for all budget categories of the federal grant request. Use the budget format discussed in Rating Factor 3, Section V.(A.)c. below. In completing the budget forms and justification, you should address the following elements:

(1) Direct Labor costs should include all full- and part-time staff required for the planning and implementation phases of the project. These costs should be based on FTE (full time equivalent) or hours per year (hours/year) (*i.e.*, one FTE equals 2,080 hours/year);

(2) You should budget for three trips to HUD Headquarters in Washington, DC, planning each trip for two people, with the first trip occurring shortly after grant award for a stay of two or three days, depending on your location, and the remaining trips having a stay of one or two days, depending on your location;

(3) A separate budget proposal should be provided for any subrecipients receiving more than 10 percent of the total federal budget request;

(4) You should be prepared to provide supporting documentation for salaries and prices of materials and equipment upon request;

(5) Organizations that have a federally negotiated indirect rate should use that rate and the appropriate base. Other organizations, not having a federally negotiated rate schedule, must obtain a rate from their cognizant federal agency, otherwise the organization will be required to obtain a negotiated rate through HUD; and

(6) You should submit the negotiated rate agreements for fringe benefits and indirect costs, if applicable, as an attachment to the budget sheets.

C. Submission Dates and Times

You must submit an original and three copies of your application on or before July 13, 2004. Refer to the General Section of the SuperNOFA for additional requirements such as delivery times, acceptable submission

methods, acceptable proof of delivery, the timing of hand-delivered submissions and postmarks, and other information regarding application submission.

D. Intergovernmental Review

Funding received through this NOFA is not subject to Executive Order (EO) 12372, ''Intergovernmental Review of Federal Programs.''

E. Funding Restrictions

1. Administrative Costs. There is a 10 percent maximum allowance for administrative costs. Additional information about allowable administrative costs is provided in Appendix C of this NOFA.

2. Purchase of Real Property is not an allowable cost under this program.

3. Purchase or lease of equipment having a per-unit cost in excess of $5,000 is not an allowable cost, unless prior written approval is obtained from HUD.

4. Medical treatment costs are not allowable under this program.

F. Other Submission Requirements

1. *Address for Submitting Applications.* Submit an original and three copies of your application to: U.S. Department of Housing and Urban Development; Office of Healthy Homes and Lead Hazard Control; ATTN: Lead Technical Studies Program; 451 Seventh Street, SW, Room P3206; Washington, DC 20410–3000.

2. *Application Submission.* See the General Section of the SuperNOFA for specific procedures concerning the form of application submission (*e.g.*, mailed applications, express mail, or overnight delivery).

V. Application Review Information

A. Criteria

1. *Threshold Requirements.* 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 in this program NOFA. Your application must receive a total score of at least 75 points to remain in consideration for funding.

2. *Rating and Ranking.* Applications will be reviewed by an Application Review Panel (ARP) which will assign each application a score based on the rating factors presented below. The ARP chairperson selects and provides at least one application to panel members to score during a calibration round to ensure that all panel members are consistent in their application of the rating factors. When the calibration round is completed, each application is reviewed and scored by at least two panel members. If significant scoring discrepancies are identified among the reviewers of an application, the reviewers discuss their differences and are then given an opportunity to rescore the application among themselves and, if needed, with the full ARP. An average score is then computed for each application. The ARP chair may call upon an advisor (generally a scientist with another federal agency) to the ARP to review and comment on a proposal; however, the advisor does not score the application. At a final meeting, the ARP identifies the top-ranking applications to be recommended for funding.

3. *Award Factors.* The factors for rating and ranking applicants, and maximum points for each factor, are provided below. Each factor is weighted as indicated by the number of points that are attainable for it. The maximum score that can be assigned to an application is 102 points. Applicants should be certain that these factors are adequately addressed in the project description and accompanying materials. The five rating factors are listed below (a more detailed description follows);

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (22 points);

Rating Factor 2: Need/Extent of the Problem (15 points);

Rating Factor 3: Soundness of Approach (45 points);

Rating Factor 4: Leveraging Resources (8 points);

Rating Factor 5: Achieving Results and Program Evaluation (10 points);

RC/EZ/EC Bonus Points (2 points);

TOTAL: 102 points

Applicants are eligible to receive two bonus points for projects located within federally designated Renewable Communities (RC)/Employment Zones (EZ)/Enterprise Communities (EC) (RC/EZ/ECs) and which will serve the residents of these communities (*see* the General Section of the SuperNOFA).

You will receive one point under Rating Factor 3.c(2) for each of the applicable FY 2004 policy priorities that are adequately addressed in your application with the exception of ''Removal of Barriers to Affordable Housing,'' for which you can receive up to two points (see the General Section of the SuperNOFA). Policy priorities that are applicable to the Lead Technical Studies Program NOFA are: (1) Improving our Nation's Communities (focus on distressed communities); (2) Providing Full and Equal Access to Grass-Roots Faith-based and other Community-based Organizations in HUD Program Implementation; (3) Participation of Minority-Serving Institutions in HUD Programs, and (4) Removal of Barriers to Affordable Housing.

Within the program areas, you may address more than one of the technical study topic areas within your proposal or submit separate applications for different topic areas. You are encouraged to plan projects that can be completed over a short time period (*e.g.*, 18 to 24 months from the date of award, so useful information generated from the technical studies can be available for policy or program decisions and disseminated to the public as quickly as possible.

The following is a description of the five award factors and their associated subfactors.

a. Rating Factor 1. Capacity of the Applicant and Relevant Organizational Experience (22 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, subrecipients, 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 (14 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 technical study that is proposed under this NOFA; and

(2) Past performance of the study team in managing similar projects (8 points). Demonstrated ability to successfully manage various aspects of a complex technical study in such areas as logistics, study personnel management, data management, quality control, community study involvement (if applicable), and report writing, as well as overall success in project completion (*i.e.*, projects 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.

If applicable, provide the past performance of the organization (applicant or partners) in another

Healthy Homes or Lead Hazard Control grant, another grant related to environmental health and safety issues, or other experience in a similar program. Provide details about the nature of the project, the funding agency, and your performance.

If your organization is an existing Lead Technical Studies grantee, provide a description of the progress and outcomes achieved in that grant. If you received previous Lead Technical Studies funding, this experience will be evaluated in terms of cumulative progress and achievements under the previous grant.

b. Rating Factor 2. Need/Extent of the Problem (15 Points). This factor addresses the extent to which there is a need for your proposed technical study. In responding to this factor, you should document in detail how your project 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 Section I.B. You should demonstrate how your proposed study addresses a need with respect to the development of improved methods for the assessment and control of residential lead-based paint hazards. Specific topics to be addressed for this factor include:

(1) Provide a concise review of the research need that is addressed in your study and why it is high priority with respect to improving methods for lead hazard detection and control;

(2) Discuss how your proposed project would significantly advance the current state of knowledge for your focus area, especially with respect to the development of practical solutions; and,

(3) Discuss how you anticipate your study findings will be used to improve current methods for assessing or mitigating the lead hazard that your study addresses. Indicate why the method/protocol that would be improved through your study would likely be widely adopted (*e.g.*, low cost, easily replicated, lack of other options).

c. Rating Factor 3. Soundness of Approach (45 Points). This factor addresses the quality of your proposed technical study plan. Specific components include:

(1) Soundness of the study design (20 points). The project description/study design must be thorough and feasible, and reflect your knowledge of the relevant scientific literature. You should clearly describe how your study builds upon the current state of knowledge for your focus area. If possible, your study should be designed to address testable hypotheses, which are clearly stated. Your study design should be statistically based, with adequate power to test your stated hypotheses. The study design should be presented as a logical sequence of steps or phases, with individual tasks described for each phase. You should identify any important ''decision points'' in your study plan and you should discuss plans for data management, analysis and archiving.

(2) Policy Priorities (5 points). Indicate if your proposed study will address any of the FY2004 policy priorities that are applicable to this program as identified in Section V.A.3 (see the General Section of the SuperNOFA for additional details regarding these policy priorities). You will receive one point for each of the applicable policy priorities that are addressed in your application, with the exception of ''Removal Of Barriers to Affordable Housing,'' for which you can receive a maximum of 2 points.

(3) Quality assurance mechanisms (8 points). You must describe the quality assurance mechanisms that will be integrated into your project design to ensure the validity and quality of the results.

(a) Areas to be addressed include acceptance criteria for data quality, procedures for selection of samples/sample sites, sample handling, measurement and analysis, pre-testing and validation of questionnaires or surveys, measures to ensure accuracy during data management, and any standard/nonstandard quality assurance/control procedures to be followed. Documents (*e.g.*, government reports, peer-reviewed academic literature) that provide the basis for your quality assurance mechanisms should be cited.

(b) If your project involves human subjects in a manner which requires Institutional Review Board (IRB) approval and periodic monitoring, address how you will obtain such approval. Before you can receive funds from HUD for activities that require IRB approval, you must provide an assurance that your study has been reviewed and approved by an IRB and evidence of your organization's ''institutional assurance.'' Describe how you will provide informed consent (*e.g.*, from the subjects, their parents or their guardians, as applicable) to help ensure their understanding of, and consent to, the elements of informed consent, such as the purposes, benefits and risks of the research. Describe how this information will be provided and how the consent will be collected. For example, describe your use of ''plain language'' forms, flyers and verbal scripts, and how you plan to work with families with limited English proficiency or primary languages other than English, and with families including persons with disabilities.

(4) Project management plan (8 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. You are encouraged to plan a project with a duration of 24 months or less (36 months maximum). You should include preparation of one or more articles for peer-reviewed academic journals and submission of the draft(s) to the journal(s) after HUD acceptance during the period of performance of your grant.

(5) Budget Proposal (4 points).

(a) 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 NOFA. HUD is not required to approve or fund all proposed activities. You must thoroughly document and justify all budget categories and costs (Form HUD–424-CBW) and all major tasks, for yourself, sub-recipients, partners, major subcontractors, joint venture participants, or others contributing resources to the project. A separate budget must be provided for partners who are proposed to receive more than 10 percent of the federal budget request.

(b) Your narrative justification associated with these budgeted costs should be included as an attachment to the Total Budget (Federal Share and Matching), but does not count in the 25-page limit for this submission.

(c) The application will not be rated on the proposed cost; however, cost will be considered in addition to the rated factors to determine the proposal most advantageous to the federal government. Cost will be the deciding factor when proposals ranked under the listed factors are considered acceptable and are substantially equal.

d. Rating Factor 4. Leveraging Resources (8 Points). Your proposal should demonstrate that the effectiveness of HUD's Lead Technical Studies grant funds is being increased by securing other public and/or private resources or by structuring the project in a cost-effective manner, such as integrating the project into an existing study. Resources may include funding or in-kind contributions (such as services, facilities or equipment) allocated to the purpose(s) of your project. Staff and in-kind contributions should be assigned 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 project efforts. Each letter of commitment, memorandum of understanding, or agreement to participate must 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.

e. Rating Factor 5. Achieving Results and Program Evaluation (10 Points). This factor emphasizes HUD's commitment to ensuring that applicants keep promises made in their applications and assess their performance to ensure performance goals are met. Achieving results means you, the applicant, have clearly identified the benefits or outcomes of your program. Outcomes are ultimate goals. Benchmarks or outputs are interim activities or products that lead to the ultimate achievement of your goals.

Program evaluation requires that you, the applicant, identify program outcomes, interim products or benchmarks, and performance indicators that will allow you to measure your performance. Performance indicators should be objectively quantifiable and measure actual achievements against anticipated achievements. Your evaluation plan should identify what you are going to measure, how you are going to measure it, and the steps you have in place to make adjustments to your work plan if performance targets are not met within established timeframes.

This rating factor reflects HUD's goal to embrace high standards of ethics, management and accountability. In evaluating this factor, HUD will consider how you have described outcome measures and benefits of your program.

In your response to this Rating Factor you are to discuss the performance goals for your project and identify specific outcome measures. You are also to describe how the outcome information will be obtained, documented, and reported. You must complete and return the Logic Model Form included in Appendix A of the General Section of the SuperNOFA showing your proposed project long-term, mid-term, short-term and final results. Information about developing a Logic Model is available at: *http://www.hud.gov.*

Also, in responding to this factor, you should:

(1) Identify benchmarks that you will use to track the progress of your study;

(2) Identify important study milestones (*e.g.*, the end of specific phases in a multiphase study which should also be clearly indicated in your study timeline;

(3) Identify milestones that are critical for achieving study objectives (*e.g.*, recruitment of study participants, developing a new analytical protocol), potential obstacles in meeting these objectives, and how you would respond to these obstacles;

(4) Identify how your program will be held accountable for meeting program goals, objectives, and the actions undertaken in implementing the grant program.

B. Review and Selection Process

1. *Corrections To Deficient Applications.* The General Section of this SuperNOFA provides the procedures for correcting deficient applications.

2. *Rating and Ranking.* Awards will be made separately in rank order for Lead Technical Studies applications, within the limits of funding availability for the program.

a. Partial Funding. 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 14 calendar days to accept such a reduced award. If you fail to respond within the 14-day limit, you shall be considered to have declined the award.

b. Remaining Funds. See the General Section of this NOFA for HUD's procedures if funds remain after all selections have been made within a category of the Lead Technical Studies Program.

C. Anticipated Announcement and Award Dates

The anticipated date for the announcement of awards under the Lead technical Studies Program is September 30, 2004.

VI. Award Administration Information

A. Award Notices

1. *Notice of Award.* Applicants who have been selected for award will be notified by letter from the Grant Officer. The letter will state the program for which the application has been selected, the amount the applicant is eligible to receive, and the name of the Government Technical Representative (GTR).

HUD may require that all the selected applicants 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, and proceed with negotiations with the next highest-ranking applicant. If you accept the terms and conditions of the grant, you must return your signed grant agreement by the date specified during negotiation.

After receiving the letter, additional instructions on how to have the grant account entered into HUD's Line of Credit Control System (LOCCS) payment system will be provided. Other forms and program requirements will also be provided.

In accordance with OMB Circular A–133 (Audits of States, Local Governments and Non-Profit Organizations), grantees will have to submit their completed audit-reporting package along with the Data Collection Form (SF–SAC) to the Single Audit Clearinghouse, the address can be obtained from their Web site. The SF–SAC can be downloaded at: *http://harvester.census.gov/sac/.*

2. *Debriefing.* The General Section of the SuperNOFA provides the procedures that applicants should follow for requesting a debriefing.

B. Administrative and National Policy Requirements

1. *Environmental Requirements.* In accordance with 24 CFR 50.19(b)(1) and (b)(5), 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.

2. *Conducting Business in Accordance with HUD Core Values and Ethical Standards.* If awarded assistance under this NOFA, prior to entering into a grant agreement with HUD, you will be required to submit a copy of your code of conduct and describe the methods you will use to ensure that all officers, employees, and agents of your organization are aware of your code of conduct. *See* the General Section of the SuperNOFA for information about conducting business in accordance with HUD's core values and ethical standards.

3. *Participation in HUD-Sponsored Program Evaluation. See* the General Section of the SuperNOFA.

4. *Removal of Barriers to Affordable Housing. See* the General Section of the SuperNOFA.

5. *HUD Reform Act of 1989.* The provisions of the HUD Reform Act of 1989 that apply to this NOFA are explained in the General Section of the SuperNOFA.

C. Reporting

1. *Post Award Reporting Requirements.* Final budget and work plans are due 60 days after the start date.

2. *Quality Assurance Plan (QAP).* Successful applicants will be required to submit a Quality Assurance Plan to HUD prior to initiating work under the grant. This is a streamlined version of the format used by some other federal agencies, and is intended to help ensure the accuracy and validity of the data that you will collect under the grant. You should plan for this and include it in your study work plan. (See the HUD Office of Healthy Homes and Lead Hazard Control's Internet site at: *http://www.hud.gov/offices/lead.*)

3. *Progress Reporting.* Progress reporting is required on a quarterly basis.

4. *Racial and Ethnic Beneficiary Data.* HUD does not require grantees to collect racial and ethnic beneficiary data for this program. If, however, racial and ethnic data are collected and reported as part of a study funded under this program NOFA, you must use the Office of Management and Budget's Standards for the Collection of Racial and Ethnic Data as presented on Form HUD–27061, Racial and Ethnic Data Reporting Form (and instructions for its use), found at: *http://www.grants.gov.*

5. *Final Report.* The grant agreement will specify the requirements for final reporting (*e.g.*, scientific manuscript, report).

VII. Agency Contacts

For technical or programmatic questions, you may contact Dr. Peter Ashley, Office of Healthy Homes and Lead Hazard Control, at the address above; telephone (202) 755–1785, extension 115 (this is not a toll-free number) or via e-mail at *Peter_J._Ashley@hud.gov.* For grants administrative questions, you may contact Ms. Curtissa L. Coleman, Office of Healthy Homes and Lead Hazard Control, at the address above; telephone (202) 755–1785, extension 119 (this is not a toll-free number) or via e-mail at *Curtissa_L._Coleman@hud.gov.* If you are a hearing- or speech-impaired person, you may reach the above telephone numbers through TTY by calling the toll-free Federal Information Relay Service at 800–877–8339.

VIII. Other Information

A. Paperwork Reduction Act

The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2539–0015. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average 80 hours per application and 16 hours per grant award. This includes the time for collecting, reviewing, and reporting the data. The information will be used for grantee selection & monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

Appendix A—Relevant Publications and Guidelines

To secure any of the documents listed, call the telephone number provided. If you are a hearing- or speech-impaired person, you may reach the telephone numbers via TTY by calling the toll-free Federal Information Relay Service at 800–877–8339. A number of these references are provided on HUD's CD, ''Residential Lead Desktop Reference, 3rd Edition.'' This CD can be obtained at no charge by calling the National Lead Information Clearinghouse's (NLIC's) toll free number, 800–424–LEAD. Several of these references can be downloaded from the Internet without charge from the HUD Office of Healthy Homes and Lead Hazard Control's Internet site at: *http://www.hud.gov/offices/lead.*

1. *Regulations:*

a. *Worker Protection:* The two Occupational and Safety Administration (OSHA) publications listed below can be purchased by calling either OSHA Regulations at 202–693–1888 (OSHA Regulations) (this is not a toll free number) or the Government Printing Office (GPO) at 202–512–1800 (this is not a toll-free number). If you are a hearing- or speech-impaired person, you may reach these telephone numbers through TTY by calling the toll-free Federal Information Relay Service at 800–877–8339.

(1) General Industry Lead Standard, 29 CFR 1910.1025 (Document Number 869022001124). This document can be downloaded without charge from the OSHA Web site at: *http://www.osha-slc.gov/OshStd_data/1910_1025.html;*

(2) Lead in Construction, 29 CFR 1926.62, and appendices A, B, C, and D (Document Number 869022001141). This document can be downloaded without charge from the OSHA Web site at: *http://www.osha-slc.gov/OshStd_data/1926_0062.html.*

b. *Waste Disposal.* A copy of the EPA regulations at 40 CFR parts 260–268 can be purchased by calling 800–424–9346, or, from the Washington, DC, metropolitan area, by calling 703–412–9810 (this is not a toll-free number). If you are a hearing- or speech-impaired person, you may reach this telephone number through TTY by calling the toll-free Federal Information Relay Service at 800–877–8339. The regulations can also be downloaded without charge from the EPA Web site at: *http://www.epa.gov/docs/epacfr40/chapt-I.info/subch-I/htm.*

c. *Lead.*

(1) Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; Final Rule: 40 CFR part 745 (EPA) (Lead Hazard Standards, Work Practice Standards, EPA and State Certification and Accreditation Programs for those engaged in lead-based paint activities) can be purchased by calling the Toxic Substances Control Act (TSCA) Hotline at 202–554–1404 (this is not a toll-free number). If you are a hearing- or speech-impaired person, you may reach this telephone number through TTY by calling the toll-free Federal Information Relay Service at 800–877–8339. The rule and guidance can be downloaded from the Internet without charge at: *http://www.epa.gov/lead/.*

(2) 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 B through R, published September 15, 1999 (64 FR 50201) (HUD) can be purchased by calling NLIC's toll-free number (800–424–LEAD) or downloaded without charge from the HUD Web site at: *http://www.hud.gov/offices/lead.*

(3) Requirements for Disclosure of Information Concerning Lead-Based Paint in Housing, 24 CFR part 35, Subpart A (HUD, Lead-Based Paint Disclosure Rule) by calling the NLIC's toll free number (800–424–LEAD). If you are a hearing- or speech-impaired person, you may reach this telephone number through TTY by calling the toll-free Federal Information Relay Service at 800–877–8339. The rule, guidance, pamphlet and disclosure formats can be downloaded from the HUD Web site at: *http://www.hud.gov/offices/lead.*

(4) U.S. Environmental Protection Agency. Lead; Identification of Dangerous Levels of Lead; Final Rule at 66 FR 1205–1240 (January 5, 2001). This rule and guidance can be obtained without charge by calling the NLIC's toll free number (800–424–LEAD) or by calling the TSCA at 202–554–1404 (this is not a toll-free number). The rule and guidance can be downloaded from the EPA Web site at: *http://www.epa.gov/lead/leadhaz.htm.*

2. Guidelines:

a. Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing; HUD, June 1995, and amended September 1997. These guidelines can be purchased by calling 800–245–2691 toll-free. If you are a hearing- or speech-impaired

person, you may reach this telephone number through TTY by calling the toll-free Federal Information Relay Service at 800–877–8339. The Guidelines can be downloaded from the HUD Web site without charge at: *http://www.hud.gov/offices/lead.*

b. Preventing Lead Poisoning in Young Children; Centers for Disease Control, October 1991. These guidelines can be obtained without charge by calling the CDC toll free number at 888–232–6789. If you are a hearing- or speech-impaired person, you may reach this telephone number through TTY by calling the toll-free Federal Information Relay Service at 800–877–8339. The guidelines can also be downloaded from the HUD Web site without charge at: *http://www.hud.gov/offices/lead.*

c. Screening Young Children for Lead Poisoning: Guidance for State and Local Public Health Officials, November 1997; Centers for Disease Control and Prevention (CDC). These guidelines can be obtained without charge by calling the CDC toll-free number at 888–232–6789 or they can be downloaded from the HUD Web site at: *http://www.hud.gov/offices/lead.*

3. *Reports and Articles:*

a. Putting the Pieces Together: Controlling Lead Hazards in the Nation's Housing, (Summary and Full Report); HUD, July 1995. A copy of this summary and report can be purchased by calling 800–245–2691 toll-free or downloaded from the HUD Web site without charge at: *http://www.hud.gov/offices/lead.*

b. The Healthy Homes Initiative: A Preliminary Plan (Summary and Full Report); HUD, July 1995. A copy of this summary and report can be downloaded from the HUD Web site without charge at: *http://www.hud.gov/offices/lead.*

c. Rom W.N., Ed. Environmental and Occupational Medicine. Little, Brown and Co., Boston. 1992.

d. Morbidity and Mortality Weekly Report (MMWR). Update: Blood Lead Level-United States, 1991–1994. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention. February 21, 1997. Vol. 46, No 7.

e. Jacobs, D.E., R.P. Clickner, J.Y. Zhou, *et al.,* 2002. Prevalence of Lead-Based Paint in U.S. Housing. Env. Health Persp. 110(10): A599–A606.

f. Galke, W., S. Clark, J. Wilson, *et al.,* 2001. Evaluation of the HUD lead hazard control grant program: Early overall findings. Env. Res. 86, 149–156.

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APPENDIX B
Checklist and Submission Table of Contents
Lead Technical Studies Program

The following checklist is provided to ensure you have submitted all required items to receive consideration for funding. Assemble the application in the order shown below and number your pages consecutively. **Inclusion of this Checklist and Submission Table of Contents with your proposal is recommended but not required.**

		Page
☐	**Transmittal Letter** (one page limit)	Cover page
☐	**Applicant Abstract** (limited to a maximum of 2 pages)	
	Checklist and Submission Table of Contents (this form)	
☐	**Application Forms** (to be included in Appendix 3)	
☐	SF Form-424	
☐	SF-424 Supplement (Survey on Equal Opportunity for Applicants)	
☐	Form HUD-424-B (Assurances/Non-Construction Programs)	
☐	Form HUD-424-CB (Grant Application Detailed Budget)	
☐	Form HUD-424-CBW, Total Budget Summary (Federal Share and Matching) with Supporting Narrative and Cost Justification	
☐	Form HUD-2880 Disclosure and Update Report	
☐	Form HUD-2990 Certification of Consistency with the EZ/EC Strategic Plan	
☐	Form HUD-96010 Logic Model Form	
☐	Form SF-LLL Disclosure of Lobbying Activities Required ☐ **Form SF-LLL Not Required**	
	Rating Factor Response (limited to a maximum of 25 pages)	
☐	1. Capacity of the Applicant and Relevant Organizational Experience	
☐	2. Needs/Extent of the Problem	
☐	3. Soundness of Approach	
☐	4. Leveraging Resources	
☐	5. Achieving Results and Program Evaluation	
☐	Appendix 1 – Required materials in support of the Rating Factors (e.g., resumes of key personnel, organizational chart, letters of commitment) arranged in order by Rating Factor. Include HUD-96010 Logic Model Form in this Appendix.	
☐	Appendix 2 – Optional materials in support of the Rating Factors, arranged in order by Rating Factor (e.g., maps, letters of support, etc.) 20 page limit.	
☐	Appendix 3 – Other forms and budget materials (see Application Forms, above)	
☐	Form HUD-2993 Acknowledgment of Application Receipt	
☐	Form HUD-2994 Client Comments and Suggestions (optional)	

*The forms included in the Checklist and Submission Table of Contents are found in the **General Section** of this SuperNOFA or this Program NOFA and are available as fillable Adobe Reader (PDF) or Word (DOC) formats from the HUD website at: ***www.grants.gov*** Applicants are encouraged to use the electronic version of Form HUD-424-CBW.

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Appendix C—Administrative Costs

I. Purpose

The intent of this HUD grant program is to allow the Grantee to be reimbursed for the reasonable direct and indirect costs, subject to a top limit, for overall management of the grant. In most instances the grantee, whether a state or a local government, principally serves as a conduit to pass funding to sub-grantees, which are to be responsible for the conducting lead-hazard reduction work. Congress set a top limit of 10 percent of the total grant sum for the grantee to perform the function of overall management of the grant program, including passing on funding to sub-grantees. The cost of that function, for the purpose of this grant, is defined as the ''administrative cost'' of the grant, and is limited to 10 percent of the total grant amount. The balance of 90 percent or more of the total grant sum is reserved for project implementation activities.

II. Administrative Costs: What They Are Not

For the purposes of this HUD grant program, ''administrative costs'' should not be confused with the terms ''general and administrative cost,'' ''indirect costs,'' ''overhead,'' and ''burden rate.'' These are accounting terms usually represented by a government-accepted standard percentage rate. The percentage rate allocates a fair share of an organization's costs that cannot be attributed to a particular project or department (such as the chief executive's salary or the costs of the organization's headquarters building) to all projects and operating departments (such as the Fire Department, the Police Department, the Community Development Department, the Health Department or this program). Such allocated costs are added to those projects' or departments' direct costs to determine their total costs to the organization.

III. Administrative Costs: What They Are

For the purposes of this HUD grant program, ''Administrative Costs'' are the grantee's allowable direct costs for the overall management of the grant program plus the allocable indirect costs. The allowable limit of such costs that can be reimbursed under this program is 10 percent of the total grant sum. Should the grantee's actual costs for overall management of the grant program exceed 10 percent of the total grant sum, those excess costs shall be paid for by the grantee. However, excess costs paid for by the grantee may be shown as part of the requirement for cost-sharing funds to support the grant.

IV. Administrative Costs: Definition

A. General

Administrative costs are the allowable, reasonable, and allocable direct and indirect costs related to the overall management of the project activities that are supported by the HUD grant. Those costs shall be segregated in a separate cost center within the grantee's accounting system, and they are eligible costs for reimbursement as part of the grant, subject to the 10 percent limit. Such administrative costs do not include any of the staff and overhead costs directly arising from specific sub-grantee program activities eligible under this NOFA, because those costs are eligible for reimbursement under a separate cost center as a direct part of project activities.

The grantee may elect to serve solely as a conduit to sub-grantees, who will in turn perform the direct program activities eligible under this NOFA, or the grantee may elect to perform all or a part of the direct program activities in other parts of its own organization, which shall have their own segregated, cost centers for those direct program activities. In either case, not more than 10 percent of the total HUD grant sum may be devoted to administrative costs, and not less than 90 percent of the total grant sum shall be devoted to direct program activities. The grantee shall take care not to mix or attribute administrative costs to the direct project cost centers.

B. Specific

Reasonable costs for the grantee's overall grant management, coordination, monitoring, and evaluation are eligible administrative costs. Subject to the 10 percent limit, such costs include, but are not limited to, necessary expenditures for the following goods, activities and services:

(1) Salaries, wages, and related costs of the grantee's staff, the staff of affiliated public agencies, or other staff engaged in grantee's overall grant management activities. In charging costs to this category the recipient may either include the entire salary, wages, and related costs allocable to the program for each person whose primary responsibilities (more than 65 percent of their time) with regard to the grant program involve direct overall grant management assignments, or the pro rata share of the salary, wages, and related costs of each person whose job includes any overall grant management assignments. The grantee may use only one of these two methods during this program. Overall grant management includes the following types of activities:

(a) Preparing grantee program budgets and schedules, and amendments thereto;

(b) Developing systems for the selection and award of funding to sub-grantees and other subrecipients;

(c) Developing suitable agreements for use with sub-grantees and other subrecipients to carry out grant activities;

(d) Developing systems for assuring compliance with program requirements;

(e) Monitoring sub-grantee and subrecipient activities for progress and compliance with program requirements;

(f) Preparing presentations, reports, and other documents related to the program for submission to HUD;

(g) Evaluating program results against stated objectives;

(h) Providing local officials and citizens with information about the overall grant program; however, a more general education program, helping the public understand the nature of lead hazards, lead hazard reduction, blood-lead screening, and the health consequences of lead poisoning is a direct project support activity);

(i) Coordinating the resolution of overall grant audit and monitoring findings; and

(j) Managing or supervising persons whose responsibilities with regard to the program include such assignments as those described in paragraphs (a) through (i).

(2) Travel costs incurred for official business in carrying out the overall grant management;

(3) Administrative services performed under third party contracts or agreements, for services directly allocable to grant management such as: legal services, accounting services, and audit services;

(4) Other costs for goods and services required for and directly related to the overall management of the grant program; and including such goods and services as telephone, postage, rental of equipment, renter's insurance for the program management space, utilities, office supplies, and rental and maintenance (but not purchase) of office space for the program.

(5) The fair and allocable share of grantee's general costs that are not directly attributable to specific projects or operating departments such as salaries, office expenses and other related costs for local officials (*e.g.*, mayor and city council members, etc.), and expenses for a city's legal or accounting department which are not charged back to particular projects or other operating departments. If a grantee has an established burden rate, it should be used; if not, the grantee shall be assigned a negotiated provisional burden rate, subject to final audit.

BILLING CODE 4210–32–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HEALTHY HOMES AND LEAD HAZARD CONTROL PROGRAMS

LEAD OUTREACH GRANT PROGRAM

Billing Code 4210-32-C

Lead Outreach Grant Program

Overview Information

A. *Federal Agency Name:* Department of Housing and Urban Development, Office of Healthy Homes and Lead Hazard Control.

B. *Funding Opportunity Title:* Lead Outreach Grant Program.

C. *Announcement Type:* Initial announcement.

D. *Funding Opportunity Number:* The Federal Register Number is: FR–4900–N–08. The OMB Approval Number is 2539–0015.

E. *Catalog of Federal Domestic Assistance (CFDA) Number(s):* 14.904, Lead Outreach Grant Program.

F. *Dates:* An original and three copies of your application must be submitted on or before July 13, 2004. See the General Section of the SuperNOFA Section IV., Application and Submission Information, regarding application submission procedures and timely filing requirements.

G. *Additional Overview Content Information:*

1. *Purpose.* This funding opportunity is for community-based organizations, faith-based organizations, states, Tribes, and units of general local government to increase enrollment of low-income housing units for treatment via the HUD lead hazard control grant program or another lead hazard treatment program, to develop and distribute outreach and educational materials, and to encourage occupants to identify potential lead-based paint hazards and report them to property owners and managers, and public health and/or housing officials as appropriate.

2. *Available Funds.* Approximately $2,000,000.

3. *Number of Awards.* Between approximately 4 and approximately 10 grants may be awarded, ranging between approximately $200,000 and approximately $500,000.

4. *Type of Awards.* The awards will be made as grants.

5. *Eligible Applicants.* Community-based and faith-based organizations, states, Tribes, and units of general local government are eligible. Partnerships are encouraged, including partnerships with educational institutions and other entities such as groups of parents of lead-poisoned children, although the application must be made by a single entity. Forty percent of the available funding will be reserved for States, Tribes, and units of local governments, with the balance available for community-based and faith-based organizations. Applicants must identify whether they are applying as a community-based organization or as a unit of a state, Tribal, or local government.

6. *Matching Funds.* No match or cost sharing is required. However, leveraging is encouraged. See Section V., Rating Factor 4.

7. *Limitations on Applications.* There are no limitations on the numbers of applications that each applicant may submit.

Full Text of Announcement

I. Funding Opportunity Description

A. Purpose of the Program

The purpose of this lead outreach grant program is to:

1. Increase enrollment of low-income housing units for treatment via the HUD lead hazard control grant program or another lead hazard treatment program;

2. Develop and distribute outreach and educational materials in order to raise public awareness of childhood lead poisoning, its prevention and proper lead hazard identification and control methods for at-risk communities, at-risk populations of children and workers in the housing maintenance or rehabilitation fields; and

3. Encourage occupants to identify potential lead-based paint hazards and report them to property owners and managers, and public health and/or housing officials as appropriate.

B. Background

Lead toxicity in children has been well established, yet childhood lead poisoning is the primary childhood environmental health problem in the United States today. The Centers for Disease Control and Prevention has found, for example, for children under age 6, that about 434,000 have elevated blood lead levels, and that those who are non-Hispanic blacks or Hispanic are more likely to have elevated blood lead levels than those who are non-Hispanic whites. The February 2000 report of the President's Task Force on Environmental Health Risks and Safety Risks to Children, titled ''Eliminating Childhood Lead Poisoning: A Federal Strategy Targeting Lead Paint Hazards,'' sets forth what action needs to be taken to prevent such poisoning. In addition to contributing to the elimination of lead hazards in housing occupied by low-income families with children, the federal government's public education and outreach activities should measurably increase the public's awareness of lead hazards and how to address them.

In keeping with the mandate of section 1011(g)(1) of Title X, the Residential Lead-Base Paint Hazard Reduction Act of 1992, Public Law 102–550, 106 Stat. 3672, October 28, 1992, for HUD ''develop the capacity of eligible applicants * * * to carry out activities under'' lead hazard control grant programs, HUD has conducted outreach and public education initiatives through the Lead Hazard Control Grant program, the National Lead Information Center, and other education and outreach initiatives.

Lead Hazard Control grants are awarded competitively to eligible states, tribes, or units of local government to perform lead hazard reduction in low-income privately owned pre–1978 housing. Lead outreach activities contribute to building the capacity of jurisdictions to submit successful applications for lead hazard control grants, because they have the effect of inducing local businesses to enter into the lead hazard control field before jurisdictions apply for the grants and, thus, increase jurisdictions' ability to demonstrate their capacity to meet the grant's requirements. These inducements can be expressed by the market directly, and/or through the efforts of the jurisdictions.

HUD's lead awareness supplement to the Current Population Survey has determined that only a fraction of citizens are well-educated about how lead-based paint hazards threaten young children and are more common in older housing. One consequence of this low level of awareness is that few housing construction and maintenance business owners are aware of the extent of lead-based paint hazards.

Lead outreach activities have the effect of encouraging residents of older low-income housing to prompt their state, tribal or local governments to control lead-based paint hazards. In turn, these governments are induced to consider obtaining funding under the HUD Lead Hazard Control Grant Program, or perform lead hazard reduction in conjunction with other housing, health or environmental activities. In practice, this can be done only if housing owners and occupants are aware of and apply for enrollment in lead hazard treatment programs. Potential applicant agencies are, thereby, induced to promote lead hazard control activities locally, by working with private-sector stakeholders (*e.g.*, grassroots organizations, including faith-based and community-based non-profit organizations, community colleges, etc.). As described above, HUD's outreach efforts contribute to the timely performance of successful lead hazard control work and associated capacity building.

II. Award Information

A. Available Funding

Approximately $2,000,000 in Fiscal Year 2004 funds from the lead technical assistance set aside under the lead hazard reduction appropriation will be available for the Lead Outreach Program. Grants will be awarded on a competitive basis following evaluation of all proposals according to the Rating Factors described in Section V. of this program section. The amounts included in this program are subject to change based on fund availability.

B. Match

No match or cost sharing is required. However, leveraging is encouraged. See Section V., Rating Factor 4.

C. Anticipated Awards

Between 4 and 10 community-based or faith-based organizations, states, Tribes, or units of general local government could receive grant awards ranging between approximately $200,000 and $500,000.

D. Award Instrument

1. Grants. Awards will be made as grants.
2. Award Adjustments. No award adjustments are anticipated.
3. Award Period. Grants will be awarded for 24-month periods of performance.
4. Renewal Options. No renewal options are planned at this time. At the completion of a grant, the grantee may competitively apply for a new grant, assuming that this program will continue to be funded. Applications for renewal or supplementation of existing projects are eligible to compete with applications for new awards.
5. Start Date. The anticipated start dates for new awards is October 1, 2004.

E. Period of Performance

The period of performance cannot exceed 24 months from the date of the award, except that HUD reserves the right to approve no cost time extensions for a total period not to exceed 12 months.

III. Eligibility Information

A. Eligible Applicants

Community-based and faith-based organizations, states, Tribes, and units of general local government are eligible. Partnerships are encouraged, including partnerships with educational institutions and other entities such as groups of parents of lead-poisoned children, although the application must be made by a single entity. Forty percent of the available funding will be reserved for states, Tribes, and units of local governments, with the balance available for community-based and faith-based organizations. Applicants must identify whether they are applying as a community-based organization or as a unit of a state, Tribal, or local government.

Nonprofit organizations, such as groups of parents of lead poisoned children, grassroots organizations including faith-based and community-based nonprofit organizations, educational institutions and Fair Housing Organizations, and advocates for various minority and ethnic groups and for persons with a variety of disabilities can also be sub-grantees or sub-contractors.

B. Cost Sharing or Matching Requirements

None required. In rating your application, however, you will receive a higher score under Rating Factor 4 if you provide evidence of significant cost sharing.

C. Other

1. Eligible Activities

a. Eligible activities to be funded under this program include, but are not limited to, developing and conducting education and outreach campaigns in high-risk communities to:

—Increase lead awareness.
—Encourage owners and low-income occupants to enroll their housing units in programs conducting lead hazard control activities.
—Encourage owners and low-income occupants to identify potential lead-based paint hazards and report them to property owners and managers, and public health and/or housing officials as appropriate.

HUD is interested in promoting effective approaches that result in the reduction of lead poisoning for the maximum number of children, and, in particular, low-income children. Section II of the General Section of the SuperNOFA presents HUD's FY2004 Policy Priorities.

Outreach can take various forms, depending on the intended audience(s). Activities may include publicizing and/or conducting events, developing and distributing publications in, for example, stores, schools, churches, community centers, or other neighborhood locations, making presentations, and/or forging partnerships to disseminate information to populations identified as being at-risk. Regardless of the form of outreach you choose to implement, all eligible activities must identify at-risk populations (or areas), propose an outreach program to meet those populations' information needs, and evaluate the program's performance.

Eligible activities include:

(1) Establishing partnerships with non-profit organizations and associations, such as grassroots organizations, including faith-based, parent, and community-based non-profit organizations, or corporations, retailers, construction organizations, and unions or for the purpose of coordinating or conducting joint activities;

(2) Preparing publications, graphics, public service announcements, posters and entries for newspapers and magazines with local and/or regional distribution. These activities could include training local residents and businesses on identifying potential lead-based paint hazards, and lead-safe maintenance and renovation practices, etc.;

(3) Making materials available in alternative formats for persons with disabilities (*e.g.*, Braille, audio, large type) upon request, and providing materials in languages other than English that are common in the community, consistent with HUD's published LEP language. Applicants are encouraged to utilize minority media in an effort to achieve diversity in outreach and educational efforts. Applications that include development and distribution of media products in languages other than English must include a discussion of the applicant's (or subcontractor's) expertise in those languages and in meeting the informational needs of non-English-speaking, underserved populations.

(4) Program planning and management costs of sub-grantees and other subrecipients are eligible activities.

2. Ineligible Activities

a. Purchase of real property.

b. Purchase or lease of equipment having a per-unit cost in excess of $5,000, unless prior written approval is obtained from HUD.

c. Hazard abatement, hazard reduction, rehabilitation, remodeling, repair, or other construction work.

3. Threshold Requirements

a. *Threshold Requirements Applicable to all Applicants Under the SuperNOFA.* As an applicant, you must meet all of the threshold requirements described in the General Section of the SuperNOFA. Threshold requirements include Ineligible Applicants, Compliance with Fair Housing and Civil Rights Laws, Conducting Business in Accordance with Core Values and

Ethical Standards, Delinquent Federal Debts, and Pre-Award Accounting System Surveys. Information about threshold requirements is provided in the General Section of the 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 75 points to be considered for funding. Applications will not be rated or ranked if they do not meet the threshold requirements of the General Section of the SuperNOFA.

b. *DUNS Requirement.* Refer to the General Section of the SuperNOFA for information regarding the DUNS requirement.

4. Start of Work

All awardees are expected to commence activity immediately upon completion of budget and work plan negotiations, and execution of the grant agreement.

IV. Application and Submission Information

If you are interested in applying for funding under this program, please carefully read the General Section of the SuperNOFA and the following additional information.

A. Addresses To Request Application Package

1. There is no Application Kit. All the information required to submit an application is contained in the program section of this NOFA and the General Section of the SuperNOFA. Forms can be downloaded from the Web at: *http://www.grants.gov*.

2. *Satellite Broadcast.* HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and the 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/*.

B. Content and Form of Application Submission

1. *Address for Submitting Applications.* You, the applicant, must submit a complete application to: HUD Headquarters, Robert C. Weaver Building, 451 Seventh Street, SW., Room P3206; Washington, DC 20410; Attn: Lead Outreach Program.

2. *Application Information.*

a. *Application Format.* The application narrative response is limited to a maximum of 25 pages (excluding appendices and worksheets). Your response must be typewritten on one side only on 8½ × 11 inch paper using a standard 12-point font with not less than ¾ inch 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.

b. *Applicant Data.* Your application must contain all of the required information as noted in this Section of this NOFA and the General Section of the SuperNOFA. 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 the General Section of the SuperNOFA. The application items are as follows:

(1) Transmittal letter (one-page only) that summarizes your proposed project, provides the dollar amount requested, and identifies you and your partners in the application. Provide the name, mailing address, and telephone number of the 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 primary entity.

(2) Checklist and Submission Table of Contents. (voluntary) Inclusion of the checklist in your application is voluntary.

(3) Application Abstract Summary. An abstract describing the goals and objectives of your proposed program (two-page maximum) must be included in the proposal.

(4) All application forms found in the General Section of the SuperNOFA.

(5) 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. Number pages consecutively. (The 25–page limit does not apply to the two-page abstract.) Key points to consider in preparing your application are provided in the General Section of this NOFA.

(6) Within Appendix 1, provide the resumes and position descriptions of your project director, project manager and up to three additional key personnel (in accordance with Rating Factor 1). These should not exceed three pages each. This information will not be counted towards the page limit.

(7) Any attachments, appendices, references, or other relevant information that directly support the narrative may accompany it in Appendix 2, but must not exceed 20 pages for your entire application. Any pages in excess of this limit will not be read. Number pages consecutively. Specific criteria for the content of the appendices for the Lead Outreach Grant Program application are listed in the Checklist and Submission Table of Contents.

(8) Within Appendix 3, provide a detailed budget with supporting cost justification for all budget categories of your funding request, in accordance with Rating Factor 3. This information will not be counted towards the page limits. A detailed budget must also be provided for any subcontractors, subgrantees, or subrecipients receiving greater than 10 percent of the federal budget request. Use the budget format discussed in Section V.(A) Rating Factor 3(2)(b), below. *In completing the budget forms and justification, you should address the following elements:*

(a) Direct Labor costs should include all full- and part-time staff required for the planning and implementation phases of the project. These costs should be based on FTE (full time equivalent) or hours per year (hours/year) (*i.e.*, one FTE equals 2,080 hours/year);

(b) You should budget for three trips to HUD Headquarters in Washington, DC, planning each trip for two people, assuming the first trip occurring shortly after grant award for a stay of three or four days, depending on your location, and the remaining trips having a stay of one or two days, depending on your location;

(c) A separate budget proposal should be provided for any subrecipients receiving more than 10 percent of the total federal budget request;

(d) You should be prepared to provide supporting documentation for salaries and prices of materials and equipment upon request;

(e) Organizations that have a federally negotiated indirect rate should use that rate and the appropriate base. Other organizations not having a federally negotiated rate schedule, must obtain a rate from their cognizant federal agency, or the organization will be required to obtain a negotiated rate through HUD.

(f) You should submit the negotiated rate agreements for fringe benefits and indirect costs, if applicable, as an attachment to the budget sheets.

(9) Any information or materials that are not listed above will not be reviewed.

C. Submission Dates and Times

1. *Application Deadline.* A completed original and 3 copies of your application must be submitted to HUD on or before the application due date, to the address shown above. The application due date is July 13, 2004. Please see the General Section of the SuperNOFA for application submission, delivery, and timely receipt requirements.

2. *Application Submission Procedures.* HUD has implemented security procedures that impact application submission. Please review the requirements for mailing and receipt of applications in the General Section of the SuperNOFA to ensure that your application is timely filed.

3. *Application Submission.* See the General Section of the Super Notice of Funding Availability (SuperNOFA) for specific procedures concerning the form of application submission and requirements for receipt (*e.g.*, mailed applications, express mail, or overnight delivery). Please note that the requirements for submission have been revised this year. Be advised that there is no Application Kit for this year's Lead Outreach Grant Program. This program NOFA clearly describes the requirements for completing a successful application and all forms and certifications needed to complete a successful application are included in the General Section and Lead Outreach Grant Program sections of the SuperNOFA.

4. *Number of Copies* You, the applicant, must submit one original and three copies of your complete application to the Office of Healthy Homes and Lead Hazard Control, on or before the application due date.

D. Intergovernmental Review

Not applicable to this program. *See* 24 CFR Part 52.

E. Funding Restrictions

There is a 10 percent maximum for administrative costs for successful applicants. Additional information about allowable administrative costs is provided in Appendix D of this program section of the NOFA. Construction is not an allowable activity.

F. Other Submission Requirements

1. *Statement Regarding Other Grants and Applications.* You need to disclose all grants that you are currently receiving from OHHLHC, and a list of the applications you have submitted or plan to submit for FY2004 for other OHHLHC grants.

V. Application Review Information

A. Application Selection Criteria

1. Applications will be reviewed by an Application Review Panel (ARP) which will assign each application a score based on the rating factors presented below.

2. *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 factors or their assigned points differ somewhat from those used for most program areas included in the SuperNOFA because they have been amended for rating the unique aspects of lead outreach grant applications. The maximum number of points to be awarded is 102, including the potential for two RC/EZ/EC bonus points, as described in the General Section of the SuperNOFA.

3. *Award Factors.* Applications will be reviewed by a Source Evaluation Board which will assign each application a numerical score based on the rating factors presented below (see also Section V.(B) of the NOFA). Each factor is weighted as indicated by the number of points that are attainable for it. Applicants should be certain that these factors are adequately addressed in the project description and accompanying materials. The five rating factors are listed below.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 points)

Rating Factor 2: Need/Extent of the Problem (15 points)

Rating Factor 3: Soundness of Approach (40 points)

Rating Factor 4: Leveraging Resources (10 points)

Rating Factor 5: Achieving Results and Program Evaluation (15 points)

RC/EZ/EC Bonus Points (2 points)

TOTAL: 102 points

Applicants are eligible to receive two bonus points for projects located within federally designated Renewable Communities (RC)/Employment Zones (EZ)/Enterprise Communities (EC) (RC/EZ/ECs) and which will serve the residents of these communities (*see* the General Section of this NOFA).

You will receive points under Rating Factor 3(1) for each of the applicable FY2004 policy priorities that are adequately addressed in your application, up to a maximum of four points (see the General Section of this NOFA). Policy priorities that are applicable to the lead outreach grant NOFA and eligible for one point each are: (1) Improving our Nation's Communities (focus on distressed communities); and (2) Providing full and equal access to grass-roots faith-based and other community-based organizations in HUD program implementation. Removal of barriers to affordable housing is eligible for up to 2 points.

You are encouraged to plan projects that can be completed over a short time period (*e.g.*, 18 to 24 months from the date of award) so useful information generated from the outreach activities can be available for policy or program decisions and disseminated to the public as quickly as possible.

a. 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 grassroots organizations, including faith-based and other community-based non-profit organizations, sub-contractors, consultants, subrecipients, and members of consortia that are firmly committed to your project. For all of the descriptions of personnel and organizational qualifications and experience in this factor, more points will be given for more recent relevant experience of high quality with this type of work, as documented below. Applicants who are funding or sub-contracting with grassroots organizations, including faith-based, and other community-based nonprofit organizations, in conducting their outreach programs should include the qualifications and experience of these organizations in responding to this rating factor. 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 project manager in planning and managing large and complex interdisciplinary outreach programs, especially those involving housing, public health, or environmental programs. In your narrative response for this factor, you should include information on your project staff, their experience, percentage commitment to the project, and position titles. You must provide resumes (or position descriptions and copies of job announcements including salary range, for vacant positions) of up to three pages each for the project director, project manager, and up to three key personnel, and a clearly delineated organizational chart for the Lead Outreach project in Appendix 1 of your application. Indicate the name and

the position of key personnel, the percentage of time that proposed staff 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. You may find it useful to include a table indicating the name, position and percentage contribution of staff members, specifying organizational affiliation.

(2) Your qualifications to carry out the proposed activities as evidenced by experience, training, and/or relevant publications of project staff, and whether you have sufficient personnel, or will be able to quickly retain qualified experts or professionals to begin your proposed project 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 and evaluating related health education, outreach and recruitment projects.

(3) Your past performance in previous projects with an emphasis on health education, outreach and recruitment. Provide details about the nature of the project, the funding agency, and your performance, relative to performance measures or the achievement of desired health outcomes. If a subgrantee or subcontractor is an existing HUD lead outreach grantee, provide a description of the progress and outcomes achieved in that grant.

HUD's evaluation process will consider an applicant's past performance in effectively organizing and managing their grant operations, in meeting performance and work plan benchmarks and goals, and in managing funds, including their ability to account for funds appropriately, timely use of funds received either from HUD or other federal, state, Tribal, or local programs, and meeting performance milestones. HUD may use other information relating to these items from sources at hand, public sources such as newspapers, Inspector General or Government Accounting Office Reports or Findings, hotline complaints, or other sources of information that have been proven to have merit.

b. Rating Factor 2: Need/Extent of the Problem (15 Points) This factor addresses the extent to which there is a need for your proposed project activities to address documented problems, target area(s) and target populations. Applications that demonstrate a greater need for lead outreach beyond existing levels as a mechanism for increasing enrollment in lead hazard treatment programs, or more thoroughly document this need will earn higher numbers of points.

(1) Your application should document a critical level of need for your proposed outreach activities in the area(s) where activities will be carried out. You should pay specific attention to documenting the need for outreach to increase enrollment of low-income housing units with children under six in lead hazard treatment programs as it applies to your target area(s) and target populations, rather than a larger geographic area or general population. Examples of information that *might* be used to demonstrate need, include:

(2) Economic or sociological information relevant to your target area(s). If this information is applied locally, the neighborhoods or type of neighborhoods to be targeted should be characterized with regard to age of housing and populations that the outreach activities are attempting to reach.

(3) Data documenting targeted populations that are traditionally underserved or have special needs. For a maximum score in this Rating Factor, data provided should specifically represent the target area. If the data presented in your response do 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 or Analysis of Impediments (AI) to Fair Housing Choice (*see* the General Section of the SuperNOFA), court orders or consent decrees, settlements, conciliation agreements, or voluntary compliance agreements, you will receive more points than applicants that do not relate their project to an identified need.

(4) Information from the local (or State or Tribe, if applicable) health department, if available, on rates of elevated blood lead levels among children residing in your target area(s).

(5) Readily available information on the presence of existing outreach and educational resources in your target area(s).

c. Rating Factor 3: Soundness of Approach (40 Points) This factor addresses the quality and cost-effectiveness of your proposed work plan. You should present information on your proposed approach for increasing the public's awareness and knowledge about lead poisoning and lead-based paint hazards, and for encouraging owners and low-income family occupants to identify potential lead-based paint hazards and enroll their housing units in lead hazard control treatment programs. Applications containing approaches with clear activities and sub-activities that will result in increasing the enrollment in lead hazard treatment programs, that include a range of approaches that address the needs of populations with limited English proficiency, persons with disabilities, persons with low literacy, etc., that demonstrate a logical progression of implementation steps, that include more appropriate mechanisms for reaching audiences, and that provide better documentation of the methodology of the proposed approach will receive higher numbers of points. Applicants will receive higher rating points for approaches that include higher percentages of funding or sub-contracting for substantive work by grassroots organizations, including faith-based and other community-based non-profit organizations, Fair Housing Organizations and advocates for various minority and ethnic groups and for persons with a variety of disabilities.

You should describe how proposed activities would help HUD achieve its goals for this program area. You should demonstrate your knowledge of the outreach methodology relevant to your approach. You should develop a work plan that includes specific, measurable and time-phased objectives for each major program activity, accompanied by a complementary schedule indicating proposed date(s) of completion.

There must be a direct relationship between the proposed activities, community needs, the purpose of the project, and the number of low-income housing units enrolled in lead hazard treatment programs. Your response to this factor should include the following elements:

(1) *Approach for Developing the Project.* (30 points) Describe your overall approach for your proposed project. The description must include a discussion of specific planned project activities:

(a) Provide the estimated total number of low-income housing units that you expect to be enrolled in lead hazard treatment programs. Describe in detail how you will identify and track participants receiving outreach under your project, especially participants in high-risk groups and communities, vulnerable populations and persons traditionally underserved. (6 points)

(b) Describe your process for developing outreach materials, or using existing materials. (3 points)

(c) Describe your management processes to be used to ensure the cost-

effectiveness of expenditures of funds. (2 points)

(d) Describe any measurement tools you would employ to evaluate the effectiveness of your outreach and educational activities for occupants of housing units enrolled in lead hazard treatment programs before and after treatment. (2 points)

(e) Describe the methods of community education you would use including community awareness, education, training, and outreach programs in support of your work plan and objectives that are culturally sensitive, targeted, and linguistically appropriate. (3 points)

(f) Proposed involvement of grassroots organizations, including faith-based and other community-based non-profit organizations in the proposed activities. HUD strongly encourages you to substantively use grassroots organizations, including faith-based, and other community-based non-profit organizations. (10 points)

(g) Indicate if, and describe how, you will address any of HUD's departmental policy priorities. (See the General Section of this NOFA for a fuller explanation of HUD's policy priorities.) Policy priorities that are potentially applicable to this NOFA include: (i) Improving the Quality of Public and Assisted Housing and Providing More Choices for its Residents, (ii) Increasing the Participation of Faith-based and other Community-based Organizations in HUD Program Implementation, and (iii) Removal of Regulatory Barriers to Affordable Housing. You will receive one point for each of the applicable policy priorities that are adequately addressed in your application, and up to two points for Removal of Regulatory Barriers to Affordable Housing, up to a maximum of four points. If your application addresses all three policy priorities, you could get up to four points. (4 points)

(2) *Approach for Implementing the Project.* (10 points) Describe your project goals and objectives and the strategy you will use in executing the project. You should provide information on the general approach and overall plan employed.

(a) *Baseline Plan for Project Management.* (5 points) Include a management plan that:

(i) Lists the outreach project objectives, major tasks and activities. All specific activities necessary to complete the proposed project must be included in the task listing.

(ii) Incorporates appropriate performance goals with projected outputs and outcomes of the outreach program's activities.

(iii) Identifies major milestones and provides a schedule for the assignment, tracking and completion of major tasks and activities, and a timeframe for delivery, including reports and other proposed deliverables of the outreach activity.

(iv) Designates resources and identifies responsible entities for performing work.

(b) Budget Justification. (5 points) Your proposed budget will be evaluated for the extent to which it is reasonable, clearly justified, and consistent with the outreach project management plan and intended use of program funds. HUD is not required to approve or fund all proposed activities. An electronic spreadsheet and other budgetary forms are available on *http://www.grants.gov.* You must thoroughly document and justify all budget categories and costs (Form HUD–424–CB) and all major tasks, for yourself, subrecipients (especially grassroots organizations, including faith-based, and other community-based non-profit organizations), partners, major subcontractors, joint venture participants, or others contributing resources to the project, especially those proposed to receive greater than 10 percent of the federal budget request. Describe clearly and in detail your budgeted costs for each required program element (major task) included in your overall plan.

d. Rating Factor 4: Leveraging Resources (10 Points) This factor addresses your ability to secure other community and/or private sector resources (such as financing, supplies, or services) that can be combined with HUD's resources to achieve project purposes. These community resources may be contributions from organizations such as the applicant, subrecipients, partners, or other organizations not directly involved in the project.

(1) In evaluating this factor, HUD will consider the extent to which you have developed partnerships 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 labor, fringe benefits, services, supplies, or equipment) budgeted for your proposed project. Resources may be provided by state, Tribal, and local governmental entities, public or private organizations, or other partners.

(2) Each source of contributions (financial or in-kind) must be supported by a letter of commitment from the contributing entity, whether the applicant, a partner organization, or a public or private source. The letter must describe the contributed resources that will be used in your project and the dollar value of that contribution. 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 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 project. The commitment must be signed by an official legally able to make commitments on behalf of the organization. Letters of support (letters that indicate support but do not specify a monetary commitment to the project) will not be considered in the scoring of this Rating Factor. Include information to address the following elements:

(a) The extent to which you have coordinated your activities with other known organizations that are not directly participating in your proposed work activities, but with which you share common goals and objectives.

(b) The extent to which your project exhibits the potential to be financially self-sustaining by decreasing dependence on federal funding and relying more on state, Tribal, local, and private funding to continue educational and outreach activities after the grant period is completed.

e. Rating Factor 5: Achieving Results and Program Evaluation (15 points) This factor emphasizes HUD's commitment to ensuring that applicants keep promises made in their application and assessing their performance to ensure performance goals are met. Achieving results means you, the applicant, have clearly identified the benefits, or outcomes of your program. Outcomes are ultimate goals; for this lead outreach grant program, the major outcome is increasing the number of low-income housing units housing young children enrolled in lead hazard treatment programs as a result of the grant activity. Benchmarks or outputs are interim activities or products that lead to the ultimate achievement of your goals.

Program evaluation requires that you, the applicant, identify program outcomes, interim products or benchmarks, and performance indicators that will allow you to measure your performance. Performance indicators should be objectively quantifiable and measure actual achievements against anticipated achievements. Your Evaluation Plan should identify what you are going to

measure, how you are going to measure it, and the steps you have in place to make adjustments to your work plan if performance targets are not met within established timeframes.

This new rating factor reflects HUD's goal to embrace high standards of ethics, management, and accountability. In evaluating this factor, HUD will consider how you have described outcome measures and benefits of your program.

In your response to this Rating Factor you are to discuss the performance goals for your project and identify specific outcome measures. You are also to describe how the outcome information will be obtained, documented, and reported. You must complete and return the Logic Model Form included in Appendix A of the General Section of this NOFA showing your proposed project long-term, mid-term, short-term, and final results, and how they support HUD's departmental goals and objectives. Information about developing a Logic Model is available at: *http://www.hud.gov.*

In evaluating this factor, HUD will consider how you have:

(1) Described the degree to which you have identified and characterized the information needs of your intended audience or targeted populations.

(2) Refined your outreach message.

(3) Specified how you will deliver your message to the audience.

(4) Described anticipated results of specific plans and objectives and listed projected products or outputs. Outputs are actions, attendance numbers, materials, publications, inquiries, or other products of the process.

(5) Demonstrated ability to measure outcomes. The major outcome is increasing the number of low-income housing units enrolled in lead hazard treatment programs that result from the grant activity.

(6) Developed a proposed organization with the capacity to begin work immediately and incorporating adequate management planning and financial controls.

(7) Demonstrated how you have identified potential obstacles in meeting your objectives, and how you will respond to these obstacles.

(8) Described efforts to coordinate and cooperate with other organizations that will result in a reduction in lead risks to community residents.

(9) Described how your program will be held accountable for meeting program goals, objectives, and the actions undertaken in implementing the grant program. You should provide a description of the mechanism to assess progress and track performance in meeting the goals and objectives outlined in the work plan.

f. Bonus Points for Federally Designated Zones and Communities. (2 points) This Section of the NOFA provides for the award of 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 Renewal Communities (RCs), serve the residents of these areas, and are certified to be consistent with the area's strategic plan. For ease of reference in this NOFA, all these federally designated areas are collectively referred to as ''RC/EZ/ECs'' and residents of any of these federally designated areas as ''RC/EZ/EC residents.'' This NOFA contains a certification that must be completed for the applicant to be considered for RC/EZ/EC bonus points. A list of RCs, EZs, ECs, and EECs is available from HUD's Web site at: *http://www.hud.gov.* See also the General Section of the SuperNOFA.

B. Reviews and Selection Process

1. *Rating and Ranking.* Awards will be made in rank order for Lead Outreach applications.

2. *Partial Funding.* 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 14 calendar days to accept such a reduced award. If you fail to respond within the 14-day limit, you shall be considered to have declined the award. Please see the General Section of the SuperNOFA for a discussion of adjustments to funding that may be made by HUD during the selection process.

3. *Remaining Funds.* See the General Section of this NOFA for HUD's procedures if funds remain after all selections have been made.

C. Anticipated Announcement and Award Dates

HUD anticipates announcing awards under this program on or about September 30, 2004.

VI. Award Administration Information

A. Award Notices

1. Notice of Award. Applicants who have been selected for award will be notified by letter from the Grant Officer. The letter will state the program for which the application has been selected, the amount the grantee is eligible to receive, and the name of the Government Technical Representative (GTR). This letter is not an authorization to begin work or incur costs under the grant.

2. Negotiations. HUD may require that selected applicants 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, and proceed with negotiations with the next highest-ranking applicant. If you accept the terms and conditions of the grant, you must return your signed grant agreement by the date specified during negotiation.

3. LOCCS Payment System. After receiving the letter, additional instructions on how to have the grant account entered into HUD's Line of Credit Control System (LOCCS) payment system will be provided. Other forms and program requirements will also be provided.

4. Audit Reporting Package. In accordance with OMB Circular A–133 (Audits of States, Local Governments and Non-Profit Organizations), grantees will have to submit their completed audit-reporting package along with the Data Collection Form (SF–SAC) to the Single Audit Clearinghouse, at the address obtained from their Web site. The SF–SAC can be downloaded at: *http://harvester.census.gov/sac/.*

B. Applicant Debriefing

See the *General Section* of the SuperNOFA for information regarding applicant debriefing.

C. Administrative and National Policy Requirements

1. *Environmental Review.* In accordance with 24 CFR 50.19(b)(2) and (b)(3) 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.

2. *HUD Reform Act of 1989.* Applicants must comply with the requirements for funding competitions established by the HUD Reform Act of 1989 (42 U.S.C. 3531 *et seq.*) as defined in the General Section of the SuperNOFA.

D. Corrections to Deficient Applications

See the General Section of the SuperNOFA for information about corrections to deficient applications.

E. Timely Hiring of Staff

HUD reserves the right to terminate grant awards made to applicants that fail to timely hire (within 90 days of award) staff to fill key positions identified in the applicant's proposal as vacant.

F. Reporting

The following items are Post Award Reporting Requirements.

1. Final Budget and Work Plan

Final budget and work plans are due 60 days after the effective date of the grant (start date).

2. Progress reporting.

Progress reporting is done on a quarterly basis. For specific reporting requirements, see policy guidance at: *http://www.hud.gov/offices/lead.*

3. Final Report.

An overall final grant report, due at the completion of the grant, will detail activities (*e.g.*, the number of low-income housing units enrolled in lead hazard treatment programs as a result of activities performed under this grant, number and type of materials produced, activities conducted, evaluation of the various outreach and educational methods used, findings, and recommended future actions at the conclusion of grant activities).

4. Racial and Ethnic Beneficiary Data.

For the Lead Outreach Program, HUD requires grantees to collect and report racial and ethnic beneficiary data. You must use the Office of Management and Budget's Standards for the Collection of Racial and Ethnic Data as presented on Form HUD–27061, Racial and Ethnic Data Reporting Form (and instructions for its use), found on *http://www.grants.gov.* You must include the collection and reporting of racial and ethnic beneficiary data in your work plan (*see* Section IV.F.1 above) and provide these reports at least annually.

G. Paperwork Reduction Act.

The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2539–0015. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. The public reporting burden for the collection of information is estimated to average 80 hours per application and 16 hours per grant award. This includes the time for collecting, reviewing, and reporting the data. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

VII. Agency Contacts

For programmatic questions, you may contact Linda Ciancio, Office of Healthy Homes and Lead Hazard Control, at the address above; telephone (202) 755–1785, extension 112 (this is not a toll-free number) or via e-mail at *Linda_J._Ciancio@hud.gov.* For grants administrative questions, you may contact Ms. Curtissa L. Coleman, Office of Healthy Homes and Lead Hazard Control, at the address above; telephone (202) 755–1785, extension 119 (this is not a toll-free number) or via e-mail at *Curtissa_L._Coleman@hud.gov.* If neither of these individuals is available, you may contact the Office's General Lead Regulations hotline, at (202) 755–1785, extension 104, for which your call will be forwarded in one business day for subsequent response by the appropriate staff. If you are a hearing- or speech-impaired person, you may reach the above telephone numbers through TTY by calling the toll-free Federal Information Relay Service at 800–877–8339.

VIII. Other Information

A. Authority

The authority for this program is section 1011(e)(8) and (g)(1) of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of the Housing and Community Development Act of 1992), and the Consolidated Appropriations Resolution of 2004, Pub. L. 108–199.

B. Appendix A

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 Centers for Disease Control and Prevention has found, for example, for children under age 6, that about 434,000 have elevated blood lead levels. Overall, the prevalence rate among all children under six years of age was 2.2 percent. Among low-income children living in older housing where lead-based paint is most prevalent, the rate climbed to 16 percent; and for African-American children living in such housing, it reached 21 percent.

HUD estimates that 38 million dwellings have some lead-based paint, and that 26 million have significant lead-based paint hazards. Of those, about 5.7 million have young children and of those, about 1.6 million have household incomes under $30,000 per year. Costs for lead hazard control can range anywhere from $500 to $15,000 per unit, depending on the extent of the hazard and the type of hazard control measures. Corrective measures include paint stabilization, encapsulation, paint removal, 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.

Educating the public and individuals living in ''at-risk communities'' about lead poisoning, symptoms, treatment and lead hazard prevention and control, and encouraging occupants to identify potential lead-based paint hazards, report them to property owners and managers, and public health and/or housing officials as appropriate, and enroll their housing units in lead hazard treatment programs, are key components in an overall plan to reduce the prevalence rate of lead poisoned children.

C. Appendix B

1. References

To secure any of the documents listed below, call the telephone number provided. Several of these references are provided on HUD's CD, ''Residential Lead Desktop Reference, 3rd Edition.'' This CD can be obtained at no charge by calling the National Lead Information Clearinghouse's toll-free number, 800–424-LEAD. If you are a hearing- or speech-impaired person, you may reach the telephone numbers via TTY by calling the toll-free Federal Information Relay Service at 800–877–8339. Several of these references can be downloaded from the Internet without charge from the HUD Office of Healthy Homes and Lead Hazard Control's Internet site at: *http://www.hud.gov/offices/lead.*

a. Regulations

(1) Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance, 24 CFR Part 35 (HUD, Lead Safe Housing Rule). A free copy of this rule and guidance can be obtained by calling 800–424-LEAD (this is a toll-free number). If you are a hearing- or speech-impaired person, you may reach this telephone

number through TTY by calling the toll-free Federal Information Relay Service at 800–877–8339.) or through the HUD Web site at: *http://www.hud.gov/offices/lead.*

(2) Lead: Requirements for Disclosure of Information Concerning Lead-Based Paint in Housing, 24 CFR Part 35, Subpart A (HUD, Lead-Based Paint Disclosure Rule). A free copy of the rule, guidance, pamphlet and disclosure formats can be obtained by calling 800–424-LEAD (this is a toll-free number) or through the HUD Web site at: *http://www.hud.gov/offices/lead.*

(3) Lead: Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; Final Rule: 40 CFR Part 745, (EPA Lead Hazard Standards, Work Practice Standards, EPA and State Certification and Accreditation programs for those engaged in lead-based paint activities). A free copy of the rule and guidance can be obtained by calling the Toxic Substances Control Act Hotline at 202–554–1404 (this is not a toll-free number) or through the EPA Web site at: *http://www.epa.gov/lead.* If you are a hearing-or speech-impaired person, you may reach this telephone number through TTY by calling the toll-free Federal Information Relay Service at 800–877–8339.

(4) Lead: Requirements for Hazard Education Before Renovation of Target Housing, 40 CFR Part 745 (EPA, Pre-Renovation Education Rule). A free copy of the rule, guidance and pamphlet can be obtained by calling 800–424-LEAD (this is a toll-free number) or through the EPA Web site at: *http://www.epa.gov/lead.*

b. Guidelines

1. Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing; HUD, June 1995, and amended September 1997. A copy of the guidelines can be purchased by calling 800–245–2691 (this is a toll-free number) or downloaded without charge from the HUD Web site at: *http://www.hud.gov/offices/lead.* If you are a hearing- or speech-impaired person, you may reach this telephone number via TTY by calling the toll-free Federal Information Relay Service at 800–877–8339.

2. Preventing Lead Poisoning in Young Children; Centers for Disease Control, October 1991. A free copy of this document can be obtained by calling 888–232–6789 (this is a toll-free number) or through the HUD Web site at: *http://www.hud.gov/offices/lead.* If you are a hearing- or speech-impaired person, you may reach this telephone number through TTY by calling the toll-free Federal Information Relay Service at 800–877–8339.

3. Screening Young Children for Lead Poisoning: Guidance for State and Local Public Health Officials, November 1997. Centers for Disease Control and Prevention (CDC). A free copy of this document can be obtained by calling 888–232–6789 (this is a toll-free number) or through the HUD Web site at: *http://www.hud.gov/offices/lead.*

c. Reports

1. Putting the Pieces Together: Controlling Lead Hazards in the Nation's Housing (Summary and Full Report); HUD, July 1995. A copy of this summary and report can be purchased by calling 800–245–2691 (this is a toll-free number) or downloaded without charge from the HUD Web site at: *http://www.hud.gov/offices/lead.*

2. President's Task Force on Environmental Health Risks and Safety Risks to Children. *Eliminating Childhood Lead Poisoning: A Federal Strategy Targeting Lead Paint Hazards.* Washington, DC, 2000. These documents can be downloaded without charge from the HUD Web site at: *http://www.hud.gov/offices/lead.*

D. Appendix C

1. Existing Outreach Materials

To secure any of the documents listed below, call the telephone number provided. All of these documents are provided on HUD's Web site and the CD, ''Residential Lead Desktop Reference, 3rd Edition.'' This CD can be obtained by calling the National Lead Information Clearinghouse's toll-free number, 800–424-LEAD.

a. HUD/EPA Informational Pamphlet: ''Protect Your Family from Lead in Your Home'' (available in English and Spanish versions). A free copy of this document can be obtained by calling 800–424–LEAD (this is a toll-free number) or through the HUD Web site at: *http://www.hud.gov/offices/lead/outreach/communityoutreach.cfm.*

b. ''Reducing Lead Hazards When Remodeling Your Home'' (available in English and Spanish versions). A free copy of this document can be obtained by calling 800–424–LEAD (this is a toll-free number) or through the HUD Web site at: *http://www.hud.gov/offices/lead/outreach/communityoutreach.cfm.*

c. ''Lead Paint Safety Field Guide'' (available in English and Spanish versions). A free copy of this guide can be obtained by calling 800–424–LEAD (this is a toll-free number) or through the HUD Web site at: *http://www.hud.gov/offices/lead/outreach/communityoutreach.cfm.*

d. ''A Parent's Reference Guide'' EPA Document Number 747–B–98–002. A free copy of this guide can be obtained by calling 800–424–LEAD (this is a toll-free number) or through the HUD Web site at: *http://www.hud.gov/offices/lead/outreach/communityoutreach.cfm.*

2. Articles

a. McLaughlin, T., Humphries, O., Jr., Nguyen, T., Maljanian, R., and McCormack, K., '' 'Getting the Lead Out' in Hartford, Connecticut: A Multifaceted Lead-Poisoning Awareness Campaign,'' *Environ. Health Perspect.* 112:1–5 (2004).

E. Appendix D

This appendix to this NOFA lists the standard forms, certifications and assurances used by the programs that are part of this NOFA. Listed forms are located in Appendix A of the General Section of the SuperNOFA.

1. *Administrative Costs.* Administrative costs that may be applicable to the programs included in this NOFA are discussed below:

a. Purpose: The intent of this HUD grant program is to allow the grantee to be reimbursed for the reasonable direct and indirect costs, subject to a top limit, for overall management of the grant. In most instances the grantee, whether a State, Tribal, or a local government, principally serves as a conduit to pass funding to sub-grantees, which are to be responsible for conducting the lead-hazard reduction work. Congress set a top limit of ten percent of the total grant sum for the grantee to perform the function of overall management of the grant program, including passing on funding to sub-grantees. The cost of that function, for the purpose of this grant, is defined as the ''administrative cost'' of the grant, and is limited to ten percent of the total grant amount. The balance of ninety percent or more of the total grant sum is reserved for sub-grantees or other direct-performers of lead-hazard identification and reduction work. Lead hazard identification and reduction includes, but is not necessarily limited to, outreach, training, enrollment, lead paint inspection/risk assessments, interim controls, hazard abatement, clearance documentation, blood lead testing, and public education.

b. Administrative Costs: What They are Not: For the purposes of this HUD grant program for states, Tribes, and local governments to provide support for outreach to increase the enrollment of low-income, private target housing in lead hazard treatment programs, the term ''administrative costs'' should not be confused with the terms ''general and

administrative cost,'' ''indirect costs,'' ''overhead,'' and ''burden rate.'' These are accounting terms usually represented by a government-accepted standard percentage rate. The percentage rate allocates a fair share of an organization's costs that cannot be attributed to a particular project or department (such as the chief executive's salary or the costs of the organization's headquarters building) to all projects and operating departments (such as the Fire Department, the Police Department, the Community Development Department, the Health Department or this program). Such allocated costs are added to those projects' or departments' direct costs to determine their total costs to the organization.

c. Administrative Costs: What They Are: For the purposes of this HUD grant program, ''Administrative Costs'' are the grantee's allowable direct costs for the overall management of the grant program plus the allocable indirect costs. The allowable limit of such costs that can be reimbursed under this program is 10 percent of the total grant sum. Should the grantee's actual costs for overall management of the grant program exceed 10 percent of the total grant sum, those excess costs shall be paid for by the grantee. However, excess costs paid for by the grantee may be shown as part of the requirement for cost-sharing funds to support the grant.

d. Administrative Costs: Definition:

(1) General. Administrative costs are the allowable, reasonable, and allocable direct and indirect costs related to the overall management of the HUD grant for lead outreach activities. Those costs shall be segregated in a separate cost center within the grantee's accounting system, and they are eligible costs for reimbursement as part of the grant, subject to the 10 percent limit. Such administrative costs do not include any of the staff and overhead costs directly arising from specific sub-grantee program activities eligible under Section III. (C) of this NOFA, because those costs are eligible for reimbursement under a separate cost center as a direct part of project activities.

The grantee may elect to serve solely as a conduit to sub-grantees, who will in turn perform the direct program activities eligible under Section III. (C) of this NOFA, or the grantee may elect to perform all or a part of the direct program activities in other parts of its own organization, which shall have their own segregated, cost centers for those direct program activities. In either case, not more than 10 percent of the total HUD grant sum may be devoted to administrative costs, and not less than 90 percent of the total grant sum shall be devoted to direct program activities. The grantee shall take care not to mix or attribute administrative costs to the direct project cost centers.

(2) Specific. Reasonable costs for the grantee's overall grant management, coordination, monitoring, and evaluation are eligible administrative costs. Subject to the 10 percent limit, such costs include, but are not limited to, necessary expenditures for the following goods, activities and services:

(a) Salaries, wages, and related costs of the grantee's staff, the staff of affiliated public agencies, or other staff engaged in grantee's overall grant management activities. In charging costs to this category the recipient may either include the entire salary, wages, and related costs allocable to the program for each person whose primary responsibilities (more than 65 percent of their time) with regard to the grant program involve direct overall grant management assignments, or the pro rata share of the salary, wages, and related costs of each person whose job includes any overall grant management assignments. The grantee may use only one of these two methods during this program. Overall grant management includes the following types of activities:

(i) Preparing grantee program budgets and schedules, and amendments thereto;

(ii) Developing systems for the selection and award of funding to sub-grantees and other subrecipients;

(iii) Developing suitable agreements for use with sub-grantees and other subrecipients to carry out grant activities;

(iv) Developing systems for assuring compliance with program requirements;

(v) Monitoring sub-grantee and subrecipient activities for progress and compliance with program requirements;

(vi) Preparing presentations, reports, and other documents related to the program for submission to HUD;

(vii) Evaluating program results against stated objectives;

(viii) Providing local officials and citizens with information about the overall grant program (however, a more general education program, helping the public understand the nature of lead hazards, lead hazard reduction, blood-lead screening, and the health consequences of lead poisoning is a direct project support activity);

(ix) Coordinating the resolution of overall grant audit and monitoring findings; and

(x) Managing or supervising persons whose responsibilities with regard to the program include such assignments as those described in paragraphs (a) through (i).

(b) Travel costs incurred for official business in carrying out the overall grant management;

(c) Administrative services performed under third party contracts or agreements, for services directly allocable to grant management such as: legal services, accounting services, and audit services;

(d) Other costs for goods and services required for and directly related to the overall management of the grant program; and including such goods and services as telephone, postage, rental of equipment, renter's insurance for the program management space, utilities, office supplies, and rental and maintenance (but not purchase) of office space for the program.

(e) The fair and allocable share of grantee's general costs that are not directly attributable to specific projects or operating departments such as salaries, office expenses and other related costs for local officials (*e.g.*, mayor and city council members, etc.), and expenses for a city's legal or accounting department which are not charged back to particular projects or other operating departments. If a grantee has an established burden rate, it should be used; if not, the grantee shall be assigned a negotiated provisional burden rate, subject to final audit.

F. Appendix E Checklist and Submission Table of Contents

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Checklist and Submission Table of Contents
Lead Outreach 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. Number pages consecutively. **Inclusion of this Checklist and Submission Table of Contents with your proposal is recommended but not required.**

		Page
☐	**Transmittal Letter** (one page limit)	Cover page
☐	**Applicant Abstract** (limited to a maximum of 2 pages)	
	Checklist and Submission Table of Contents (this form)	
☐	**Application Forms** (to be included in Appendix 3)	
☐	Standard Form SF-424	
☐	Standard Form SF-424 Supplement (Survey on Equal Opportunity for Applicants)	
☐	Form HUD-424B (Assurances/Non-Construction Programs)	
☐	Form HUD-424CB (Budget Summary for Competitive Grant Programs)	
☐	Form HUD-424CBW, Total Budget Summary (Federal Share and Matching) with Supporting Narrative and Cost Justification	
☐	Form HUD-2880 Disclosure and Update Report	
☐	Form HUD-2990 Certification of Consistency with the EZ/EC Strategic Plan	
☐	Form SF-LLL Disclosure of Lobbying Activities Required ☐ Form SF-LLL Not Required	
	Rating Factor Response (limited to a maximum of 25 pages)	
☐	1. Capacity of the Applicant and Relevant Organizational Experience	
☐	2. Needs/Extent of the Problem	
☐	3. Soundness of Approach	
☐	4. Leveraging Resources	
☐	5. Achieving Results and Program Evaluation	
	Appendices	
☐	❑ Appendix 1 – Required materials in support of the Rating Factors (e.g., resumes of key personnel, organizational chart, letters of commitment) arranged in order by Rating Factor (3-page limit on resumes; resumes do not count as part of the page limit). ❑ Appendix 2 – Optional materials in support of the Rating Factors, arranged in order by Rating Factor (e.g., maps, letters of support, etc.) 20-page limit. ❑ Appendix 3 – Materials relating to the forms or budget materials (see Application Forms, above) ❑ Form HUD-96010 Logic Model Form ❑ Other Rating Factor Related Materials	
☐	Form HUD-2993 Acknowledgment of Application Receipt	
☐	Form HUD-2994 Client Comments and Suggestions (optional)	

*The forms included in the Checklist and Submission Table of Contents are found in the **General Section** of the SuperNOFA or this Program NOFA and are available as fillable Adobe Reader (PDF) or Word (DOC) formats from the website at: **www.grants.gov**
Applicants are encouraged to use the electronic version of Form HUD-424-CBW.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HEALTHY HOMES AND LEAD HAZARD CONTROL PROGRAMS

LEAD-BASED PAINT HAZARD REDUCTION DEMONSTRATION GRANT PROGRAM

Billing Code 4210-32-C

Lead-Based Paint Hazard Reduction Demonstration Grant Program

Overview Information

A. *Federal Agency Name:* Department of Housing and Urban Development, Office of Healthy Homes and Lead Hazard Control.

B. *Funding Opportunity Title:* Lead-Based Paint Hazard Reduction Demonstration Grant Program.

C. *Announcement Type:* Initial announcement.

D. *Funding Opportunity Number:* The **Federal Register** number is: FR–4900–N–11. The OMB approval number is 2539–0015.

E. *Catalog of Federal Domestic Assistance (CFDA) Number(s):* 14.905; Lead Hazard Reduction Demonstration Grant Program.

F. *Dates:* Application Deadline. A completed original and three copies of your application must be submitted to HUD on or before the application due date. The application due date is July 13, 2004. Please see the General Section of the SuperNOFA for application submission, delivery, and timely receipt requirements.

G. *Additional Overview Content Information:* 1. Purpose of the Program. The purpose of the Lead Hazard Reduction Demonstration Grant Program is to assist areas with the highest lead paint abatement needs in undertaking programs for abatement, inspections, risk assessments, temporary relocations, and interim control of lead-based paint hazards in eligible privately owned, single family housing units, and multifamily buildings that are occupied by low-income families.

2. Available Funds. Approximately $50 million in Fiscal Year 2004 funds.

3. Eligible Applicants. To be eligible to apply for funding under this program, the applicant must be a city, county, or similar unit of local government. States and Indian Tribes may apply on behalf of units of local government within their jurisdiction, if the local government designates the state or the Indian Tribe as their applicant. Multiple units of a local government (or multiple local governments) may apply as part of a consortium; however, you must identify a lead applicant that will be responsible for ensuring compliance with all requirements specified in this NOFA. If you are a state or Tribal applicant, you must have a Lead-Based Paint Contractor Certification and Accreditation Program authorized by the Environmental Protection Agency (EPA).

4. Match. A statutory minimum of 25 percent match in local funds.

Full Text of Announcement

I. Funding Opportunity Description

A. Program Description

The Lead Hazard Reduction Demonstration Grant 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, Pub. L. 102–550). HUD's authority for making funding available under this NOFA is the Consolidated Appropriations Act for 2004, Public Law 108–199. The Lead Hazard Reduction Demonstration Grant Program assists States, Native American Tribes and local governments in undertaking programs for the identification and control of lead-based paint hazards in eligible privately owned rental and owner-occupied housing units. Refer to Section IV.E.3. of this NOFA for ''Eligibility of HUD Assisted Housing'' that lists the HUD-associated housing programs that meet the definition of eligible housing under this program.

1. Because lead-based paint is a national problem, these funds will be awarded to programs which:

a. Maximize the combination 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 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 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 grassroots faith-based or other community-based organizations including fair housing organizations and advocates for Fair Housing Act protected classes 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, grassroots faith-based, or other community-based organizations, 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 that will continue after the grant period ends;

e. Establishment of a public registry (listing) of lead-safe housing or inclusion of the lead-safe status of properties in another publicly accessible address-based property information system and affirmatively marketed to families with young children; 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 minorities and low-income persons as defined in 24 CFR 135.5 (see 59 FR 33881, June 30, 1994).

3. Changes in FY2004 Competitive NOFA:

a. Applicants must have at least 7,000 pre-1940 occupied rental housing units in order to apply under this NOFA. The threshold requirement was increased from 3200 under the FY2003 Lead Hazard Reduction Demonstration Grant Program NOFA and reflects the intent of Congress to provide funds to areas with the greatest need.

b. Engineering and architectural activities that are required for, and in direct support of, lead hazard control work are direct costs that can be reimbursed from the 90 percent of the funds available that are to be used exclusively for lead-based paint abatement, interim controls, combined lead-based paint inspection and risk assessment, clearance testing, and relocation. These activities were eligible support costs that could be reimbursed through matching, leveraged or other available funds in FY2003.

c. The purchase or lease of a maximum of two X-ray fluorescence analyzers for use by this program, if not already available, can be reimbursed from the 90 percent of the funds available that are to be used exclusively for lead-based paint abatement, interim controls, combined lead-based paint inspection and risk assessment, clearance testing, and relocation. These activities were eligible support costs that could be reimbursed through

matching, leveraged or other available funds in FY2003.

d. Applicants are to complete and submit the Rating Factor Tables included in Section IV. of this NOFA.

II. Award Information

Funding Available. Approximately $50 million in Fiscal Year 2004 funds is available. The minimum award amount shall be $2 million per grant. The maximum award amount shall be $4 million per grant. Approximately 12–25 grants will be awarded. The period of performance is 42 months. HUD reserves the right to approve no cost time extensions for a period not to exceed 12 months.

III. Eligibility Information

See the General Section of the SuperNOFA for additional eligibility requirements applicable to HUD Programs.

A. Eligible Applicants

1. To be eligible to apply for funding under this program, the applicant must be a city, county, or similar unit of local government. States and Indian Tribes may apply on behalf of units of local government within their jurisdiction, if the local government designates the state or the Indian Tribe as their applicant. Multiple units of a local government (or multiple local governments) may apply as part of a consortium; however, you must identify a lead applicant that will be responsible for ensuring compliance with all requirements specified in this NOFA. State government and Native American tribal applicants must have an EPA approved state program for certification of lead-based paint contractors, inspectors, and risk assessors in accordance with 40 CFR 745.

2. Eligible applicants may submit only one application. In the event that multiple applications are submitted, this will be considered a technical deficiency and the application review process delayed until you notify HUD in writing which application should be reviewed. Your other applications will be returned without being rated or ranked.

3. If you or any member of your consortium also applied for funding under the Fiscal Year 2004 Lead Hazard Control Grant Program Notice of Funding Availability or received funds under the Fiscal Year 2003 Lead Hazard Reduction Demonstration NOFA, you must discuss how both programs will operate concurrently and how program activities will be combined to achieve maximum benefits. If you achieve a score of 75 or higher in this competition and in the FY2004 Lead Hazard Control Grant Program competition and fall within the fundable range in both competitions, HUD will evaluate your responses to Rating Factor 1—Capacity of the Applicant and Relevant Organization Experience and Rating Factor 3—Soundness of Approach (Work Plan/Budget) and determine whether you have the ability and capacity to successfully implement both grant programs concurrently. If you cannot demonstrate to HUD that you have the capacity to successfully implement both grant programs, HUD reserves the right to fund only one application. In addition, grantees funded under the Fiscal Year 2003 Lead Hazard Reduction Demonstration Grant Program NOFA and receive a score of 75 or higher in the Fiscal Year 2004 competition must also demonstrate to HUD that they have the capacity to successfully implement both grant programs concurrently. If you cannot demonstrate to HUD that you have the capacity to successfully implement both grant programs, HUD reserves the right not to fund your application.

B. Cost Sharing or Matching

Matching Contribution. You must provide a matching contribution of at least 25 percent of the requested grant sum. This may be in the form of cash, including private sector funding, or in-kind (non-cash) contributions or a combination of these sources. With the exception of Community Development Block Grant (CDBG) funds, Federal Revenue Sharing programs, or other programs which by statute allow their funds to be considered local funds and therefore eligible to be used as matching funds, federal funds may not be used to satisfy the statutorily required 25 percent matching requirement. Federal funds may be used, however, for contributions above the statutory requirement. 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. The letter must describe the contributed resources that you will use in the program and their designated purpose. The signature of the authorized official on the Form SF–424 commits matching or other contributed resources of the applicant organization. A separate letter from the applicant organization is not required.

C. Other

1. Threshold Requirements. As an eligible applicant, you must also meet all of the threshold requirements in Section III.C. of the General Section of the SuperNOFA as well as the specific threshold requirements listed in this subsection. Applications will not be funded if they do not meet the threshold requirements.

a. Applicants must provide a minimum of 25 percent of the grant funds requested as a matching contribution.

b. Applicants must have at least 7,000 pre-1940 occupied rental housing units in order to apply under this NOFA. See Factor 2 Table-Need/Extent of the Problem for details on how to obtain this information. Applicants must report the total number of pre-1940 occupied rental units within the jurisdiction(s) where funds will be used (data from the 2000 U.S. Census is required). Failure to provide the number of pre-1940 occupied rental units in the Factor 2 Table will result in the application not being rated or ranked.

c. EPA Authorization. If you are a state government or Indian (Native American) Tribal government, you must have an EPA-authorized Lead-Based Paint Training and Certification Program in effect on the application deadline date to be eligible to apply for Lead Hazard Reduction Demonstration Grant funds. The approval date in the **Federal Register** notice published by the EPA will be used in determining the Training and Certification status of the applicant state or Indian (Native American) Tribal government. If you do not have an EPA authorized program, the application will not be rated and ranked.

2. Program Requirements. a. Environmental Requirements. Recipients of lead-based paint hazard reduction demonstration grants must comply with 24 CFR Part 58- ''Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities.'' Recipients and other participants in the project are prohibited from committing or expending HUD and non-HUD funds on the project until HUD approves the recipient's Request for the Release of Funds (Form HUD–7015.15) or the recipient has determined that the activity is either Categorically Excluded, not subject to the related federal laws and authorities pursuant to 24 CFR 58.35(b) or exempt pursuant to 24 CFR 58.34. For Part 58 procedures, see *http://www.hud.gov/offices/cpd/energyenviron/environment/index.cfm.*

For assistance, contact Karen Choi, the Office of Healthy Homes and Lead Hazard Control Environmental Officer at (213) 894–8000, extension 3015 (this is not a toll-free number) or the HUD Environmental Review Officer in the HUD field office serving your area. If

you are a hearing-or speech-impaired person, you may reach the telephone number via TTY by calling the toll-free Federal Information Relay Service at 800–877–8339. Recipients of a grant under this funded program will be given additional guidance in these responsibilities.

b. Provide the actual number of children with documented elevated blood lead levels residing within the applicant's jurisdiction(s) for the most recent complete calendar year and identify the source of the data. Data prior to calendar year 2001 will not be accepted. States and Indian Tribes must report the number in the city, county, or other area where funds will actually be used. Consortia of local governments must report the number in the cities or counties making up the consortium. For the purposes of this application, the ''documented number of children'' with an EBLL is based on the Centers for Disease Control and Prevention (CDC) level of concern. A child under six years of age with a blood lead level test result equal to or greater than 10 micrograms of lead per deciliter of blood, which was performed by a medical health care provider is considered to have an EBLL. The actual number of documented cases (not an estimate) must be reported to HUD in order to be eligible for this grant program. Do not send the children's names, addresses, or other identifiers. Failure to provide this number in the application means that the application will not be rated or ranked.

c. Consolidated Plans. (This requirement does not apply to Native American Tribes.) 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. If the Analysis of Impediments (AI) includes references to lead-based paint as an impediment to fair housing, this should be included in your application as well. If the same applicant agency also submitted an application as an eligible applicant for the Fiscal Year 2004 Lead Hazard Control Grant Program Notice of Funding Availability, you may refer to this material for proof of documentation if the applicant agencies are the same. You are not required to resubmit this material for this NOFA. 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.

d. Lead Hazard Control work must be conducted in compliance with HUD's Lead-Safe Housing Regulation, 24 CFR Part 35.

e. Prohibited Practices. You must not engage in the following prohibited practices:

(1) Open flame burning or torching;

(2) Machine sanding or grinding without a high-efficiency particulate air (HEPA) exhaust control;

(3) Uncontained hydro blasting or high-pressure wash;

(4) Abrasive blasting or sandblasting without HEPA exhaust control;

(5) Heat guns operating above 1,100 degrees Fahrenheit;

(6) Chemical paint strippers containing methylene chloride or other volatile hazardous chemicals in a poorly ventilated space; 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 square feet in any one interior room or space, or totaling no more than 20 square feet on exterior surfaces.

f. Written Policies and Procedures. You must have clearly established written policies and procedures for eligibility, program marketing, unit selection, expediting work on homes occupied by children with elevated blood lead levels, and 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.

g. 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 families for at least three years as required by Title X (Section 1011). You must maintain a publicly available registry (listing) of units in which lead hazards have been controlled and ensure that these units are affirmatively marketed to agencies and families as suitable housing for families with children under six years of age. The grantee must also notify the owner of the information that is collected so that the owner will comply with disclosure requirements under 24 CFR part 35, Subpart A.

h. Testing. In developing your application budget, include costs for lead paint inspection, risk assessment, and clearance testing for each dwelling that will receive lead hazard control, as follows:

(1) 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 whichever is more stringent. It is particularly important to provide this full cycle of testing for lead hazard control, including interim controls. Testing must be conducted according to the HUD Guidelines, located at: *http://www.hud.gov/offices/lead/guidelines/hudguidelines/index.cfm,* and the EPA lead hazard standards rule at 40 CFR, part 745. All test results must be provided to the owner in a timely fashion, together with a notice describing the owner's legal duty to disclose the results to tenants and buyers under 24 CFR part 35, Subpart A.

(a) Lead-Based Paint and Lead-Based Paint Hazard Identification. A combined lead-based paint inspection and risk assessment is required. You should ensure that lead paint inspection and risk assessment reports are conducted in accordance with established protocols and sufficient to support hazard control decisions.

(b) Clearance Testing. Clearance testing shall be completed in accordance with Chapter 15 of the HUD Guidelines and the EPA lead hazards standards rule at 40 CFR, part 745 for abatement projects and the Lead-Safe Housing Regulation (24 CFR, part 35) for lead hazard control activities or other abatement. The clearance standards shall be the more restrictive of those set by the local jurisdiction or by EPA or HUD.

(c) Blood lead testing. Before lead hazard control work begins, each occupant who is under six years of age should 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 (CDC) publications Preventing Lead Poisoning in Young Children (1991), and Screening Young Children for Lead Poisoning: Guidance for State and Local Public Health Officials (1997).

i. Cooperation with Related Research and Evaluation.

(1) 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 may also 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.

(2) If your program includes conducting research involving human subjects in a manner which requires Institutional Review Board (IRB) approval and periodic monitoring, address how you will obtain such approval and your monitoring plan (before you can receive funds from HUD for activities that require IRB approval, you must provide an assurance that your study has been reviewed and approved by an IRB and evidence of your organization's institutional assurance). Describe how you will provide informed consent (*e.g.,* from the subjects, their parents, or their guardians, as applicable) to help ensure their understanding of, and consent to, the elements of informed consent, such as the purposes, benefits, and risks of the research. Describe how this information will be provided and how the consent will be collected. For example, describe your use of ''plain language'' forms, flyers, and verbal scripts, and how you plan to work with families with limited English proficiency or primary languages other than English, and with families which include persons with disabilities.

j. Data collection. You will be required to collect and maintain the data necessary to document the various lead hazard control methods used and the cost of these methods.

k. Section 3 Employment Opportunities. Please refer to Section III.C.4.c. of the General Section of the SuperNOFA. The requirements of Section 3 of the Housing and Urban Development Act of 1968 are applicable to this program.

l. Replacing Existing Resources. Funds received under this grant program shall not be used to replace existing community resources dedicated to any ongoing project.

m. Certifications and Assurances. You must include the certifications and assurances listed in the General Section of the SuperNOFA with your application.

n. Conducting Business in Accordance with HUD Core Values and Ethical Standards Refer to the General Section of the SuperNOFA for information about conducting business in accordance with HUD's core values and ethical standards.

3. DUNS Requirement. Refer to the General Section of the SuperNOFA for information regarding the DUNS requirement. You will need to obtain a DUNS number to receive an award from HUD.

IV. Application and Submission Information

A. Addresses to Request Application Package

1. Application Submission. See the General Section of the SuperNOFA for specific procedures concerning the form of application submission (*e.g.,* mailed applications, express mail or overnight delivery). Be advised that there is no Application Kit for this Lead Hazard Reduction Demonstration Grant Program. All the information required to submit an application is contained in this Notice of Funding Availability (NOFA).

a. Guidebook and Further Information. You may request general information, copies of the General Section and Program Sections of the SuperNOFA from the SuperNOFA Information Center (800–HUD–8929 or 800–HUD–2209 (TTY)) between the hours of 9 am and 8 pm (Eastern Time) Monday through Friday, except on federal holidays. When requesting information, please refer to the name of the program you are interested in. 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 copies of the SuperNOFA or this NOFA can be made immediately following publication of the SuperNOFA. The SuperNOFA Information Center opens for business simultaneously with the publication of HUD's 2004 NOFAs. You can also obtain information on this SuperNOFA and download application information for this SuperNOFA through the Web site, *www.grants.gov.*

B. Content and Form of Application Submission

1. Application Submission Requirements for the Lead Hazard Reduction Demonstration Grant Program. Applicants under this category of the NOFA are to follow the submission requirements described below.

a. Applicant Information. (1) Application Format. The application narrative response to the Rating Factors is limited to a maximum of 15 pages (excluding appendices and tables). Your response must be typewritten on one side only on 8½ × 11 inch paper using a 12-point standard font with not less than ¾ inch margins on all sides. Appendices should be referenced and discussed in the narrative response. Materials provided in the appendices should directly apply to the specific rating factor narrative. Information that is not referenced or does not directly apply to a specific narrative response may not be rated or ranked by reviewers.

(2) Application Checklist (voluntary). Your application must contain all of the required information noted in this Program Section and the General Section of the SuperNOFA. These items include the standard forms, certifications, and assurances listed in the General Section of this SuperNOFA that are applicable to this funding (collectively referred to as the ''standard forms''). The standard forms can be found in the General Section of the SuperNOFA. The ''Checklist and Submission Table of Contents'' below includes a listing of the required items needed for submitting a complete application and receiving consideration for funding. You are to assemble the application in the order shown in the Checklist and Submission Table of Contents and note the corresponding page number where the response is located. Inclusion of this Checklist and Submission Table of Contents with your proposal is recommended but not required.

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Checklist and Submission Table of Contents
Lead Hazard Control
Lead-Based Paint Hazard Reduction Demonstration Grant Program

The following checklist is provided to ensure that 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. **Inclusion of this Checklist and Submission Table of Contents with your proposal is recommended but not required.**

☐	**Transmittal Letter**	Cover page
☐	**Applicant Abstract (limited to a maximum of 2 pages)**	
☐	**Application Forms**	
☐	Form SF-424	
☐	Form SF-424 Supplemental	
☐	Form HUD-424B	
☐	Form HUD-424CB	
☐	Form HUD-424-CBW, Total Budget (Federal Share and Matching) with Supporting Narrative and Cost Justification	
☐	Form HUD-27300 Questionnaire for HUD's Initiative on Removal of Regulatory Barriers	
☐	Form HUD-2880 Disclosure and Update Report	
☐	Form HUD-2990 Certification of Consistency with the EZ/EC Strategic Plan	
☐	Form HUD-2991 Certification of Consistency with the Consolidated Plan	
☐	Form SF-LLL Disclosure of Lobbying Activities Required ☐ Form SF-LLL Not Required	
	Threshold Requirements	
☐	Copy of Lead-Based Paint Element in Consolidated Plan	
☐	25 % Matching Contribution	
	Rating Factor Response (limited to a maximum of 15 pages)	
☐	1. Capacity of the Applicant and Relevant Organizational Experience	
☐	2. Needs/Extent of the Problem	
☐	3. Soundness of Approach (Work Plan/Budget)	
	Appendices	
☐	Appendix ❑ Rating Factor 1, 2, 3 and 4 Tables ❑ Form HUD-96009 Benchmark Standards (42 Months) ❑ Form HUD-96010 Logic Model ❑ Other Rating Factor Related Materials	
☐	Form HUD-2993 Acknowledgment of Application Receipt	
☐	Form HUD-2994 Client Comments and Suggestions (completion of this form is optional)	

*The forms included in the Checklist and Submission Table of Contents are found in the **General Section** of the SuperNOFA or this Program NOFA and are available as fillable Adobe Reader (PDF) or Word (DOC) formats from the HUD website at: ***www.hud.gov***

Applicants are encouraged to use the electronic version of Form HUD-424-CBW

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The following are the items to be included in an application:

(a) Transmittal Letter. The applicant (or applicants) submitting the application, the dollar amount requested, the number of units to receive lead hazard control work, what the program funds are requested for, the nature of involvement with grassroots faith-based and other community-based organizations, and the name, mailing address, telephone number, and principal contact person of ''the applicant.''

(b) Checklist and Submission Table of Contents (voluntary).

(c) Abstract Summary. An abstract summary describing the goals and objectives of your proposed program (two-page maximum). The abstract should briefly highlight the major goals and objectives established for the program.

(d) Forms. All forms as required by the General Section of the SuperNOFA.

(e) Budget. A detailed budget (total budget is the federal share and matching contribution (Form HUD–424-CBW) with supporting narrative and 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 Section IV.E. 2. of this NOFA. The budget shall include not more than 10 percent for administrative costs and not less than 90 percent for direct project elements. Applicants are to identify the direct lead hazard control costs that meet this requirement. 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.

(f) Matching Contribution. An itemized breakout (using the Form HUD–424-CBW) of your required matching contribution, including:

(i) Values placed on donated in-kind services;

(ii) Letters or other evidence of commitment from donors; and

(iii) The amounts and sources of contributed resources.

(g) Application Forms. Standard Forms SF–LLL and Forms HUD–27300, 2880, 2990, 2991, 2993, and 2994.

(h) Grant Partners. Contracts, Memoranda of Understanding or Agreement, letters of commitment or other documentation describing the proposed roles of agencies, local broad-based task forces, participating grassroots faith-based and other community or neighborhood-based groups or organizations, local businesses, and others working with the program.

(i) Consolidated Plan Element. A copy of the lead hazard control element included in your current program year's Consolidated Plan. (This does not apply to Native American Tribes) 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.

(j) Rating Factor Response. Narrative responses to the three rating factors.

2. Proposed Activities. Unless otherwise noted in this NOFA, all applicants 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 3). Please see the General Section of the SuperNOFA for additional requirements and submittal procedures.

a. Forms, Certifications, Assurances, and Other Related Grant Application Information. The forms, certifications, assurances and other related grant application resource information that will assist you in preparing your application in response to this NOFA can be found in the General Section of the SuperNOFA and in this NOFA. These forms are also available for this SuperNOFA through the Web site at: *http://www.grants.gov.*

b. Forms and Tables for Rating Factor Responses. The following forms and/or tables are to be completed and included in the application in support of the narrative response to the rating factors.

(1) Rating Factor 1 Table—Capacity of the Applicant and Relevant Organizational Experience

(2) Rating Factor 2 Table—Need/Extent of the Problem

(3) Rating Factor 3 Table—Soundness of Approach; and Work Plan Development Worksheet with Minimum Benchmark Standards for 42 Months—Form HUD–96009

(4) Rating Factor 4 Table—Leveraging Resources (include with response to Rating Factor 3)

(5) Form HUD–96010 Logic Model—Achieving Results and Program Evaluation (include with response to Rating Factor 3)

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Factor 1 Capacity Of The Applicant And Relevant Organizational Experience

A. Key Personnel
B. Partners

A. Key Personnel

Name and Position Title (please include the organization position titles in addition to those shown). Resumes or position descriptions are to be included in appendix.	Percent of Time Proposed for this Grant (HUD Funded or In-Kind)	Percent of Time to be spent on other LHC HUD grants	Percent of time to be spent on other activities
	Note: These three columns should total 100%		
A.1 Overall Project Director			
Name:			
Organization Position Title:			
Phone Number: Fax Number:			
Email:			
A.2 Day-to-Day Program Manager ☐ To be hired		☐ On staff	
Name:			
Organization Position Title:			
Phone Number: Fax Number:			
Email:			
A.3 Other ☐ To be hired		☐ On staff	
Name:			
Organization Position Title:			
Phone Number: Fax Number:			
Email:			

B. Partners

Name of the organization or entity that partners or will partner with applicant and if partner will be subgrantee/subrecipient	Description of Commitment and Status	Proposed Activities To Be Conducted by Partner	Amount of HUD Grant Funds (If Subgrant)
B.1 Name:			
Type of Organization			
Sub grantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.2 Name:			
Type of Organization			
Sub grantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.3 Name:			
Type of Organization			
Sub grantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.4 Name:			
Type of Organization			
Sub grantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.5 Name:			
Type of Organization			
Sub grantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.6 Name:			
Type of Organization			
Sub grantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.7 Name:			
Type of Organization			
Sub grantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			

Definitions:
Partner Name: Name of organization or entity that will partner with applicant in conducting program activities.
Type of Organization or Program: Health, Housing, Environmental, Community Development Department, Planning Department, Grassroots Faith-Based or Community-Based Organization, Childhood Lead Poisoning Prevention Program, Financial Institution, Job Training and Economic Opportunity Organization, etc.
Description of Commitment: Memorandum of Understanding/Agreement, Contract, Sub-grant, Letter, etc.
Proposed Activities to be Conducted by Partner: The type of activities that will be conducted by the grant partner in support of program efforts (i.e. rehabilitation, testing, training, education and outreach, specification writing, relocation, etc.)
Amount of HUD Grant Funds if Subgrantee/Subrecipient: The dollar amount subgrantee/subrecipient will be receiving for the services they will provide.

Factor 2 **Need/Extent Of The Problem**

A. Blood Lead Level (BLL)
B. Housing Age and Tenure
C. Very Low and Low-Income Population

Name of Jurisdiction	**Name of Target Area (s)**

A. Documented Blood Lead Level (BLL)

A.1 Total Number of Children <6 Years (72 months) of Age in Jurisdiction: % of Total Population:			A.2 Total Number of Children <6 Years (72 months) of Age in Target Area: % of Total Population:		
Blood Lead Level	Number of Children Under 6 Years	% of Total	Blood Lead Level	Number of Children Under 6 Years	% of Total
< 10 µg/dL			< 10 µg/dL		
≥10 µg/dL and <20 µg/dL			≥10 µg/dL and <20 µg/dL		
≥ 20 µg/dL			≥ 20 µg/dL		
Total Tested		100%	Total Tested		100%
Source and Date Documented (Indicate Period Covered)*			Source and Date Documented (Indicate Period Covered)*		

*Attach documentation in appendix - State or local health department may be a good source for this information

B. Housing Age and Tenure

B.1 Jurisdiction					B.2 Target Area (s)				
Year Built	Number	% of Total	Owner	Renter	Year Built	Number	% of Total	Owner	Renter
Pre-1940					Pre-1940				
1940-1949					1940-1949				
1950-1959					1950-1959				
1960-1969					1960-1969				
1970-1979					1970-1979				
1980 or newer					1980 or newer				
Total					Total				

Source: 2000 Census - http://factfinder.census.gov/servlet/DatasetMainPageServlet?_ds_name=DEC_2000_SF3_U&_program=DEC&_lang=en
Instructions:

1. Select "Census 2000 Summary File 3 (SF3) – Sample Data"
2. Click on "Detailed Tables" on the side menu
3. On the next page, select "Place" from the pull-down menu next to "Select a geographic type"
4. Select the "State" from the pull-down menu next to "Select a State"
5. Select one or more "cities" of interest from the selected state and click "Add"
6. Click the button that says "Next"
7. On the next page, select "H36. Tenure by Year Structure Built" from the pull-down menu, then "Select one or more tables" and click "Add"
8. Click "Show Tables"

*Attach copy of the downloaded information in appendix.

C. Very Low and Low-Income Population – As Determined by HUD

C.1 Jurisdiction				C.2 Target Area (s)			
Number of Families ≤50% of AMI	%	Total Number of Families <80% of AMI*	%	Number of Families ≤50% of AMI	%	Total Number of Families <80% of AMI	%

Source: Income Limits As Determined by HUD- http://www.huduser.org/datasets/il.html
Instructions:

1. Select the appropriate State
2. Click on the link that says "Open PDF file"
3. Search for appropriate location

Factor 3	Soundness Of Approach

A. Proposed Lead Hazard Control Activities — **Total Units To Be Completed and Cleared**

Activity	Who Will Perform This Activity (Name or Agency/Organization)	Number of Units	Housing Tenure			Estimated Timeline to Complete Work	Estimated Per Unit Cost
			Owner Occupied	Rental	Vacant		
Identification, Selection, Prioritization of Units (Referrals)*							
Intake/Enrollment							N/A
Financing (Grant, Loan, Other)							N/A
Pre-Hazard Control Blood Lead Testing			N/A	N/A	N/A		
Paint Inspections/Risk Assessments							
Laboratory Analysis of Samples			N/A	N/A	N/A		
Work Specifications			N/A	N/A	N/A		
Bid Process/ Contractor Selection			N/A	N/A	N/A		
Temporary Relocation							
Interim Controls							
Hazard Abatement							
Quality Control–Contractor Performance			N/A	N/A	N/A		N/A
Clearance Evaluations			N/A	N/A	N/A		
Maintenance Plan – Unit Follow Up			N/A	N/A	N/A		N/A
Community Outreach/ Education		N/A	N/A	N/A	N/A		N/A
Training		N/A	N/A	N/A	N/A		N/A

Activity:
*Identification, Selection, Prioritization of Units (Referrals) This should be a higher number than the number of units that are projected to be completed and cleared by the program
Who Will Perform This Activity: Applicant Agency, Partner Organization, Contractor, Grassroots Faith-Based or Community-Based Non-Profit Organization.
Number of Units: Number of units to receive program services.
Housing Tenure: Number of units to receive program services according to housing tenure status (i.e. owner occupied, renter occupied, vacant)
Estimated Time to Complete Work for each unit: Hours, days, weeks required to complete an activity
Estimated Unit Cost: Self explanatory

Factor 4	Leveraging Resources

Name Of The Organization Or Entity That Will Contribute Match Or Leveraged Funds And If The Organization Will Be a Subgrantee/Subrecipient	Work To Be Accomplished In Support Of The Program.	Value Of In-Kind Or Cash Match Contribution*	Additional Leveraged Funds Contribution	Total Of Match And Leveraged Contributions
Name: Type of Organization: Sub grantee/Subrecipient: ☐ Yes ☐ No				
Name: Type of Organization: Sub grantee/Subrecipient: ☐ Yes ☐ No				
Name: Type of Organization: Sub grantee/Subrecipient: ☐ Yes ☐ No				
Name: Type of Organization: Sub grantee/Subrecipient: ☐ Yes ☐ No				
Name: Type of Organization: Sub grantee/Subrecipient: ☐ Yes ☐ No				
Name: Type of Organization: Sub grantee/Subrecipient: ☐ Yes ☐ No				
Name: Type of Organization: Sub grantee/Subrecipient: ☐ Yes ☐ No				
Name: Type of Organization: Sub grantee/Subrecipient: ☐ Yes ☐ No				
Name: Type of Organization: Sub grantee/Subrecipient: ☐ Yes ☐ No				
	Total Amount	$	$	$

Name of the organization or entity that will contribute match or leveraged funds and if they are to be a subgrantee/subrecipient: Self explanatory.
Work to be accomplished in support of the program: The type of activities that will be accomplished in support of the program (i.e. outreach, training, risk Assessments/paint Inspections, relocation, etc.)
Value of In-kind or Cash Match Contribution: As required by statute or appropriation.
Additional Leveraged Funds Contribution: Additional funds above the match contribution required by statute or appropriation
Total of Match and Leveraged Contributions: The total of an applicant's In-kind or Cash Match Contribution and any additional Leveraged Funds Contribution

WORK PLAN DEVELOPMENT WORKSHEET
WITH MINIMUM BENCHMARK PERFORMANCE STANDARDS
FOR 42-MONTH PERIOD OF PERFORMANCE

Healthy Homes and Lead Hazard Programs															OMB Approval Number 2539-0015 (exp 1/31/2006)
Grant Number:		**Grantee Organization:**										**Period of Performance: September 30, 2003 - March 29, 2007**			
	Q1 2003	Q2 2004	Q3 2004	Q4 2004	Q5 2004	Q6 2005	Q7 2005	Q8 2005	Q9 2005	Q10 2006	Q11 2006	Q12 2006	Q13 2006	Q14 2007	Q15 2007
ACTIVITY	Oct -Dec	Jan - Mar	Apr - Jun	Jul - Sep	Oct - Dec	Jan - Mar	Apr - Jun	Jul - Sep	Oct - Dec	Jan - Mar	Apr-Jun	Jul - Sep	Oct - Dec	Jan - Mar	Apr - Jun
Applicant Capacity(0-180 days)															
Staff Hired															
Approved Environmental Review and Release of Funds															
Written Policies and Procedures															
Lead Hazard Control Implementation Units in Grant Agreement = #															
Paint Inspections/Risk Assessments:															
Performance Standard			5%	15%	25%	35%	45%	55%	65%	75%	85%	95%	100%		
Work Plan Milestone															
% Planned															
Actual # Completed															
Actual % Completed															
** *Units in Progress*															
Units Completed and Cleared:															
Performance Standard				2%	5%	15%	30%	45%	55%	65%	75%	85%	95%	100%	
Work Plan Milestone															
% Planned															
Actual # Completed															
Actual % Completed															
Cumulative LOCCS DRAWDOWNS Grant Award Amount = $															
Performance Standard					5%	10%	15%	20%	30%	40%	50%	60%	80%	95%	100%
LOCCS Drawdown Work Plan Milestone															
% Planned															
Actual LOCCS Drawdown															
Actual Cumulative LOCCS Drawdown %															
Community Outreach / Education / Training															
Community Outreach and Education Work Plan Milestone															
Community Outreach and Education Milestone Achieved															
Skills Training Work Plan Milestone															
Skills Training Milestone Achieved															
Performance Measured Against Approved Work Plan Milestones														100%	
Close-Out March 30 - June 29, 2007															

form HUD-96009 (04/2003)

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1. Application Due Dates: The application due date shall be on or before July 13, 2004. Refer to the General Section of the SuperNOFA for additional submission requirements including acceptable submission methods, acceptable proof of delivery, and other information to assist the applicant.

D. Intergovernmental Review

Not required.

E. Funding Restrictions

1. Eligible Activities. HUD is interested in promoting lead hazard control approaches that result in the reduction of elevated blood lead levels in children for the maximum number of low-income families with children under six years of age, for the longest period of time, and that demonstrate techniques which are cost-effective, efficient, and replicable elsewhere. Copies of HUD's Lead-Safe Housing Regulation, and the companion publication ''Interpretive Guidance: The HUD Regulation on Controlling Lead-Based Paint Hazards in Housing Receiving Federal Assistance and Federally Owned Housing Being Sold,'' are available from the National Lead Information Clearinghouse at 800–424–LEAD (this is a toll-free number). If you are a hearing- or speech-impaired person, you may reach the telephone number via TTY by calling the toll-free Federal Information Relay Service at 800–877–8339. Copies are also available from the Office of Healthy Homes and Lead Hazard Control Web site at: *www.hud.gov/offices/lead.*

a. Not less than 90 percent of the funds made available shall be used exclusively for abatement and/or interim controls (with clearance testing), inspections, risk assessments, and temporary relocations. These include Direct Project Elements (1)–(5) listed below and undertaken directly or through subrecipients:

(1) Performing dust testing, combined lead-based paint inspections and risk assessments, and engineering and architectural activities that are required for, and in direct support of, interim control and lead hazard abatement work, of eligible housing units constructed prior to 1978 to determine the presence of lead-based paint and/or lead hazards from paint, dust, or soil through the use of acceptable testing procedures. The purchase or lease of a maximum of two X-ray fluorescence analyzers used by the grant program, if not already available, are eligible costs. All test results must be provided to the owner of the unit, together with a notice describing the owner's legal duty to disclose the results to tenants and buyers.

(2) Conducting lead hazard control activities that may include any combination of the following:

(a) Interim controls of lead-based paint hazards including lead-contaminated soil in housing (that must include specialized cleaning techniques to address lead dust, according to the HUD Guidelines, located at *http://www.hud.gov/offices/lead/guidelines/hudguidelines/index.cfm.*

(b) Abatement. The complete abatement of all lead-based paint hazards in a unit or structure is acceptable if it is cost-effective. 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 unit being treated, and children's play areas. All lead hazards identified in a housing unit enrolled in this grant program must be controlled or eliminated by any combination of these strategies.

(3) 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. If families or individuals are temporarily relocated in a project which utilizes Community Development Block Grant funds, the guidance and requirements of 24 CFR 570.606(b)(2)(i)D(1)–(3) must be met. HUD recommends you review these regulations when preparing your proposal.

(4) 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. These grant funds may be used for lead hazard control work done in conjunction with other housing rehabilitation programs. HUD encourages integration of this grant program with housing rehabilitation, maintenance, weatherization, and other energy conservation activities.

(5) Conducting clearance dust-wipe testing and laboratory analysis (the laboratory must be recognized by the National Lead Laboratory Accreditation Program (NLLAP) as being capable of performing lead analyses of samples of paint, dust-wipes, and/or soil).

b. The following are supporting Project Elements that may be undertaken through matching or other available funds only:

(1) Conducting targeted community awareness, affirmative marketing, education or outreach programs on lead hazard control and lead poisoning prevention designed to increase the ability of the program to deliver lead hazard control services including educating owners of rental properties, tenants, and others on the Residential Lead-Based Paint Hazard Reduction Act, Lead-Safe Housing Regulation, and applicable provisions of the Fair Housing Act especially as it pertains to familial status (*i.e.*, families with children) and disability discrimination, and offering educational materials in languages other than English that are common in the community, consistent with HUD's published LEP Recipient Guidance, 68 FR 70968 and providing 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, and large type).

(2) Procuring liability insurance for lead-hazard control activities.

(3) 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.

(4) Purchasing or leasing equipment having a per-unit cost under $5,000.

(5) Preparing a final report at the conclusion of grant activities.

c. Support Elements.

(1) Administrative costs. There is a 10 percent maximum for administrative costs as specified in Section 1011(j) of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of the Housing and Community Development Act of 1992, Public Law 102–550). Additional information about allowable administrative costs is provided below.

(2) Program planning and management costs of sub-grantees and other subrecipients.

d. Ineligible Activities. You may not use grant funds for:

(1) Purchase of real property.

(2) Purchase or lease of equipment having a per-unit cost in excess of $5,000, except for the purchase of 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 (This housing stock is not eligible under Section 1011 of the Lead-Based Paint Hazard Reduction Act).

e. Program Specific Requirements. (1) Work Activities. All lead hazard control activities must be conducted in compliance with the applicable requirements of HUD's Lead-Safe Housing Regulation, 24 CFR Part 35, and as clarified in HUD's Interpretive Guidance about the rule located at: *http://www.hud.gov/offices/lead/guidelines/leadsaferule/index.cfm.* Activities must also comply with any additional requirements in effect under a state or Tribal Lead-Based Paint Training and Certification Program that has been authorized by the EPA pursuant to 40 CFR 745.320.

(2) Direct Lead Hazard Identification and Control Activities. Not less than 90 percent of the funds made available shall be used exclusively for abatement, inspections, risk assessments, temporary relocations, and interim control of lead-based hazards.

(3) By September 30, 2005, applicants that received a Lead Hazard Reduction Demonstration grant under the FY2003 competition are to participate in an established statewide or jurisdiction-wide strategic plan to eliminate childhood lead poisoning as a major public health problem by 2010, or are to assist in the development of such a plan (further guidance will be provided to grantees on developing the elimination plan). New applicants are encouraged to include an outline of the steps that they will take to participate in or develop a statewide or jurisdiction-wide strategic plan. Applicants are encouraged to collaborate with Centers for Disease Control and Prevention (CDC) Childhood Lead Poisoning Prevention grantees, which are now required to develop such plans. At a minimum, the plan must include the following elements:

(a) Mission Statement;

(b) Purpose and Background on Lead Poisoning Prevalence;

(c) Goals, Objectives, and Activities; and

(d) Evaluation Plan.

2. Administrative Costs. There is a 10 percent maximum for administrative costs as specified in Section 1011(j) of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of the Housing and Community Development Act of 1992, Public Law 102–550). Additional information about allowable administrative costs is provided below.

a. *Purpose.* The intent of this HUD grant program is to allow the Grantee to be reimbursed for the reasonable direct and indirect costs, for the overall management of the grant. In most instances the grantee, whether a state or a local government, principally serves as a conduit to pass funding to sub-grantees, which are to be responsible for conducting lead-hazard reduction work. Congress set a maximum of 10 percent of the total grant sum for the grantee to perform the function of overall management of the grant program, including passing on funding to sub-grantees. The cost of that function, for the purpose of this grant, is defined as the ''administrative cost'' of the grant, and is limited to 10 percent of the total grant amount. The balance of 90 percent or more of the total grant sum is reserved for sub-grantees or other direct-performers of lead-hazard identification and reduction work including relocation. For purposes of the Lead-Based Paint Hazard Reduction Demonstration Grant Program, lead hazard identification and reduction includes lead paint inspection/risk assessments, interim controls, abatement of lead hazards, clearance testing, and relocation.

b. *Administrative Costs:* What They Are Not. For the purposes of this HUD grant program for states and local governments to provide support for the evaluation and reduction of lead-hazards in low- and moderate-income, private target housing, the term ''administrative costs'' should not be confused with the terms ''general and administrative cost,'' ''indirect costs,'' ''overhead,'' and ''burden rate.'' These are accounting terms usually represented by a government-accepted standard percentage rate. The percentage rate allocates a fair share of an organization's costs that cannot be attributed to a particular project or department (such as the chief executive's salary or the costs of the organization's headquarters building) to all projects and operating departments (such as the Fire Department, the Police Department, the Community Development Department, the Health Department or this program). Such allocated costs are added to those projects' or departments' direct costs to determine their total costs to the organization.

c. *Administrative Costs:* What They Are: For the purposes of this HUD grant program, ''Administrative Costs'' are the grantee's allowable direct costs for the overall management of the grant program plus the allocable indirect costs. The allowable limit of such costs that can be reimbursed under this program is 10 percent of the total grant sum. Should the grantee's actual costs for overall management of the grant program exceed 10 percent of the total grant sum, those excess costs shall be paid for by the grantee. However, excess costs paid for by the grantee may be shown as part of the requirement for cost-sharing funds to support the grant.

d. *Administrative Costs Definition* (1) General: Administrative costs are the allowable, reasonable, and allocable direct and indirect costs related to the overall management of the HUD grant for lead-hazard reduction activities. Those costs shall be segregated in a separate cost center within the grantee's accounting system, and they are eligible costs for reimbursement as part of the grant, subject to the ten percent limit. Such administrative costs do not include any of the staff and overhead costs directly arising from specific sub-grantee program activities eligible under this NOFA, because those costs are eligible for reimbursement under a separate cost center as a direct part of project activities.

The grantee may elect to serve solely as a conduit to sub-grantees, who will in turn perform the direct program activities eligible under this NOFA, or the grantee may elect to perform all or a part of the direct program activities in other parts of its own organization, which shall have their own segregated, cost centers for those direct program activities. In either case, not more than 10 percent of the total HUD grant sum may be devoted to administrative costs, and not less than 90 percent of the total grant sum shall be devoted to direct program activities. The grantee shall take care not to mix or attribute administrative costs to the direct project cost centers.

(2) Specific. Reasonable costs for the grantee's overall grant management, coordination, monitoring, and evaluation are eligible administrative costs. Subject to the ten percent limit, such costs include, but are not limited to, necessary expenditures for the following goods, activities and services:

(a) Salaries, wages, and related costs of the grantee's staff, the staff of affiliated public agencies, or other staff engaged in grantee's overall grant management activities. In charging costs to this category the recipient may either include the entire salary, wages, and related costs allocable to the program for each person whose primary responsibilities (more than 65 percent of their time) with regard to the grant program involve direct overall grant management assignments, or the pro rata share of the salary, wages, and related costs of each person whose job includes any overall grant management assignments. The grantee may use only one of these two methods during this program. Overall grant management includes the following types of activities:

(i) Preparing grantee program budgets and schedules, and amendments thereto;

(ii) Developing systems for the selection and award of funding to sub-grantees and other subrecipients;

(iii) Developing suitable agreements for use with sub-grantees and other subrecipients to carry out grant activities;

(iv) Developing systems for assuring compliance with program requirements;

(v) Monitoring sub-grantee and subrecipient activities for progress and compliance with program requirements;

(vi) Preparing presentations, reports, and other documents related to the program for submission to HUD;

(vii) Evaluating program results against stated objectives;

(viii) Providing local officials and citizens with information about the overall grant program; however, a more general education program, helping the public understand the nature of lead hazards, lead hazard reduction, blood-lead screening, and the health consequences of lead poisoning is a direct project support activity);

(ix) Coordinating the resolution of overall grant audit and monitoring findings; and

(x) Managing or supervising persons whose responsibilities with regard to the program include such assignments as those described in paragraphs (a) through (i).

(b) Travel costs incurred for official business in carrying out the overall grant management;

(c) Administrative services performed under third party contracts or agreements, for services directly allocable to grant management such as: legal services, accounting services, and audit services;

(d) Other costs for goods and services required for and directly related to the overall management of the grant program; and including such goods and services as telephone, postage, rental of equipment, renter's insurance for the program management space, utilities, office supplies, and rental and maintenance (but not purchase) of office space for the program.

(e) The fair and allocable share of grantee's general costs that are not directly attributable to specific projects or operating departments such as salaries, office expenses and other related costs for local officials (*e.g.*, mayor and city council members, etc.), and expenses for a city's legal or accounting department which are not charged back to particular projects or other operating departments. If a grantee has an established burden rate, it should be used; if not, the grantee shall be assigned a negotiated provisional burden rate, subject to final audit.

3. Eligibility of HUD-Assisted Housing. Eligibility of HUD-associated ''eligible'' housing units that may participate under the Lead Hazard Reduction Demonstration Grant Program is reflected in the following chart.

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Eligibility of HUD-Assisted Housing

Program	Eligible?	Program	Eligible?
Housing Components of Community Planning & Development Programs		Housing in Military Impacted Areas (Section 238)	Yes
Community Development Block Grants (Entitlement)	Yes	Single Family Home Mortgage Coinsurance (Section 244)	Yes
Community Development Block Grants (Non-Entitlement) for States and Small Cities	Yes	Graduated Payment Mortgages (Section 245)	Yes
Community Development Block Grants (Section 108 Loan Guarantee)	Yes	Adjustable Rate Mortgages (ARMs) (Section 251)	Yes
Special Purpose Grants	Yes	Manufactured Homes (Title I)	Yes
The **Home** Program: **HOME** Investment Partnerships	Yes	**Housing - Multifamily Programs**	
HOPE for Homeownership of Single Family Homes	Yes	Rent Supplements (Section 101)	No
Shelter Plus Care - Sponsor-based Rental Assistance	No	Multifamily Rental Housing (Section 207)	Yes
Shelter Plus Care - Tenant-based Rental Assistance	Yes	Cooperative Housing (Section 213)	Yes
Shelter Plus Care - Project-based Rental Assistance	No	Mortgage and Major Home Improvement Loan Insurance for Urban Renewal Areas (Section 220)	Yes
Shelter Plus Care - SRO Rental Assistance	No	Multifamily Rental Housing for Moderate-Income Families - Section 221(d)(3)	No
Single Family Property Disposition Homeless Initiative	No	Multifamily Rental Housing for Moderate-Income Families - Section 221(d)(4)	Yes
Emergency Shelter Grants	Yes	Existing Multifamily Rental Housing (Section 223(f))	Yes
Housing Opportunities for Persons With AIDS (HOPWA)	Yes	Supplemental Loans for Multifamily Projects (Section 241)	Yes
Surplus Properties (Title V)	No	Supportive Housing for Persons with Disabilities (Section 811)	No
Supportive Housing Demonstration Program Transitional Housing Component	Yes	**HOPE 2**: Homeownership of Multifamily Units (Title IV)	No
Supportive Housing Demonstration Program Permanent Housing Component	Yes	Low-Income Housing Preservation and Resident Homeownership (Title VI)	No
Supplemental Assistance for Facilities to Assist the Homeless (SAFAH)	Yes	Emergency Low-Income Housing Preservation (Title II)	No
Supportive Housing Program	Yes	Flexible Subsidy (Section 201)	No
Section 8 SRO Mod Rehab for Homeless Individuals	No	**Public and Indian Housing**	
Innovative Demonstration Program	Yes	Section 8 Project-Based Certificate Program	No
Housing - Single Family Programs		Section 8 Tenant Based Certificate and Voucher Program	Yes
One- to Four-Family Home Mortgage Insurance (Section 203(b) and (i))	Yes	Section 8 Moderate Rehabilitation Program	No
Rehabilitation Mortgage Insurance (Section 203(k))	Yes	Public Housing Development	No
Homeownership Assistance for Low- and Moderate-Income Families (Section 221(d)(2))	No	Public Housing Operating Subsidy	No
Homes for Service Member (Section 222)	Yes	Public Housing Modernization (Comprehensive Grant Program)	No
Housing in Declining Neighborhoods (Section 223(e))	Yes	Public Housing Modernization (Comprehensive Improvement Assistance Program)	No
Condominium Housing (Section 234)	Yes		

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F. Other Submission Requirements

Refer to the General Section of the SuperNOFA for other application submission requirements.

1. Addresses and Number of Copies. The applicant, must submit an original and three copies of a complete application to: HUD Headquarters; Robert C. Weaver Federal Building; 451 Seventh Street, SW., Room P3206; Washington, DC 20410; Attn: Lead Hazard Reduction.

V. Application Review Information

A. Criteria

1. Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (30 Points)

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 grassroots faith-based and other community-based organizations, sub-contractors, consultants, subrecipients, and members of consortia that are firmly committed to your project. In rating this factor, HUD will consider:

a. The applicant's recent, relevant and successful demonstrated experience (including working with governmental, parent groups, and grassroots faith-based, and other community-based partners) to undertake eligible program activities. Applicants are to identify the organizations or entities that will assist the applicant in implementing the program. The applicant must describe the knowledge and experience of the current or 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. The applicant must demonstrate that it has sufficient personnel or will be able to retain qualified experts or professionals, and be prepared to perform lead hazard evaluation, lead hazard control intervention work, and other proposed activities within 120 days of the effective date of the grant award. HUD reserves the right to terminate the grant if sufficient personnel or qualified experts are not retained within these 120 days. In the narrative response for this factor, you should include information on your program staff, their experience, their commitment to the program, salary information, and position titles. Resumes (for up to three key personnel) or position descriptions for those key personnel to be hired, and a clearly identified organizational chart for the lead hazard control grant program effort (and for the overall organization) must be included in an appendix. Indicate the percentage of time that key personnel will devote to your project (see Factor 1 Table—Key Personnel and Partners). The applicant's day-to-day program manager must be experienced in the management of housing rehabilitation or lead hazard control, childhood lead poisoning prevention, or similar work involving project management. Ideally, the program manager should be available at the inception of the program in order to implement this comprehensive program within the 120-day period after the effective date of the grant award. The applicant should provide a description of any previous experience in enrolling units and in completing lead hazard control work, housing rehabilitation or other work in a timely and effective manner. Describe how any other principal components of your agency, other public entities, or other organizations will participate in implementing or otherwise supporting or participating in 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 Reduction Demonstration Grant Program.

b. The applicant should discuss their plans to participate in or develop a statewide or jurisdiction-wide strategic plan to eliminate childhood lead poisoning as a major public health problem by 2010. All applicants are encouraged to include an outline of the steps that they have taken or will take to participate in or develop a statewide or jurisdiction-wide strategic plan. By September 30, 2005, applicants receiving a grant under the FY2003 Lead Hazard Reduction Demonstration Grant Program are expected to participate in an established statewide or jurisdiction-wide strategic plan to eliminate childhood lead poisoning as a major public health problem by 2010 or are to assist in the development of such a plan (further guidance will be provided to grantees on developing the elimination plan). Applicants are encouraged to collaborate with grantees of the Centers for Disease Control and Prevention (CDC), which are also required to develop such local plans. At a minimum, the plan must include the following elements:

(1) Mission Statement.

(2) Purpose and Background on Lead Poisoning Prevalence.

(3) Goals, Objectives, and Activities.

(4) Evaluation Plan.

c. If the applicant received any previous HUD Lead-Based Paint Hazard Control Grant funding, this past experience will be evaluated in terms of cumulative progress and achievements under the previous grant(s). Where the applicant has received multiple HUD Lead Hazard Control Grants, performance under the most recent grant award will be primarily evaluated. If you are a current or prior grantee, you 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. The applicant must provide a description of its progress and performance implementing the most recent grant award including the total number enrolled, assessed, and completed and cleared as a result of program efforts. The applicant must also describe outcomes, capacity building efforts and impediments experienced during a previous Lead Hazard Control Grant program. Other work plan activities and tasks associated with implementing HUD's Lead-Safe Housing Regulation, integrating lead-safe work practices into the private market, and promoting effective education, outreach, and other training activities should be described. The applicant should also describe specific instances where the program has contributed positive impacts in the community, and indicate what activities were undertaken to develop, enhance or expand the local infrastructure through collaboration.

HUD's evaluation process will consider an applicant's past performance record as reported to HUD in effectively organizing and managing their grant operations, in meeting performance and work plan benchmarks and goals, and in managing funds, including their ability to account for funds appropriately, the timely use of funds received either from HUD or other federal, state or local programs, and meeting performance milestones. HUD may also use other information relating to these items from sources at hand, including public sources such as newspapers, Inspector General or Government Accounting Office Reports or Findings, hotline complaints, or other sources of information that have been

proven to have merit. Applicants are to complete the Factor 1 Table to support the narrative information submitted.

2. Rating Factor 2: Need/Extent of the Problem (15 Points)

This factor addresses the extent to which there is a need for the proposed program to address a documented problem related to lead-based paint and lead-based paint hazards in your identified target area(s). An applicant will be scored in this rating factor based on their documented need as evidenced by thorough, credible, and appropriate data and information. The evaluation will be based only on the applicant's documentation of the data requested. The data submitted in response to this rating factor will be verified using data available from the Census, HUDuser, other data available to HUD and/or in cooperation with the Centers for Disease Control and Prevention. The applicant is to complete the Factor 2 Table—Need/Extent of the Problem in Section IV. of this NOFA. A maximum of 15 Points will be awarded in this rating factor based on the information documenting the number of children with an elevated blood lead level (EBLL) and the number of pre-1940 occupied rental housing units in the applicant's jurisdiction.

a. Documented Number of Children with an Elevated Blood Lead Level (EBLL) (10 Points). Provide the actual number of children with an elevated blood lead level residing within the applicant's jurisdiction(s) for the most recent complete calendar year and identify the source of the data. Data prior to calendar year 2001 will not be accepted. States must report the number in the city, county, or other area where funds will actually be used. Consortia of local governments must report the number in the cities or counties making up the consortium. For the purposes of this application, a ''documented case'' of childhood lead poisoning is a child under six years of age with a blood lead level test result equal to or greater than 10 micrograms of lead per deciliter of blood, which was performed by a medical health care provider. The actual number of children with an elevated blood lead level (not an estimate) in the applicant's jurisdiction must be reported to HUD in order to be eligible for this grant program. Do not send the children's names or addresses or other identifiers. Failure to provide this number in the application means that the application will not be rated or ranked.

(1) Applicants are to complete the Factor 2 Table to document the number of children with an elevated blood lead level.

Points will be awarded based on the documented number of children with an elevated blood lead level according to the chart below.

Points awarded	Number of children with an elevated blood lead level (EBL ≥10 μg/dL)
2	< 100
4	100–249
6	250–499
8	500–999
10	> 1,000

b. Housing market data relevant to the applicant's jurisdiction. Housing Age. (5 Points)

(1) Housing Age for the following sub-categories: Pre-1940, 1940–1949, 1950–1959, 1960–1969, 1970–1979 and 1980 or newer are to be provided using the Factor 2 Rating Factor Table in Section IV. of this NOFA; Points will be awarded for the number of pre-1940 occupied rental units in the applicant's jurisdiction according to the chart below.

Points awarded	Pre-1940 occupied rental housing units
1	≥7,000 < 8,000
2	8,000–15,000
3	15,001–25,000
4	25,001–35,000
5	> 35,001

3. Rating Factor 3: Soundness of Approach/Work Plan/Budget (55 Points)

This factor addresses the quality and cost-effectiveness of your proposed work plan. Applicants should develop a work plan that includes specific, measurable, and time-phased objectives for each major program activity. The applicant's work plan should reflect benchmark standards for production, expenditures, and other activities that have been developed by the Office of Healthy Homes and Lead Hazard Control. These benchmark standards, as well as policy guidance on developing work plans have been included in the Section IV. of this NOFA and are available at the HUD website at: *http://www.hud.gov/offices/lead/lhc/pgi/index.cfm.* This policy guidance provides a sample format and outline for developing a Lead Hazard Reduction Demonstration Grant Program Work Plan. In addition, applicants are also required to complete the HUD Program Outcome Logic Model (HUD–96010) referenced in Section IV. of this NOFA. The Logic Model is to be used by grantees to assess their own performance.

a. An applicant is to identify and describe specific methods, measures, and tools that 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. In evaluating this, HUD will consider how you have described outcome measures and benefits of your program including:

b. How your program will be held accountable for meeting program goals, objectives, and the actions undertaken in implementing the grant program. Applicants should provide a description of the mechanism to assess progress and track performance in meeting the goals and objectives outlined in the work plan. Applicants should provide assurances that work plans and performance measures developed for the program will assist intended beneficiaries, and that work will be conducted in a timely and cost-effective manner.

c. Applicants should describe the proposed activities and provide HUD with measurable outcome results to be achieved with the requested funds. Measurable outcome results should be stated in terms relevant to the purpose of the program funds as a direct result of the work performed within the performance period of the grant (*e.g.*, estimated number of units to be made lead-safe, estimated number of children living in units made lead-safe, and the basis for these estimates).

Each proposed activity must be eligible as described in the NOFA and meet statutory requirements for assistance to low- and very low-income persons.

(1) Lead Hazard Control Work Plan Strategy (40 points). Describe your work plan goals and specific time-phased strategy to complete work under the grant within the 42-month period of performance for your lead hazard control grant program. You should provide information on:

(a) Implementing a Lead Hazard Control Program. Describe how you will implement the strategy for your proposed lead hazard control program. The description must include information on:

(i) How the project will be organized, managed, and staffed. You must also identify the specific steps that will be taken to train and ensure the availability of enough lead-based paint contractors and workers to conduct lead hazard control interventions, and to perform other program activities. In addition, a detailed description of the selection

process for sub-grantees, subcontractors or subrecipients, and how assistance and funding will flow from the grantee to those who will actually perform the work under the grant.

(ii) The overall number of eligible privately owned housing units scheduled for lead hazard control intervention work and the strategy for their identification, selection, prioritization, and enrollment in the selected target area(s). Discuss the eligibility criteria for unit selection and how the program will identify units that meet these criteria. Explain how you would target resources to maximize the return on investment from grant funding. As funding is a constraint for this program, it is imperative to maximize the impact of grant dollars. Include in this discussion your proposed technical approach and how this choice addresses local conditions and needs as well as attempting to maximize the number of children protected from lead hazards. As there are a variety of reduction techniques that grantees can apply to lead hazards, it is important to that HUD be able to assess the effectiveness of a grantee's choice of a technical strategy.

Explain how referrals of eligible units will be obtained from childhood lead poisoning prevention programs, other health care or housing agencies, or health providers that serve children. Explain how you would target resources to maximize the return on investment from grant funding. As funding is a constraint for this program, it is imperative to maximize the impact of grant dollars. Include in this discussion your proposed technical approach and how this choice addresses local conditions and needs as well as attempting to maximize the number of children protected from lead hazards. As there are a variety of reduction techniques that grantees can apply to lead hazards, it is important that HUD be able to assess the effectiveness of grantees' choice of technical strategy. Also discuss how referrals are made from the Section 8/Housing Choice Voucher programs and other agencies that provide housing assistance to low-income households with children including CDBG, HOME Investment Partnerships Program-funded housing programs, or other sources. (Include as attachments any referral agreements, commitment letters or other documents from other entities that describe their participation recruiting eligible units in your program.)

(iii) The degree to which the work plan focuses on eligible privately owned housing units occupied by low-income families with children under six years of age. Describe your planned approaches to control lead hazards in vacant and/or occupied units before children are poisoned and your plans to ensure that the program will continue to affirmatively market and match these units made lead-safe with low-income families with children under six years of age in the future. Discuss strategies to control lead hazards in units where children have already been identified with an elevated blood lead level (EBL), including your process for referring and tracking children with EBLs, and your capacity to rapidly complete lead hazard control work in their units. Provide estimates of the number of low-income children you will assist through this program.

(iv) Discuss the lead hazard control financing strategy, including eligibility requirements, terms, conditions, dollar limits, and amounts available for lead hazard control work. Applicants must also describe how the program will recapture grant funds in the event that a recipient of grant funds fails to comply with any terms and conditions of the financing arrangement (*e.g.* affordability, sale of property, etc.). You must discuss the way assistance from the grant funds will be administered to or on behalf of property owners (*e.g.* use of grants, deferred loans and/or forgivable loans and the basis and schedule for forgiveness, and the role of other resources, such as private sector financing). You should identify the entity that will administer the financing process and describe how coordination and payment between the program and contractors performing the work will be accomplished. Describe matching requirements, if any, proposed for assistance to rental property owners.

(v) Describe how your proposed program will satisfy the stated needs in the Consolidated Plan or Indian Housing Plan and eliminate impediments identified in the Analysis of Impediments (AI). Also describe how your proposed program will further and support the policy priorities of the Department: Including promoting healthy homes and the quality of housing. Applicants should describe activities undertaken that remove barriers to affordable housing within their communities or support such efforts at the state and local level.

d. Technical Approach/Performance. Describe your process for the conduct of lead hazard evaluation (risk assessments and/or inspections) in units of eligible privately owned housing to confirm that there are lead-based paint hazards in the housing units where lead hazard control is undertaken.

(1) Describe your testing methods, schedule, and costs for risk assessments, paint inspections, and clearance examinations to be used. If you propose to use a more restrictive standard than the HUD/EPA thresholds (*e.g.,* less than 0.5 percent or 1.0 mg/square centimeter for lead in paint, or less than 40, 250, 400 μg/square foot for lead in dust on floors, sills and troughs, respectively); or 400 ppm in bare soil in children's play areas and 1200 ppm for bare soil in the rest of the yard), identify the standard(s) that will be used. All testing shall be performed in accordance with applicable regulations.

(2) Describe the lead hazard control methods and strategies you will undertake and the number of units you will treat. In cases where only a few surfaces have lead hazards in a specific unit and complete abatement of all lead paint is cost-effective, the applicant must provide a detailed rationale for selecting complete abatement as a strategy. Provide an estimate of the per-unit costs (and a basis for those estimates) 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. Explain your cost estimates, providing detail on how the estimates were developed, with particular references to cost effectiveness.

(3) Schedule. Provide a realistic schedule for completing key activities, by quarter, so that all activities can be completed within the period of performance of the grant. Key production activities include enrollment of units, paint inspections/risk assessments, and completion/clearance of units. When developing the application, the applicant shall take into consideration previous experience and performance in administering similar kinds of lead hazard control or rehabilitation programs.

(4) Time frames. Describe the estimated elapsed time frame for treating a typical unit that will receive lead hazard control, including referral/intake, enrollment (qualification of the unit as eligible), combined paint inspection/risk assessments, preparation of specifications or work write-up, selection of the contractor, lead hazard control intervention work activities, quality control and monitoring of work activities, and clearance. The time frame should include an estimate of the staff and contractor time required to treat a typical unit that will receive lead hazard control. Describe the schedule for emergency referrals (*e.g.* unit occupied by a child under six years of age with an elevated blood lead level). List the

number of units projected in each of the following categories: lead-based paint inspections/risk assessments, hazard control, and clearance inspections.

(5) Workflow and Production Control. Provide guidelines and/or flowcharts showing agency/partner responsibilities for each step in the process (from intake to clearance) and describe/show how coordination and hand-offs will be handled. Discuss how the actual production status of units, from intake to final clearance, will be monitored, and how and when production bottlenecks will be identified, remedied, and monitored.

(6) Describe your contracting process, including development of specifications or adoption of existing 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, and requirements for coordination among lead hazard control, rehabilitation, weatherization, and other contractors.

(7) Describe your plan for occupant protection or the temporary relocation of the occupants of units selected for lead hazard control work. Describe any plan to avoid overnight relocation in small-scale projects consistent with 24 CFR Part 35.1345 (a)(2) and HUD's Interpretive Guidance of 24 CFR part 35, including J24, R18, and R19 (see *http://www.hud.gov/offices/lead/guidelines/leadsaferule/index.cfm*). Your work plan should address the use of safe houses and other temporary housing arrangements, storage of household goods, stipends, incentives, etc. If families or individuals are temporarily relocated in a project which utilizes Community Development Block Grant funds, the guidance and requirements of 24 CFR 570.606(b)(2)(i)D(1)–(3) must be met. HUD recommends you review these regulations when preparing your proposal.

(8) Describe your strategy for involving neighborhood or grassroots faith-based or other community-based organizations in your proposed activities. Priority activities should include increasing the enrollment of eligible privately owned housing units to receive lead treatments, but may also include inspection (including dust lead testing) and the conduct of lead hazard control activities. HUD will evaluate the proposed level of substantive involvement of such organizations during the review process.

(9) Identify and discuss the specific methods you will use (in addition to HUD reporting requirements) to document activities, progress, program effectiveness, and how changes necessary to improve performance will be implemented. Describe how you will obtain, document, and report on information collected.

(10) If you are a current or prior grantee or you have also applied to the Fiscal Year 2004 Lead Hazard Control Grant Program Notice of Funding Availability, 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 other ongoing lead hazard control grant work.

e. Budget. (15 points) Describe your budget within the 42-month (or less) period of performance for your lead hazard control grant program. You should provide information on:

(1) Allocation of Funds. (5 points) You should describe your detailed total budget (total budget is the federal share and matching contribution) with supporting narrative and cost justifications for all budget categories of your grant request. The budget shall include not more than 10 percent for administrative costs and not less than 90 percent for direct project elements. The applicant is to provide adequate details on the 90 percent of the federal funds that are required for abatement, combined lead-based paint inspections and risk assessments, temporary relocations, and interim control of lead-based paint hazards. In addition, the applicant is to provide details on the activities that will be conducted with the remaining 10 percent of federal funds.

(2) Source/Use of Match Funds. (10 points) Specify the amount, sources, and proposed use of the 25 percent matching contribution, any additional leveraged resources, and how they will be provided (*i.e.*, by cash, by in-kind services, or personnel). If in-kind contributions are used, attribute a monetary value, provide the basis for the value of the contribution, and explain how the contributions will be used in the project. Each source of contributions should be made in a letter of commitment from the contributing entity, describing the contributed resources and the monetary value. Resources directly contributed by the applicant are considered to be committed and do not require letters. Evidence of firm commitments and the appropriate use of match resources is necessary for receiving maximum points in this rating factor. Leveraged contributions greater than the required 25 percent matching contribution will receive a higher rating for this subfactor.

B. Reviews and Selection Process

1. Rating and Ranking. Please refer to the General Section of this SuperNOFA for details. Only those applications that meet the threshold review requirements will be rated and ranked. HUD intends to fund the highest ranked applications receiving a minimum score of 75 within the limits of funding.

a. Remaining Funds. Refer to the General Section of this SuperNOFA for HUD's procedures if funds remain after all selections have been made within a category of the NOFA.

2. Factors for Award Used to Rate and Rank Applications. The factors for rating and ranking applicants, and maximum points for each factor, are stated below:

Implementing HUD's Strategic Framework and Demonstrating Results. HUD is committed to ensuring that programs result in the achievement of HUD's strategic mission. To support this effort, grant applications submitted for HUD programs will be rated on how well they tie proposed outcomes to HUD's policy priorities and Annual Goals and Objectives, and the quality of proposed Evaluation and Monitoring Plans.

HUD is encouraging applicants to undertake specific activities that will assist the Department in implementing its policy priorities. Activities that promote the participation of grassroots faith-based and community organizations support HUD's policy priority for: Providing Full and Equal Access to Grassroots Faith-Based and Other Community-Based Organizations. An applicant will be awarded one point under Rating Factor 3 d. (8) for activities undertaken that specifically address this policy priority. For initiatives that break down regulatory barriers that impede the production of affordable housing, an applicant will be awarded up to two points under Rating Factor 3c.(1)(a)(v) for activities that remove barriers to affordable housing within their communities or support such efforts at the state and local level. Refer to the General Section of the SuperNOFA for additional details pertaining to this policy priority. Applicants addressing this policy priority are to complete Form HUD–27300—Questionnaire for HUD's Initiative on Removal of Regulatory Barriers.

This priority relates to HUD's Strategic Goal for Increasing Homeownership Opportunities and

Promoting Decent Affordable Housing. The maximum number of points to be awarded is 100. A minimum score of 75 is required for fundable applications.

Rating factor	Maximum points
1. Capacity of the Applicant and Relevant Organizational Experience	30
2. Demonstrated Need/Extent of the Problem	15
3. Soundness of Approach/ Work Plan (40 Points), Budget (15 Points)	55
Total	100

VI. Award Administration Information: Refer to the General Section of the SuperNOFA for Additional Details on Award Administration

A. Award Notices

1. Successful applicants will receive a letter from the Office of Healthy Homes and Lead Hazard Control Grant Officer indicating that they have been selected for an award. This letter will provide additional details regarding the effective start date of the grant and any additional data and information to be submitted to execute a grant agreement. This letter is not an authorization to begin work or incur costs under the grant. A fully executed grant agreement is the authorizing document. Unsuccessful applicants will also be notified that their application was not selected for an award and will be afforded an opportunity to request a debriefing on the unsuccessful application according to the procedures outlined in the SuperNOFA.

2. Negotiation. Refer to the General Section of the SuperNOFA for additional details.

3. Adjustments to Funding.

Refer to the General Section of the SuperNOFA for additional details.

4. Performance and Compliance Actions of Funding Recipients. HUD will measure and address the performance and compliance actions of funding recipients in accordance with the applicable standards and sanctions of their respective programs.

B. Administrative and National Policy Requirements

Refer to the General Section of the SuperNOFA for additional details regarding the Administrative and National Policy Requirements applicable to HUD Programs.

1. Administrative Requirements. a. Lead-Based Paint Hazard Reduction Act (Title X of the Housing and Community Development Act of 1992). Section 1011 of Title X Section 217 of Pub. L. 104–134 (the Omnibus Consolidated Rescissions and Appropriations Act of 1996, 110 Stat. 1321, approved April 26, 1996) amended Section 1011(a) of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X) to read as follows:

Section 1011. Grants for Lead-Based Paint Hazard Reduction in Target Housing

(1) General Authority. The Secretary is authorized to provide grants to eligible applicants to evaluate and reduce lead-based paint hazards in housing that is not federally assisted housing, federally owned housing, or public housing, in accordance with the provisions of this section. Grants shall only be made under this section to provide assistance for housing which meets the following criteria—

(a) For grants made to assist rental housing, at least 50 percent of the units must be occupied by or made available to families with incomes at or below 50 percent of the area median income level and the remaining units shall be occupied or made available to families with incomes at or below 80 percent of the area median income level, and in all cases the landlord shall give priority in renting units assisted under this section, for not less than three years following the completion of lead abatement activities, to families with a child under the age of six years, except that buildings with five or more units may have 20 percent of the units occupied by families with incomes above 80 percent of area median income level:

(b) For grants made to assist housing owned by owner-occupants, all units assisted with grants under this section shall be the principal residence of families with income at or below 80 percent of the area median income level, and not less than 90 percent of the units assisted with grants under this section shall be occupied by a child under the age of six years or shall be units where a child under the age of six years spends a significant amount of time visiting; For the purposes of complying with Section 1011 (1)(b) above, a unit occupied by a pregnant woman meets the Congressional intent of promoting primary prevention and may be assisted under this program.

b. Certified and Trained Performers. Funded activities must be conducted by persons qualified for the activities according to 24 CFR Part 35 (possessing certification as abatement contractors, risk assessors, inspectors, abatement workers, or sampling technicians, or others having been trained in a HUD-approved course in lead-safe work practices).

c. Coastal Barrier Resources Act. Pursuant to the Coastal Barrier Resources Act (16 U.S.C. 3501), you may not use these grant funds 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), you may not use these grant funds for lead-based paint hazard control of a building or manufactured 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 must be 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) 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. The Model Agreement may be obtained from the HUD Web site at: *www.hud.gov,* or the Office of Healthy Homes and Lead Hazard Control Web site at: *www.hud.gov/offices/lead/grantfrm/pgi/95_06.pdf.*

f. 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 state or local law or the HUD Guidelines for the Evaluation and Control of Lead-Based Hazards in Housing (HUD Guidelines). The Guidelines are available from the HUD Web site at: *http://www.hud.gov/offices/lead/guidelines/hudguidelines/index.cfm.*

g. Worker Protection Procedures. You must observe the procedures for worker protection established in the HUD Guidelines, as well as the requirements of the Occupational Safety and Health Administration (OSHA) (29 CFR 1926.62, Lead Exposure in Construction), or applicable 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.

h. 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.

i. Work Plan. The work plan shall consist of the goals and specific time-phased objectives established for each of the major activities and tasks required to implement the program. These major activities and tasks are outlined in the Quarterly Progress Reporting System (Form–HUD–96006) and include: (1) Program Management and Capacity Building including data collection and program evaluation; (2) Community Education, Outreach and Training; and (3) Lead Hazard Activities including testing, interventions conducted, and relocation.

(1) The work plan narrative shall include:

(a) The management plan that describes how the project will be managed, and the timeline for staffing the program, establishing a lead-based paint contractor pool, and obtaining HUD approval for the Release of Funds Request (Form HUD–7015.15);

(b) A detailed description of how assistance and funding will flow from the grantee to the actual performers of the hazard reduction work;

(c) The selection process for sub-grantees, sub-contractors and/or subrecipients;

(d) The identification, selection, and prioritization process for the particular properties where lead hazard control interventions are to be conducted;

(e) A description of the financing mechanism used to support lead hazard control work in units (name of administering agency, eligibility requirements, type of financing (grant, forgivable or deferred loans, private sector financing, etc.), any owner contribution requirement, and the terms, conditions, and amounts of assistance available (include affordability terms and forgiveness and recapture of funds provisions);

(f) The inspection/risk assessment testing procedures using EPA standards to identify lead hazards and to conduct clearance testing. (Dust wipe samples, 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 (NLAPP));

(g) The process for developing work specifications and bids on properties selected for lead hazard control;

(h) The levels of intervention and clearance procedures to be conducted for units enrolled;

(i) The number of rental-occupied, vacant, and owner-occupied units proposed for each intervention level;

(j) The relocation plan that will be carried out for residents required to be out of their homes during hazard control activities;

(k) The evaluation process used to measure program performance.

(2) Objectives and Milestones Specific and measurable performance objectives and milestones to be developed in support of the work plan narrative include:

(a) The overall objectives for lead hazard control activities including the total number of lead hazard evaluations, units projected to be completed and cleared, and the expenditure of federal grant funds (HUD Agreement HUD–1044). Quarterly performance milestones are to be developed to achieve the overall objectives for these activities;

(b) Performance benchmarks for the 42-month grants have been developed. These benchmarks included in this NOFA can also be found on the HUD Web site at: *http://www.hud.gov/offices/lead/grantfrm/hudgrantee.cfm.*

Development of your work plan must include and reflect these benchmark standards.

C. Reporting

Successful applicants will be required to submit quarterly, annual, and final program and financial reports according to the requirements of the Office of Healthy Homes and Lead Hazard Control. Specific guidance and additional details will be provided to successful applicants.

VII. Agency Contact(s)

For Further Information and Technical Assistance: You may contact Linda J. Ciancio, Acting Director; Program Management and Assurance Division; Office of Healthy Homes and Lead Hazard Control; 451 7th Street SW., Washington, DC 20410, or by telephone, FAX, or email: 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 number via TTY by calling the toll-free Federal Information Relay Service at 800–877–8339; FAX: (202) 755–1000; or Email: *Linda_J._Ciancio@hud.gov* (use underscores)

VIII. Other Information

Refer to the General Section of the SuperNOFA for details regarding other information on submitting a complete application that meets HUD requirements.

A. Paperwork Reduction Act

The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2539–0015. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average 80 hours per application and 16 hours per grant award. This includes the time for collecting, reviewing, and reporting the data. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

B. Other Office of Healthy Homes and Lead Hazard Control Information

For additional general, technical, and grant program information pertaining to the Office of Healthy Homes and Lead Hazard Control visit their website at: *http://www.hud.gov/offices/lead.*

BILLING CODE 4210–32–P

Federal Register

Friday,
May 14, 2004

Book 2 of 2 Books
Pages 27293–27816

Part II—Continued

Department of Housing and Urban Development

Notice of HUD's Fiscal Year (FY) 2004, Notice of Funding Availability (NOFA), Policy Requirements and General Section to the SuperNOFA for HUD's Discretionary Programs; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HEALTHY HOMES AND LEAD HAZARD CONTROL PROGRAMS

HEALTHY HOMES DEMONSTRATION PROGRAM

Billing Code 4210-32-C

Healthy Homes Demonstration Program

Overview Information

A. *Federal Agency Name:* Department of Housing and Urban Development, Office of Healthy Homes and Lead Hazard Control.

B. *Funding Opportunity Title:* Healthy Homes Demonstration Program.

C. *Announcement Type:* Initial announcement.

D. *Funding Opportunity Number:* The **Federal Register** number is: FR–4900–N–04. The OMB Paperwork approval number is 2539–0015.

E. *Catalog of Federal Domestic Assistance (CFDA) Number(s):* 14.901 Healthy Homes Demonstration Program.

F. *Dates:* An original and three copies of your application must be submitted on or before July 13, 2004. See the General Section of the SuperNOFA Section IV, Application and submission Information, regarding application submission procedures and timely filing requirements.

G. *Additional Overview Content Information:* 1. *Purpose of the Program.* The purpose of the Healthy Homes Demonstration Program is to develop, demonstrate, and promote cost-effective, preventive measures to correct multiple safety and health hazards in the home environment that produce serious diseases and injuries in children of low-income families. Through the Healthy Homes Demonstration program, HUD will initiate competitive projects to promote implementation of available risk reduction techniques for the control of key hazards described in Appendix A.

2. *Available Funds.* HUD anticipates that approximately $5 million in Fiscal Year 2004 funds will be available.

3. *Number of Awards.* Approximately four to approximately six grants will be awarded, ranging from approximately $250,000 to approximately $1,000,000. The average award in 2003 was $845,000.

4. *Eligible Applicants.* Not-for-profit institutions, and for-profit firms located in the U.S., state and local governments, and federally recognized Indian Tribes are eligible to apply. For-profit firms are not allowed to include a fee in the cost proposal (*i.e.*, no profit can be made from the project).

5. *Type of Award.* Grant.

6. *Match.* None required, but strongly encouraged.

7. *Limitations.* There are no limitations on the number of applications that each applicant can submit.

8. *Information on Application.* Information and procedures for completing an application are provided below.

Full Text of Announcement

I. Funding Opportunity Description

A. Background

The Healthy Homes Demonstration Program is a part of HUD's Healthy Homes Initiative (HHI). In April 1999, HUD submitted to Congress a preliminary plan containing a full description of the HHI. This description (Summary and Full Report) is available on the HUD Web site at: *www.hud.gov*; this site also contains additional information on the HHI and a link to its website.

The HHI 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, such as asthma, mold-induced illness, carbon monoxide poisoning, and other conditions related to housing in a coordinated fashion. The HHI departs from the more traditional approach of attempting to correct one hazard at a time (*e.g.*, asbestos, radon); 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 costs 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. 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 of this NOFA briefly describes the housing-associated health and injury hazards HUD considers key targets for intervention. Appendix D lists references that serve as the basis for the information provided in the Healthy Homes Demonstration Program NOFA.

B. Healthy Homes Initiative Goals

1. Mobilize public and private resources, involving cooperation among all levels of government, the private sector, and faith-based and other 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 prevent and control housing-based hazards in low- and very low-income residences when HUD funding is exhausted; and

3. Affirmatively further fair housing and environmental justice.

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, for children in low-income families. In addition, HUD encourages applicants to undertake specific activities that will assist the Department in implementing its Policy Priorities. HUD's Fiscal Year 2004 Policy Priorities are discussed in the General Section to the SuperNOFA (hereafter referred to as the General Section of the SuperNOFA).

Policy Priorities that are applicable to the Healthy Homes Demonstration NOFA are: (1) Improving our Nation's Communities (focus on distressed communities); (2) Providing Full and Equal Access to GrassRoots Faith-based or other Community-based Organizations in HUD Program Implementation; (3) Participation of Minority-Serving Institutions in HUD Programs and (4) Removal of Regulatory Barriers to Affordable Housing. Applicants that address these Policy priorities are eligible to earn additional points toward the overall score awarded their submission.

C. Healthy Homes Demonstration Objectives

HUD will initiate competitive projects that implement housing assessment, maintenance, renovation and construction techniques to identify and correct housing-related illness and injury risk factors, disseminate healthy homes information and replicate successful interventions. The objectives of the Healthy Homes Demonstration program include:

1. Identification of target areas and homes where assessment and interventions will occur;

2. Identification and evaluation of effective methods of hazard abatement and risk reduction;

3. Development of appropriately scaled, flexible, cost-effective and efficient assessment and intervention strategies that take into account the range of conditions likely to be encountered in housing, and that maximize the number of housing units that receive interventions;

4. Development of methodologies for evaluating intervention effectiveness;

5. Development of local capacity in target areas and training programs for target groups to operate sustainable programs to prevent and control housing-based hazards, especially in low- and very low-income residences;

6. Development of cost-effective protocols for identifying homes that are candidates for interventions, identifying hazards in these homes, and screening out homes where structural or other factors (*e.g.*, cost) make interventions impractical;

7. Development and delivery of public outreach programs that provide information about effective methods for preventing housing-related childhood diseases and injuries and for promoting the use of these interventions;

8. Targeting, through education and outreach, specific high-risk communities and other identified audiences such as homeowners, landlords, health care deliverers, pregnant women, children, residential construction contractors, maintenance personnel, housing inspectors, real estate professionals, home buyers, and low-income minority families;

9. Implementation of media strategies to use print, radio and television to increase public awareness of housing-related hazards that threaten children, including the use of minority media, nonprofit organizations that work with persons with disabilities (including providing materials in alternative formats), advocates for racial and ethnic minorities (including providing materials in other languages for populations with Limited English Proficiency (LEP)), and faith-based organizations;

10. Dissemination of tools currently used by the applicant and/or tools available from other sources and, as needed, tools to be developed, to inform parents and caregivers about housing-related hazards and enable them to take prompt corrective action; and

11. Development of training programs for Healthy Homes activities to emphasize assessment and intervention methods applicable to public and private housing in target areas.

Specific project activities applicable to these objectives can be found under Rating Factor 3.1.b.

D. Authority

The authority for this program is sections 501 and 502 of the Housing and Urban Development Act of 1970 and the Consolidated Appropriations Resolution of 2004, Public Law 108–199.

II. Award Information

A. Funding Available

Approximately $5 million in Fiscal Year 2004 funds is available for the Healthy Homes Demonstration Program Grants. Grants will be awarded on a competitive basis. HUD anticipates that approximately four to six grants will be awarded, ranging from approximately $250,000 to approximately $1,000,000. In fiscal year 2003, the average award was $845,000. The rating factors and selection process are discussed in Section V.

Abstracts of currently funded grantees are available on the Healthy Homes Web site at: *www.hud.gov/healthyhomes.* Applicants may wish to review these for program content and may also contact Project Directors for additional information.

B. Anticipated Start Date and Period of Performance for New Grants

The start date for new grants is expected to be October 1, 2004, with a period of performance not to exceed 36 months. HUD reserves the right to approve no cost time extensions for any grant under this program for a period not to exceed 12 months.

C. Type of Award Instrument

All awards in response to this NOFA will be made as grants. However, HUD will require quarterly reporting and will work closely with grantees to develop and monitor projects.

III. Eligibility Information

A. Eligible Applicants

Not-for-profit institutions, and for-profit firms located in the U.S., Native American Tribes, state and local governments, and federally recognized Indian Tribes are eligible to apply. For-profit firms are not allowed to include a fee in the cost proposal (*i.e.*, no profit can be made from the project).

B. Cost Sharing or Matching

Cost sharing or matching is not required. In rating your application, however, HUD will award a higher score under Rating Factor 4 (see Section V.d) if you provide evidence of significant cost sharing.

C. Other

1. Threshold Requirements Applicable to all Applicants Under the SuperNOFA

As an applicant, you must meet all of the threshold requirements described in the General Section of the SuperNOFA. Information about threshold requirements is provided in the General Section of the SuperNOFA. These requirements include the requirement to affirmatively further fair housing (AFFH). Applications that meet all of the threshold requirements will be eligible to be scored and ranked. Grants will be awarded on a competitive basis following evaluation of all proposals according to the rating factors described in the General Section of this SuperNOFA. A minimum score of 75 out of a possible 102, including EZ/EC bonus points, is required for award consideration.

Applications will not be rated or ranked if they do not meet the threshold requirements of the General Section of the SuperNOFA.

2. Eligible Activities

The following activities and support tasks are eligible under the Healthy Homes Demonstration grant program.

a. Performing evaluations of eligible housing to determine the presence of housing-based hazards (*e.g.*, moisture intrusion, mold growth, pests and allergens, unvented appliances, exposed steam pipes or radiators, deteriorated lead-based paint) through the use of accepted assessment procedures.

b. Conducting housing interventions to remediate existing housing-based hazards and address conditions that could result in their recurrence. Refer to the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (*Guidelines*) for information about conducting such remediation. The *Guidelines* and/or applicable regulations may be downloaded from the Office of Healthy Homes and Lead Hazard Control's homepage, linked to HUD's website at: *www.hud.gov.*

c. 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. Funds under this program may also be used to control lead-based paint hazards; however, such controls may not be a principal focus of the grant. Lead hazard control activities are carried out under HUD's Lead-Based Paint Hazard Control Grant Program.

d. Carrying out temporary relocation of families and individuals, when necessary, during the period in which intervention is conducted and until the time the affected unit receives clearance for re-occupancy.

e. Conducting medical examinations, when such examinations of young children for conditions caused or exacerbated by exposure to residential hazards are demonstrated to be critical to the outcome of your project, and

there are no alternative sources to cover these costs.

f. Environmental sampling and medical testing recommended by a physician or applicable occupational or public health agency to protect the health of the intervention workers, supervisors, and contractors, unless reimbursable from another source.

g. Conducting testing, analysis, and mitigation for lead, mold, carbon monoxide and/or other housing-related hazards as appropriate, with respect to generally accepted standards or criteria, or if standards are unavailable, other appropriate levels justified in conjunction with the project. A laboratory recognized by the Environmental Protection Agency's (EPA's) National Lead Laboratory Accreditation Program (NLLAP) must analyze clearance dust samples related to lead-based paint. It is recommended that samples to be analyzed for fungal species be submitted to a laboratory accredited in the Environmental Microbiological Laboratory Accreditation Program (EMLAP), administered by the American Industrial Hygiene Association (AIHA) and the American Association for Laboratory Accreditation (A2LA).

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 Healthy Homes 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 faith-based or other community-based organizations for use by homeowners and tenants in low-income housing, or to such homeowners and tenants directly. (*See* the General Section of the SuperNOFA for more information about faith-based or other community-based organizations.)

k. Conducting general or targeted community education programs on environmental health and safety hazards. This activity would include, but not be restricted to, training on Healthy Homes maintenance and renovation practices. It would also include making materials available in alternative formats for persons with disabilities (*e.g.*, Braille, audio, large type) upon request, and providing materials in languages other than English that are common in the community, consistent with HUD's published ''Limited English Proficiency (LEP)'' Recipient Guidance.

l. Securing liability insurance for hazard evaluation and control activities to be performed. This is not considered an administrative cost.

m. Supporting data collection, analysis, and evaluation of project activities. As a condition of the receipt of financial assistance under this NOFA all successful applicants will be required to cooperate with all HUD staff and contractors performing HUD funded research and evaluation studies.

n. Preparing quarterly progress reports and an overall final grant report detailing activities (*e.g.*, number of units tested, hazards found, types of interventions provided, evaluation of the most cost-efficient methodologies by type of unit), findings, and recommended future actions for cost-effective interventions at the conclusion of grant activities.

3. Program Requirements

a. Work Activities. All lead hazard control activities must be conducted in compliance with the applicable requirements of HUD's Lead-Safe Housing Rule, 24 CFR Part 35, especially § 35.1325 for abatement and § 35.1330 for interim controls and as clarified in HUD's Interpretive Guidance about this rule. Activities must also comply with any additional requirements in effect under a state or Native American Tribal Lead-Based Paint Training and Certification Program that has been authorized by the EPA pursuant to 40 CFR 745.320.

b. Institutional Review Board Approval. In conformance with the Common rule (Federal Policy for the Protection of Human Subjects, codified by HUD at 24 CFR part 60), if your research involves human subjects, your organization must provide an assurance (*e.g.*, a letter signed by an appropriate official) that the research has been reviewed and approved by an IRB before you can initiate activities that require IRB approval. You must also provide the number for your organization's assurance (*i.e.*, an ''institutional assurance'') that has been approved by the Department of Health and Human Service's Office of Human Research Protections (OHRP). For additional information on what constitutes human subject research or how to obtain an institutional assurance see the OHRP website at: *http://ohrp.osophs.dhhs.gov.*

c. Program Performance. Grantees shall take all reasonable steps to accomplish all healthy homes activities within the approved period of performance. HUD will closely monitor the grantee's performance with particular attention to completion of specified activities, deliverables and milestones, and number of units proposed to be assessed or receive interventions within the approved period of performance. HUD reserves the right to terminate the grant prior to the expiration of the period of performance if the grantee fails to meet 25 percent of the milestones, including all deliverables, as scheduled in their work plan.

d. Certified and Trained Providers. Lead hazard control activities must be conducted by persons qualified for the activities according to 24 CFR Part 35 (possessing certification as abatement contractors, risk assessors, inspectors, abatement workers, or sampling technicians, or others having been trained in a HUD-approved course in lead-safe work practices).

e. Clearance Testing for Lead Hazard Control Activities. Clearance dust testing must be conducted according to the EPA Lead Hazards Standards Rule (40 CFR part 745) for abatement projects and the Lead-Safe Housing Rule (24 CFR part 35) for lead hazard control activities other than abatement. These are available at: *www.epa.gov/lead* and *www.hud.gov,* respectively.

f. All tests results related to lead-based paint must be provided to the owner of the unit, together with a notice describing the owner's legal duty to disclose the results to tenants and buyers. Disclosure of other housing-related hazards to the owner of the unit is encouraged but not required.

g. All pest control activities shall incorporate the principles and methods of integrated pest management (IPM). In technical terms, IPM is the coordinated use of pest and environmental information with available pest control methods to prevent unacceptable levels of pest damage by the most economical means and with the least possible hazard to people, property, and the environment. The IPM approach emphasizes a targeted use of pesticides that limits the possibility of human exposure (*e.g.*, as opposed to wide-spread applications) and includes interventions based on the behavior of the target pest (*e.g.*, preventing access to food or water). (One information source is the University of Minnesota's electronic textbook of Integrated Pest Management, available at: *http://ipmworld.umn.edu/textbook.htm.*)

h. Grantees collecting samples of settled dust from participant homes for environmental allergen analyses (*e.g.*, cockroach, dust mite) will be required to use a standard dust sampling protocol, unless there is a strong justification to use an alternate protocol. The HUD protocol will be posted on the OHHLHC website at: *http://www.hud.gov/offices/*

lead/hhi/hhiresources.cfm. Grantees conducting these analyses will also be required to include quality control dust samples, provided by OHHLHC at no cost to the grantee, with the samples that are submitted for laboratory analyses. For the purpose of budgeting laboratory costs, assume that five percent of your total allergen dust samples would consist of QC samples.

i. Occupational Health and Safety Administration (OSHA) (*e.g.*, 29 CFR part 1910 and/or 1926, as applicable), the 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 agencies and applicable EPA, HUD, state, and local regulatory agency guidance. You must handle disposal of wastes from hazard control activities that contain lead-based paint, but are not classified as hazardous in accordance with state or local law or the HUD Guidelines for the Evaluation and Control of Lead-Based Hazards in Housing (HUD Guidelines). The HUD Guidelines may be downloaded from the HUD Web site at: *www.hud.gov.*

j. Worker Protection Procedures. You must comply with the procedures for worker protection established in the HUD Guidelines as well as the requirements of the OHSA, *e.g.*, 29 CFR part 1910 and/or 1926, as applicable, or the state or local occupational safety and health regulations, whichever are more stringent.

k. Written Policies and Procedures. You must have written policies and procedures for all phases of interventions, 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, subrecipients, and their contractors must comply with these policies and procedures.

l. 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 for not less than three years following the completion of intervention activities.

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. Section 3 Employment Opportunities. Recipients of assistance in the Healthy Homes Demonstration Program 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. Please see the General Section of the SuperNOFA for additional information about Section 3 requirements.

o. Certifications and Assurances. You must include the certifications and assurances listed in the General Section of this SuperNOFA with your application. A Certification of Consistency with the Consolidated Plan is not required for the Healthy Homes Demonstration NOFA.

p. Conducting Business in Accordance with HUD Core Values and Ethical Standards. If awarded assistance under the Healthy Homes Demonstration NOFA, you will be required, prior to entering into a grant agreement with HUD, to submit a copy of your code of conduct and describe the methods you will use to ensure that all officers, employees, and agents of your organization are aware of your code of conduct. See the General Section of the SuperNOFA for information about conducting business in accordance with HUD's core values and ethical standards.

4. DUNS Requirement

Refer to the General Section of the SuperNOFA for information regarding the DUNS requirement.

IV. Application and Submission Information

If you are interested in applying for funding under this program, please review carefully the General Section of this Notice of Funding Availability and the following additional information.

A. Address To Request an Application Package

An application kit is not available for this NOFA. The information and material needed for an application is available from this program NOFA and the General Section of the SuperNOFA. Required forms are available online at: *www.hud.gov.* There are no materials available by mail for this NOFA.

B. Content and Form of Application Submission

Your application must include the following items and must be in concordance with the format and instructions described therein. The application should follow the outline provided in the Checklist to be found in Appendix E.

1. Provide a one-page transmittal letter, signed by the chief executive or other authorized official, that provides the title of your proposed project, the dollar amount requested, and identifies you and your partners in the application. Include the name, mailing address, and telephone number of the principal contact person. If you are a consortium of associates, subrecipients, partners, major subcontractors, joint venture participants, or others contributing resources to the project, similar information shall also be provided for each of these entities. You must also specify the primary entity.

2. An abstract describing the goals and objectives of your proposed program (2-page limit, single-spaced, 12-point standard font, one-inch margins) must be included in the proposal.

3. Checklist and Submission Table of Contents (see Appendix E of this NOFA; inclusion of the checklist is voluntary; however, it is recommended.).

4. Required Forms. All required forms are discussed in the General Section of the SuperNOFA and listed on the checklist in Appendix E. These forms are available at: *www.grants.gov.* They are also available as fillable Adobe Reader (PDF) or Word (DOC) formats from the HUD Web site at: *www.hud.gov.*

5. 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). We recommend that you number all pages consecutively, including all appendices. The response to the rating factors must not exceed a total of 25 pages (single-spaced, 12-point font, one-inch margins). Key points to consider in preparing your application are provided in Appendix C of this NOFA. Any pages in excess of this limit will not be read.

6. Any attachments, appendices, references, or other relevant information that directly support the narrative may accompany it, but must not exceed twenty pages (12-point font with 1-inch margins) for your entire application. As discussed above, we recommend that you number pages consecutively. Any pages in excess of this limit will not be read. This material should be placed in

Appendix 2 of your application. Specific criteria for the content of the appendices for the Healthy Homes Demonstration Program grant application are listed in the Checklist and Submission Table of Contents (see Appendix E of this NOFA.)

7. A detailed budget with supporting cost justification for all budget categories of your funding request, in accordance with Rating Factor 3, (2)(b). The budget and related materials should be placed in Appendix 3 of your application. This information will not be counted towards the page limits. In completing the budget forms and justification, you should address the following elements:

a. Direct Labor costs should include all full- and part-time staff required for the planning and implementation phases of the project. These costs should be based on FTE (full time equivalent) or hours per year (hours/year) (*i.e.*, one FTE equals 2,080 hours/year)

b. You should budget for three trips to HUD Headquarters in Washington, DC, planning each trip for two people, assuming the first trip occurring shortly after grant award for a stay of two or three days, depending on your location, and the remaining trips having a stay of one or two days, depending on your location.

c. A separate budget proposal should be provided for any subrecipients receiving more than 10 percent of the total federal budget request.

d. You should be prepared to provide supporting documentation for salaries and prices of materials and equipment upon request.

e. Organizations that have a federally negotiated indirect rate should use that rate and the appropriate base. Other organizations must obtain a rate from their cognizant federal agency; otherwise the organization will be required to obtain a negotiated rate from HUD.

f. You should submit the negotiated rate agreements for fringe benefits and indirect costs, if applicable, as an attachment to the budget sheets.

8. The position descriptions and resumes, if available, of your project director and project manager and up to three additional key personnel (in accordance with Rating Factor 1), not to exceed three pages each (single-spaced, 12-point font with 1-inch margins). This information is to be included in Appendix 1 of your application and will not be counted toward the page limit.

C. Submission Dates and Times

You must submit an original and three copies of your application on or before July 13, 2004. Refer to the General Section of the SuperNOFA for additional submission requirements including acceptable submission methods, acceptable proof of delivery, and other information regarding application submission.

D. Intergovernmental Review

Not required for this submission.

E. Funding Restrictions

1. Administrative Costs. There is a 10 percent maximum allowance for administrative costs. Additional information about allowable administrative costs is provided in Appendix F of this NOFA.

2. Purchase of Real Property is not permitted.

3. Purchase or lease of equipment having a per unit cost in excess of $5,000 is not permitted, unless prior written approval is obtained from HUD.

4. Medical costs, except as specified above in Section III.C.2., are not permitted.

G. Other Submission Requirements

1. Application Submission Procedures

Submit an original and three copies of your application to: HUD Headquarters; Robert C. Weaver Federal Building; 451 Seventh Street, SW., Room P3206; Washington, DC 20410–3000; ATTN: Healthy Homes Demonstration Program.

See the General Section of this SuperNOFA for specific procedures concerning the form of application submission (*e.g.*, mailed applications, express mail, or overnight delivery).

V. Application Review Information

A. Criteria

1. *Rating and Ranking.* Applications will be reviewed by an Application Review Panel (ARP) which will assign each application a numerical score based on the rating factors presented below. The ARP chairperson initially selects and provides at least one application to panel members to score during a calibration round to ensure that all panel members are consistent in their interpretation of the rating factors. When the calibration round is completed, each application is reviewed and scored by at least two panel members who will assign a score based on the rating factors presented in section V.A.2 below. Each factor is weighted as indicated by the number of points that are attainable for it. An average score is then computed for each application. The ARP chair may call upon an advisor to the ARP to review and comment on a proposal; however, the advisor does not score the application. The ARP holds a final meeting to identify the top-ranking applications to be recommended for funding. Awards will be made separately in rank order within the limits of funding availability. The maximum score that can be assigned to an application is 102 points. Applicants should be certain that these factors are adequately addressed in the project description and accompanying materials.

a. *Five rating factors:*

Rating Factor 1: Capacity of the Applicant and Relevant Organizational xperience (20 points);

Rating Factor 2: Need/Extent of the Problem (15 points);

Rating Factor 3: Soundness of Approach (40 points);

Rating Factor 4: Leveraging Resources (10 points);

Rating Factor 5: Achieving Results and Program Evaluation (15 points);

RC/EZ/EC Bonus Points (2 points);

Total: 102 points.

Applicants are eligible to receive two bonus points for projects located within federally designated Renewable Communities (RC)/Employment Zones (EZ)/Enterprise Communities (EC) (RC/EZ/ECs) and which will serve the residents of these communities (see the General Section of the SuperNOFA).

2. *Rating Factors.* The factors for rating and ranking applicants, and maximum points for each factor, are provided below.

a. 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 faith-based or other community-based organizations, sub-contractors, consultants, subrecipients, and members of consortia that are firmly committed to your project. Applicants that either are or propose to partner, fund, or sub-contract with grassroots organizations, including faith-based or other community-based nonprofits, in conducting their work programs will receive higher rating points as specified in the General Section of the SuperNOFA. In rating this factor, HUD will consider the four items listed below.

(1) Capacity and Qualifications of Principal Investigator and Key Personnel. 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 project manager in planning and managing large and complex interdisciplinary programs, especially those involving housing, public health, or environmental programs. In your narrative response for this factor, you should include information on your project staff, their experience with housing and health programs, percentage commitment to the project, and position titles. Resumes of up to three pages each and position descriptions for up to three key personnel in addition to the project director and project manager, and a clearly delineated organizational chart for the Healthy Homes project you propose, must be included in Appendix 1 of your application. Position descriptions and copies of job announcements (including salary range) should be included for any key positions that are currently vacant or contingent upon an award. Indicate the name of the position, the percentage of time that proposed staff will devote to your project and any salary costs to be paid by funds from this program. Successful applicants must hire within 120 days of award all key staff positions identified in the proposal as vacant or required in the award agreement. HUD reserves the right to terminate grant awards made to applicants that fail to timely hire (within 120 days of award) such staff. Include descriptions of the experience and qualifications of subcontractors and consultants. You may find it useful to include a table indicating the name, position and percentage contribution of staff members, specifying organizational affiliation.

(2) Qualifications of Applicant and Partner Organizations. To carry out the proposed activities as evidenced by experience, academic background, training, and/or relevant publications of project staff. Document whether you have sufficient personnel, or will be able to quickly retain qualified experts or professionals to begin your proposed project 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 and how you propose to coordinate with your partners. You should thoroughly describe capacity, as demonstrated by experience in initiating and implementing related environmental, health, or housing projects.

(3) Past performance of the organization. Applicant or partners in another Healthy Homes or Lead Hazard Control grant, another grant related to environmental health and safety issues, or other experience in a similar program. Provide details about the nature of the project, the funding agency, and your performance, relative to performance measures and the achievement of desired housing and health related outcomes.

(4) Performance as a Healthy Homes Grantee. If your organization is an existing Healthy Homes grantee, provide a description of the progress and outcomes achieved in that grant. If you received previous Healthy Homes Demonstration funding, this experience will be evaluated in terms of cumulative progress and achievements under the previous grant.

Please complete the Factor 1 table, Capacity of the Applicant and Relevant Organizational Experience, in Appendix B to support narrative information submitted.

b. Rating Factor 2: Need/Extent of the Problem (15 Points)

This factor addresses the extent to which there is a need for your proposed project activities to address documented problems related to healthy homes issues and housing-related hazards in your target area(s) and target group(s).

(1) Specifically identify a target area for your proposed activities. Document a critical level of need for your proposed activities in this target area. You should pay specific attention to documenting the need as it applies to your target area(s), and provide statistics for this area, if available, rather than general statistics or information pertinent to a larger geographic area. If your target area comprises a Renewal Community/Enterprise Community/Empowerment Zone, indicate the location of this area in the narrative for this rating factor. (2 bonus points are awarded if your target area is located in a Renewal Zone/Enterprise Community/Empowerment Zone.)

(2) Your documentation should summarize available data linking housing-based hazards to disease or injuries to children in your target area(s), if available. 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 (*e.g.*, asthma, allergies, hypertension, elevated blood lead levels) or injuries (*e.g.*, falls, burns) among children residing in your target areas that could be caused or exacerbated by exposure to conditions in the home environment; and

(3) For the areas targeted for your project activities, provide data available in your jurisdiction's currently approved Consolidated Plan and the Analysis of Impediments to Fair Housing Choice (AI) or Indian Housing Plan or derived from current census data or from other sources. Provide and reference data that address the following:

(a) The age and condition of housing;

(b) The number and percentage of low- and very low-income families with incomes less than 50 percent and 80 percent of the median income, respectively, as determined by HUD, for the area, with adjustments for smaller and larger families. Statistics that describe low- and very-low income families are available at: *www.huduser.org/datasets/il/fmr00/sect82.html.* Additional census statistics are available at: *www.census.gov/hhes/www/income00.html, www.census.gov/hhes/income/income00/statemhi.html,* and *www.huduser.org/datasets/il/fmr00/index.html*;

(c) To the extent that statistics and other data contained in your community's Consolidated Plan or AI support the extent of the problem, you should include references to the Consolidated Plan or AI in your response; and

(d) Data documenting targeted groups that are traditionally underserved or have special needs. For a maximum score in this rating factor, data provided should specifically represent the target area. If the data presented in your response do 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 or AI, you will receive more points than applicants that do not relate their project to a previously identified need.

Complete the Factor 2 table, Need/Extent of Problem, in Appendix B to support narrative information (and section A if lead poisoning risk is part of demonstrated need).

c. Rating Factor 3: Soundness of Approach (40 Points)

This factor addresses the quality and cost-effectiveness of your proposed work plan. You should present detailed 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, documented and demonstrated community needs, and the purpose of the project. Your application will be evaluated according to the comprehensiveness of addressing

activities that are applicable to your project. The response to this factor should include details about your technical approach and project activities. HUD is looking for a clear statement of activities, timeline for completing the work and expected deliverables, including any quantitative deliverables.

(1) *Approach for Implementing the Project* (25 points).

(a) Technical Approach. Describe your overall technical approach for strategizing and implementing your proposed project. Your narrative response to this sub-factor will be used to assess how well your proposed project will be executed. In this factor, describe the methods, schedule, milestones, and quality assurance activities that will be carried out to identify and control housing-based hazards and to achieve the desired project outcomes. Include summary information about the estimated numbers of clients to be contacted, clients enrolled, units to be assessed, units to receive interventions, individuals to be trained and individuals to be reached through education/outreach activities.

(b) Project Activities. Your project description must include a discussion of specific planned project activities that address one or more of the following activities.

(i) Describe in detail how you will identify, select, prioritize, and enroll units of eligible housing in which you will undertake housing-based hazard 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. Describe impediments that you anticipate for recruitment, measures you will perform to sustain recruitment, and the staff responsible for both monitoring recruitment status and implementing the measures identified to sustain recruitment. Describe any anticipated impact of the Health Insurance Portability and Accountability Act (HIPPA) on your recruitment strategy.

(ii) Describe any assessment tools you would employ to establish baseline data. These tools include questionnaires, visual assessment protocols and environmental sampling and analysis. Include a description of the Informed Consent/Disclosure process you intend to follow for obtaining Institutional Review Board (IRB) approval, if necessary. In particular, describe how you will provide informed consent (*e.g.*, from the subjects, and their parents and guardians, as applicable) to help ensure their understanding of, and consent to, the elements of informed consent, such as the purposes, benefits and risks of the research activities. Describe how this information will be provided and how the consent will be collected. For example, describe the use of ''plain language'' forms, flyers, and verbal scripts, and discuss your plans to work with persons with limited English proficiency and their families, and with families including persons with disabilities.

(iii) Describe your process for evaluating units of eligible housing in which you will undertake housing-based hazard interventions. Provide the estimated total number of owner-occupied and/or rental units in which you will perform assessments and conduct interventions.

(iv) Describe any specialized testing, if applicable, or visual assessment that you will conduct during assessment of units and provide a reference to source(s) of the protocol(s). Provide a description of protocols or include protocols in an appendix of your application.

(v) 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). Provide an estimate of the cost of each intervention (material costs and labor costs associated with installation) and an estimate of costs projected per unit. Describe your management processes to be used to ensure the cost-effectiveness of the housing interventions.

(vi) Describe the process to be followed for referring children for medical case management and indicate organizations that will be involved in this process.

(vii) Describe your process for the development of work specifications for the selected interventions.

(viii) Discuss your process to select and obtain contractors for conducting interventions in selected units and provide details about the competitive bidding process, if applicable.

(ix) Describe your plan for the relocation of occupants of units selected for intervention, if temporary relocation is necessary. Describe criteria that will determine the need for relocation and identify staff that will make relocation decisions. Address the use of safe houses and other housing arrangements, storage of household goods, stipends, incentives, etc., and the source of funding for relocation.

(x) 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.

(xi) Describe how you will affirmatively further fair housing, which would include, but not be limited to: Affirmative marketing of the program to those least likely to apply based on race, color, sex, familial status, national origin, religion, disability, especially when persons in these demographic groups are generally not served by the nonprofit or faith-based applicant or partner organizations; providing materials in alternative formats for persons with disabilities; providing materials in languages other than English for individuals with limited English proficiency and their families; assuring long-term residency by families currently living in the community; and assuring that priority for treated units go to those who need the features (treatment) of the unit.

(xii) 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 that will administer the process.

(xiii) Describe your proposed methods for community and/or targeted education and training. These should include community awareness, education, training, and outreach programs that support your work plan and are culturally sensitive and targeted appropriately. Provide information about specific educational/outreach activities with quantitative data (number of individuals to be reached, etc.) and a description of the intended audience. Describe proposed activities to deliver culturally appropriate educational materials and methods to the target population and communities. Describe efforts to understand and incorporate culturally sensitive approaches to assessment and interventions.

(xiv) Provide detailed information about training staff or other organizations to provide the knowledge and skills required to address Healthy Homes issues that are essential for successfully implementing your project (*e.g.*, education, assessments and interventions). Include an outline of training curricula, a description of

qualifications of trainers, and selection of individuals or groups who will receive the training. Describe how Healthy Homes training programs will be expanded to include public housing agencies or Tribally Designated Housing Entities and other potential collaborators, such as faith-based or other community-based organizations.

(xv) Describe your proposed involvement of neighborhood, or faith-based and other community-based organizations in the proposed activities. These activities may include outreach, community education, marketing, inspection, and housing evaluations and interventions.

(xvi) Describe your proposed methods to reach high-risk groups and communities, vulnerable populations and persons traditionally underserved.

(xvii) Indicate if, and describe how, you will address any of HUD's departmental policy priorities (see General Section of the SuperNOFA for a fuller explanation of HUD's policy priorities). You will receive points under Rating Factor 3 for each of the applicable FY 2004 policy priorities that are adequately addressed in your application to a maximum of five points (see the General Section of this NOFA). Policy priorities that are applicable to the Healthy Homes Demonstration NOFA are: (1) Improving our Nation's Communities (focus on distressed communities; (2) Providing Full and Equal Access to GrassRoots Faith-based or other Community-based Organizations in HUD Program Implementation); (3) Participation of Minority-Serving Institutions in HUD Programs; and (4) Removal of Regulatory Barriers to Affordable Housing. Each policy priority is worth one point, except for policy priority (4), Removal of Regulatory Barriers to Affordable Housing, which is worth up to 2 points. Applicants that include work activities that specifically address one or more applicable policy priorities will receive higher rating scores than applicants that do not address these HUD priorities, up to a maximum of 5 points

(2) *Approach for Managing the Project.* (12 points). Describe your project goals and objectives and the strategy you will use in managing and executing the project. You should provide information on the general approach and overall plan employed.

(a) *Project Management Plan* (10 points). Include a management plan that:

(i) Incorporates appropriate performance goals;

(ii) Lists the project objectives, major tasks and activities. All specific activities necessary to complete the proposed project must be included in the task listing;

(iii) Provides a schedule for the assignment, tracking and completion of major tasks and activities, and a timeframe for delivery;

(iv) Ensures that quality assurance activities and corrective actions are managed;

(v) Designates resources and identifies responsible entities (project staff/partner organizations);

(vi) Describes the strategy and methods for coordination and communication between partners; and

(vii) Describes the management processes to manage costs and ensure that cost-effective housing interventions will be implemented.

(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. Your detailed budget should be submitted using Form HUD–CBW. An electronic copy of this and other budgetary forms are available at: *www.grants.gov.* You must thoroughly document and justify all budget categories and costs (form HUD–424–CB) and all major tasks for yourself, subrecipients, partners, major subcontractors, joint venture participants, or others contributing resources to the project. Include a 2-page narrative that describes clearly and in detail your budgeted costs for each required program element (major task) included in your overall plan. (You may include this narrative along with the budget forms; it will not count toward the 25-page limit of the narrative.)

(3) *Economic Opportunity* (3 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:

(a) Describe how you or your partners will comply with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and HUD's implementing rules at 24 CFR part 135. Describe how you will accomplish this requirement by:

(i) providing training and employment opportunities for low- and very low-income persons living within the grantee's jurisdiction, and by

(ii) providing business opportunities to businesses owned by low- and very low-income persons living within the targeted jurisdiction; information about Section 3 requirements is available by searching HUD's website, *www.hud.gov*;

(b) Describe how your proposed project will provide opportunities for self-sufficiency, particularly for persons enrolled in welfare-to-work programs, or providing educational and job training opportunities; and

(c) Describe the extent to which your proposed activities will occur in an Empowerment Zone or Enterprise Community (EZ/EC), Urban Enhanced Enterprise Community (EEC), or Renewal Community (RC) as defined in the General Section of the SuperNOFA. (You may identify the RC/EC/EZ in Rating Factor 2, Need/Extent of the Problem.)

d. Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure other community resources (*e.g.*, financing, supplies, or services) that can be combined with HUD's resources to achieve project purposes. These community resources may be contributions from organizations such as the applicant, partners, or other organizations not directly involved in the project.

(1) In evaluating this factor, HUD will consider the extent to which you have developed partnerships 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 (*e.g.*, labor, fringe benefits, services, supplies, or equipment) budgeted for your proposed project. Resources may be provided by state and local governmental entities, public or private organizations, or other partners.

(2) Each source of contributions (financial or in-kind) must be supported by a letter of commitment from the contributing entity, whether the applicant, a partner organization, or a public or private source. The letter must describe the contributed resource(s) that will be used in your project and the dollar value of each contribution. 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 project. The commitment must be signed by an official legally able to make commitments on behalf of the organization. Letters of support (letters that indicate support, but do not specify a monetary commitment to the project) will not be considered in the scoring of Rating Factor 4. Include information to address the following elements.

(a) The extent to which you have coordinated your activities with other known organizations that are not directly participating in your proposed work activities, but with which you share common goals and objectives.

(i) Describe your plan for integrating and coordinating housing-based hazard interventions with other housing-related activities (*e.g.*, rehabilitation, weatherization, correction of code violations, and other similar work).

(ii) 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.

(b) The extent to which your project exhibits the potential to be financially self-sustaining by decreasing dependence on federal funding and relying more on state, local and private funding to continue healthy homes activities after the grant period is completed.

Applicants are to complete the Factor 4 table, Leveraging Resources, in Appendix B to support narrative information submitted.

e. Rating Factor 5: Achieving Results and Program Evaluation (15 Points)

This rating factor reflects HUD's goal to embrace high standards of ethics, management and accountability. HUD is committed to ensuring that applicants keep promises made in their applications and assess their performance to ensure that performance goals are met. Achieving results means you, the applicant, have clearly identified the benefits or outcomes of your program. Outcomes are ultimate goals. Benchmarks or outputs are interim activities or products that lead to the ultimate achievement of your goals.

Program evaluation requires that you identify program outcomes, interim benchmarks, and performance indicators that will allow you to measure your performance. Performance indicators should be objectively quantifiable and measure actual achievements against anticipated achievements. Your Evaluation Plan should identify what you are going to measure, how you are going to measure it, and the steps you have in place to make adjustments to your work plan if performance targets are not met within established time frames.

In your response to this rating factor, you are to discuss the performance goals for your project, and identify specific outcome measures. Identify and discuss the specific methods you will use to measure progress towards your goals, track and report results of assessments and interventions, and evaluate the effectiveness of interventions; identify important project milestones (*e.g.*, the end of specific phases in a multi-phased project) and deliverables specific to your project timeline, and identify milestones that are critical to achieving project objectives (*e.g.*, developing questionnaires or protocols, hiring staff, recruitment of participants, and Institutional Review Board approval, if applicable); identify benchmarks such as number of units that received intervention, percent of interventions that occurred in high-risk communities, etc. that you will use to track the progress of your project.

You should also identify how your project will be held accountable for meeting project goals, objectives, and the actions undertaken in implementing the grant program. You should provide assurances that work plans and performance measures developed for your project will be achieved in a timely and cost-effective manner.

You must complete and return the Form HUD–96010, Logic Model, showing your proposed project long-term, mid-term, short-term, and final results, and how they support HUD's departmental goals and objectives. Information about developing a Logic Model is available at: *www.hud.gov.*

In evaluating Rating Factor 5, HUD will consider how you have described the benefits and outcome measures of your program.

B. Reviews and Selection Process

Information on the review and selection process is provided in the General Section of the SuperNOFA. The General Section also provides the procedures for correcting deficient applications.

C. Anticipated Announcement and Award Dates

The anticipated award date for this NOFA is September 30, 2004.

VI. Award Administration Information

A. Award Notices

1. Applicants Selected for Award

Successful Applicants will receive a letter from the Office of Healthy Homes and Lead Hazard Control Grant Officer. The letter will provide additional details regarding the effective start date of the grant and any additional data and information to be submitted to execute a grant agreement. This letter is not an authorization to begin work or incur costs under the grant.

HUD may require that all the grantees 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, and proceed with negotiations with the next highest-ranking applicant. If you accept the terms and conditions of the grant, you must return your signed grant agreement by the date specified during negotiation.

After receiving the letter, additional instructions on how to have the grant account entered into HUD's Line of Credit Control System (LOCCS) payment system will be provided. Other forms and program requirements will also be provided.

In accordance with OMB Circular A–133 (Audits of States, Local Governments and Non-Profit Organizations), grantees will have to submit their completed audit-reporting package along with the Data Collection Form (SF–SAC) to the Single Audit Clearinghouse. The address can be obtained from their website. The SF–SAC can be downloaded at: *http://harvester.census.gov/sac/.*

2. Debriefing

The General Section of the SuperNOFA provides the procedures for applicants to request a debriefing.

B. Administrative and National Policy Requirements

Refer to the General Section of the SuperNOFA for additional details regarding the Administrative and National Policy Requirements applicable to HUD Programs.

1. 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 must comply with HUD's regulations in

24 CFR 50.3(h) in carrying out responsibilities regarding environmental review. 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. Recipients of a grant under this NOFA will be given guidance in these responsibilities.

2. 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.

3. 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:

a. 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

b. 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.

4. 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. A Model Agreement (Prototype Programmatic Agreement) is available at the Office of Healthy Homes and Lead Hazard Control's website, linked to *www.hud.gov.*

5. 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 statutes 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 URA, as amended, 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 acquisition, rehabilitation or demolition for an activity undertaken with HUD assistance. See Section V (G) of the General Section of the SuperNOFA for additional information about relocation.

6. 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.

C. Reporting

Successful applicants will be required to submit quarterly and final program and financial reports according the requirements of the Office of Healthy Homes and Lead Hazard Control. Specific guidance and additional details will be provided to successful applicants.

The following items are a part of OHHLHC'' reporting requirements.

1. Final Work Plan and Budget are due prior to the effective start of the grant.

2. Quality Assurance Plan (QAP). Successful Healthy Homes Demonstration applicants that will be collecting housing, demographic or environmental data in a formalized manner for use in assessing accomplishments of the approaches being demonstrated under the grant will be required to submit a Quality Assurance Plan (QAP) to HUD prior to initiating work under the grant. This is a streamlined version of the format used by some other federal agencies, and is intended to help ensure the accuracy and validity of the data that you will collect under the grant. Your proposed project activities should include developing this QAP. The QAP will be submitted to HUD as a part of your work plan.

3. Progress reports are due on a quarterly basis.

4. A final report is due at the end of the grant. Specific information on all reporting requirements will be provided to successful applicants.

5. Racial and Ethnic Beneficiary Data. HUD does not require grantees to collect and report racial and ethnic beneficiary data for this program. If, however, racial and ethic data are collected and reported as part of a study funded under this program NOFA, you must use the Office of Management and Budget's Standards for the Collection of Racial and Ethnic Data as presented on Form HUD–27061, Racial and Ethnic Data Reporting Form (and instructions for its use), found on *www.grants.gov.*

VII. Agency Contacts

For technical or programmatic questions, you may contact by writing: Emily Williams, Acting Director; Healthy Homes Division; U.S. Department of Housing and Urban Development; Office of Healthy Homes and Lead Hazard Control; 451 Seventh Street, SW., Room P3206; Washington, DC 20410–3000; or by telephone by calling (336) 547–4002, extension 2067 (this is not a toll-free number). For administrative questions, you may contact Curtissa L. Coleman, Grants Officer, at the address above or by telephone at: (202) 755–1785, extension 119 (this is not a toll-free number). If you are hearing or speech-impaired, you may reach the above telephone numbers via TTY by calling the toll-free Federal Information Relay Service at 800–877–8339.

VIII. Other Information

1. The provisions of the HUD Reform Act of 1989 that apply to this NOFA are discussed in the General Section. Refer to the General Section of the SuperNOFA for details regarding other information on submitting a complete application that meets HUD requirements. For additional general, technical, and grant program information pertaining to the Office of Healthy Homes and Lead Hazard Control, visit: *http://www.hud.gov/healthyhomes.*

2. The information collection requirements contained in this

document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2539–0015. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average 96 hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application, quarterly reports, and final report. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

3. The appendices to this NOFA follow.

Appendix A: Housing-Related Health and Injury Hazards

The following briefly describes the housing-associated health and injury hazards HUD considers key targets for intervention. More information about housing-associated health and injury hazards is available at the Healthy Homes Initiative Web site at: *www.hud.gov.*

Allergens and asthma: Experts estimate that 14 million Americans have asthma, with an associated annual cost of $6.2 billion. Asthma is now recognized as the leading cause of school and work absences, emergency room visits, and hospitalizations. 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 percent of inner-city housing and affect 5–15 percent of the population, whereas dust mites appear to be the dominant allergen in other environments.

Interventions known to have beneficial effects include the installation of impervious mattress and pillow covers, which can reduce allergen exposure by 90 percent. 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. Additional information is available in HUD's research topic paper, ''Healthy Homes Issues: Asthma'' available at the Resources, Technical Resources link of HUD's Healthy Homes Initiative website, linked to HUD's Web site, *www.hud.gov.*

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 (ACMs) 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 the 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 an asbestos-related disease 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 ACMs 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. Only a professional who is trained and certified to handle asbestos safely should do repairs. Repairs can cost from a few hundred to a few thousand dollars and 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 asphyxiate), 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 pipes, dirty filters, rust or cracks in heat exchangers, 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 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 that 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 the use of traps. In technical terms, IPM is the coordinated use of pest and environmental information with available pest control methods to prevent unacceptable levels of pest damage by the most economical means and with the least possible hazard to people, property, and the environment. (One information source is the University of Minnesota's electronic textbook of Integrated Pest Management, available at: *http://ipmworld.umn.edu/textbook.htm.*)

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 Centers for Disease Control and Prevention has found, for example, for children under age 6, that about 434,000 have elevated blood lead levels. Overall, the prevalence rate among all children under six years of age is 4.4 percent. Among low-income children living in older housing where lead-based paint is most prevalent, the rate climbs to 16 percent; and for African-American children living in such housing, it reaches 21 percent.

The National Survey of Lead and Allergens in Housing (2000) estimates that 38 million dwellings have some lead-based paint, and that 24 million have significant lead-based paint hazards. Of those, about 4.8 million have young children and of those, about 1.2 million have household incomes under $30,000 per year. Costs for Lead Hazard Control 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 percent of airways disease, and 60 percent 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. Additional information is available in HUD's research topic paper, ''Healthy Homes Issues: Mold'' available at the Resources, Technical Resources link of HUD's Healthy Homes Initiative Web site, linked to HUD's Web site, *www.hud.gov.*

The cost of mold/moisture-related intervention work (*e.g.*, IPM, clean and 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. For example, 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 that 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 of age, almost half stored at least one pesticide product within the reach of children. Data are available 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. Epidemiological 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 this 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 EPA recommends that every home be measured for radon. The EPA estimates that materials and labor costs for radon reduction in an existing home are $800–$2,500. 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 clothes before leaving work or immediately after arriving at 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 U.S. were disabled for at least one full day by unintentional injuries received at home. During the same year, 28,400 deaths were attributable to unintentional home injuries, of which 1,800 occurred among children four years of age and younger. Among young children, three types of events accounted for more than 75 percent of deaths: fires/ burns; drowning; and mechanical suffocation. Falls and poisoning are the next most common causes of death.

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 (*e.g.*, smoke alarms, electrical socket covers, etc.).

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APPENDIX B

Factor 1 Capacity Of The Applicant And Relevant Organizational Experience

A. Key Personnel
B. Partners

A. Key Personnel

Name and Position Title (please include the organization position titles in addition to those shown). Resumes or position descriptions are to be included in appendix.	Percent of Time Proposed for this Grant (HUD Funded or In-Kind)	Percent of Time to be spent on other LHC HUD grants	Percent of time to be spent on other activities
	Note: These three columns should total 100%		
A.1 Overall Project Director			
Name:			
Organization Position Title:			
Phone Number: Fax Number:			
Email:			
A.2 Day-to-Day Program Manager ☐ To be hired ☐ On staff			
Name:			
Organization Position Title:			
Phone Number: Fax Number:			
Email:			
A.3 Other ☐ To be hired ☐ On staff			
Name:			
Organization Position Title:			
Phone Number: Fax Number:			
Email:			

B. Partners

Name of the organization or entity that partners or will partner with applicant and if partner will be subgrantee/subrecipient	Description of Commitment and Status	Proposed Activities To Be Conducted by Partner	Amount of HUD Grant Funds (If Subgrant)
B.1 Name:			
Type of Organization			
Sub grantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.2 Name:			
Type of Organization			
Sub grantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.3 Name:			
Type of Organization			
Sub grantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.4 Name:			
Type of Organization			
Sub grantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.5 Name:			
Type of Organization			
Sub grantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.6 Name:			
Type of Organization			
Sub grantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.7 Name:			
Type of Organization			
Sub grantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			

Definitions:
Partner Name: Name of organization or entity that will partner with applicant in conducting program activities.
Type of Organization or Program: Health, Housing, Environmental, Community Development Department, Planning Department, Grassroots Faith-Based or Community-Based Organization, Childhood Lead Poisoning Prevention Program, Financial Institution, Job Training and Economic Opportunity Organization, etc.
Description of Commitment: Memorandum of Understanding/Agreement, Contract, Sub-grant, Letter, etc.
Proposed Activities to be Conducted by Partner: The type of activities that will be conducted by the grant partner in support of program efforts (i.e. rehabilitation, testing, training, education and outreach, specification writing, relocation, etc.)
Amount of HUD Grant Funds if Subgrantee/Subrecipient: The dollar amount subgrantee/subrecipient will be receiving for the services they will provide.

Factor 2 **Need/Extent Of The Problem**

A. Blood Lead Level (BLL)
B. Housing Age and Tenure
C. Very Low and Low-Income Population

Name of Jurisdiction	**Name of Target Area (s)**

A. Documented Blood Lead Level (BLL)

A.1 Total Number of Children <6 Years (72 months) of Age in Jurisdiction: % of Total Population:

Blood Lead Level	Number of Children Under 6 Years	% of Total
< 10 µg/dL		
≥10 µg/dL and <20 µg/dL		
≥ 20 µg/dL		
Total Tested		**100%**
Source and Date Documented (Indicate Period Covered)*		

A.2 Total Number of Children <6 Years (72 months) of Age in Target Area: % of Total Population:

Blood Lead Level	Number of Children Under 6 Years	% of Total
< 10 µg/dL		
≥10 µg/dL and <20 µg/dL		
≥ 20 µg/dL		
Total Tested		**100%**
Source and Date Documented (Indicate Period Covered)*		

*Attach documentation in appendix - State or local health department may be a good source for this information

B. Housing Age and Tenure

B.1 Jurisdiction

Year Built	Number	% of Total	Owner	Renter
Pre-1940				
1940-1949				
1950-1959				
1960-1969				
1970-1979				
1980 or newer				
Total				

B.2 Target Area (s)

Year Built	Number	% of Total	Owner	Renter
Pre-1940				
1940-1949				
1950-1959				
1960-1969				
1970-1979				
1980 or newer				
Total				

Source: 2000 Census - http://factfinder.census.gov/servlet/DatasetMainPageServlet?_ds_name=DEC_2000_SF3_U&_program=DEC&_lang=en
Instructions:

1. Select "Census 2000 Summary File 3 (SF3) – Sample Data"
2. Click on "Detailed Tables" on the side menu
3. On the next page, select "Place" from the pull-down menu next to "Select a geographic type"
4. Select the "State" from the pull-down menu next to "Select a State"
5. Select one or more "cities" of interest from the selected state and click "Add"
6. Click the button that says "Next"
7. On the next page, select "H36. Tenure by Year Structure Built" from the pull-down menu, then "Select one or more tables" and click "Add"
8. Click "Show Tables"

*Attach copy of the downloaded information in appendix.

C. Very Low and Low-Income Population – As Determined by HUD

C.1 Jurisdiction

Number of Families ≤50% of AMI	%	Total Number of Families <80% of AMI*	%

C.2 Target Area (s)

Number of Families ≤50% of AMI	%	Total Number of Families <80% of AMI	%

Source: Income Limits As Determined by HUD- http://www.huduser.org/datasets/il.html
Instructions:

1. Select the appropriate State
2. Click on the link that says "Open PDF file"
3. Search for appropriate location

Factor 3	Soundness Of Approach

A. Proposed Lead Hazard Control Activities — **Total Units To Be Completed and Cleared**

Activity	Who Will Perform This Activity (Name or Agency/Organization)	Number of Units	Housing Tenure			Estimated Timeline to Complete Work	Estimated Per Unit Cost
			Owner Occupied	Rental	Vacant		
Identification, Selection, Prioritization of Units (Referrals)*							
Intake/Enrollment							N/A
Financing (Grant, Loan, Other)							N/A
Pre-Hazard Control Blood Lead Testing			N/A	N/A	N/A		
Paint Inspections/Risk Assessments							
Laboratory Analysis of Samples			N/A	N/A	N/A		
Work Specifications			N/A	N/A	N/A		
Bid Process/ Contractor Selection			N/A	N/A	N/A		
Temporary Relocation							
Interim Controls							
Hazard Abatement							
Quality Control–Contractor Performance			N/A	N/A	N/A		N/A
Clearance Evaluations			N/A	N/A	N/A		
Maintenance Plan – Unit Follow Up			N/A	N/A	N/A		N/A
Community Outreach/ Education		N/A	N/A	N/A	N/A		N/A
Training		N/A	N/A	N/A	N/A		N/A

Activity:
*Identification, Selection, Prioritization of Units (Referrals) This should be a higher number than the number of units that are projected to be completed and cleared by the program
Who Will Perform This Activity: Applicant Agency, Partner Organization, Contractor, Grassroots Faith-Based or Community-Based Non-Profit Organization.
Number of Units: Number of units to receive program services.
Housing Tenure: Number of units to receive program services according to housing tenure status (i.e. owner occupied, renter occupied, vacant)
Estimated Time to Complete Work for each unit: Hours, days, weeks required to complete an activity
Estimated Unit Cost: Self explanatory

Factor 4	Leveraging Resources

Name Of The Organization Or Entity That Will Contribute Match Or Leveraged Funds And If The Organization Will Be a Subgrantee/Subrecipient	Work To Be Accomplished In Support Of The Program.	Value Of In-Kind Or Cash Match Contribution*	Additional Leveraged Funds Contribution	Total Of Match And Leveraged Contributions
Name: Type of Organization: Sub grantee/Subrecipient: ☐ Yes ☐ No				
Name: Type of Organization: Sub grantee/Subrecipient: ☐ Yes ☐ No				
Name: Type of Organization: Sub grantee/Subrecipient: ☐ Yes ☐ No				
Name: Type of Organization: Sub grantee/Subrecipient: ☐ Yes ☐ No				
Name: Type of Organization: Sub grantee/Subrecipient: ☐ Yes ☐ No				
Name: Type of Organization: Sub grantee/Subrecipient: ☐ Yes ☐ No				
Name: Type of Organization: Sub grantee/Subrecipient: ☐ Yes ☐ No				
Name: Type of Organization: Sub grantee/Subrecipient: ☐ Yes ☐ No				
Name: Type of Organization: Sub grantee/Subrecipient: ☐ Yes ☐ No				
	Total Amount	$	$	$

Name of the organization or entity that will contribute match or leveraged funds and if they are to be a subgrantee/subrecipient: Self explanatory.
Work to be accomplished in support of the program: The type of activities that will be accomplished in support of the program (i.e. outreach, training, risk Assessments/paint Inspections, relocation, etc.)
Value of In-kind or Cash Match Contribution: As required by statute or appropriation.
Additional Leveraged Funds Contribution: Additional funds above the match contribution required by statute or appropriation
Total of Match and Leveraged Contributions: The total of an applicant's In-kind or Cash Match Contribution and any additional Leveraged Funds Contribution

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Appendix C: Preparing Your Application

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience

In this rating factor, you should provide details about the following:

1. The skills and experience of the staff and the applicant organization;
2. A description of the participating organization, its roles and experience;
3. The past performance of the organization (applicant or partners) in another Healthy Homes or Lead Hazard Control grant, another grant related to environmental health and safety issues, or other experience in a similar program; include the name of the project, funding organization, amount funded and desired outcomes and results achieved in these projects;
4. The percentage of time each staff person or subcontractor will devote to the project. A staffing table or roster may be helpful to address this element. You may want to use the template provided as Worksheet 1 of Appendix B;
5. Level of involvement of the applicant organization in general oversight of the project and oversight of the partnering organizations.

Rating Factor 2: Need/Extent of the Problem

In this rating factor, you should provide details about the following:

1. The location of the target area(s) and the rationale for selecting these area(s); include backup documentation;
2. The number of children at risk of environmental illnesses or injuries, and the sources of this information;
3. The age and condition of the housing to receive interventions, and the sources of this information;
4. The number of low- and very low-income families and the demographic composition of families served by race, ethnicity, disability, size of family and ages of children, number of single-parent households in the target area(s);
5. Other socio-economic or environmental factors relating to need in the target area(s);
6. The relationship of the Consolidated Plan, Indian Housing Plan or the Analysis of Impediments to Fair Housing Choice (AI) to the request for assistance.

Rating Factor 3: Soundness of Approach

In this rating factor, you should provide details about the following:

1. A project work plan that identifies tasks, deliverables, and quality assurance activities and describes how the applicant will organize and perform Healthy Homes activities;
2. A schedule of deliverables and project milestones;
3. The target population for the project and the selection criteria involved, and the relationship of the activities to ''Need/Extent of the Problem'' as established in Rating Factor 2;
4. The number of families or individuals to be enrolled and/or units to receive assessment and interventions;
5. The rationale for selecting hazards of concern and intervention methods;
6. The mechanism for funding assessments and interventions;
7. The costs/unit for intervention;
8. The medical case management process, if applicable;
9. The process used to develop work specifications;
10. The temporary relocation plan, if appropriate, that includes who will decide on the need for relocation and the source of funding for relocation. Indicate how you will distinguish between temporary and permanent relocation and the benefits to be provided;
11. Awareness, outreach and education activities;
12. A discussion of project evaluation, data collection, and outcome analysis;
13. The proposed budget, with justification of costs by task;
14. Actions to affirmatively further fair housing;
15. Provisions for employment and economic development opportunities for low- and very low-income individuals;
16. Mechanisms for communication between the applicant organization and partners; and
17. The coordination of activities in this project with other similar projects being performed by the applicant or partnering organizations.

Rating Factor 4: Leveraging Resources

In this rating factor, you should provide details about the following:

1. Identify participating faith-based and community-based organizations and other private sector organizations that will contribute time and resources to the project;
2. Include (in Appendix 1 of your application) letters of commitment or memoranda of understanding from organizations. These letters must provide details about resources to be contributed and a dollar amount for the contributed (in-kind or matching) resources. (Letters of support that do not provide a dollar amount of contributed funding should be included in Appendix 2 of your application.);
3. Applicants should provide a discussion of their plans to enhance or expand partnership efforts under this application;
4. Describe how the effectiveness of grant funds will be increased as a result of leveraged efforts; and
5. Describe any existing or potential Community Reinvestment Act funding mechanisms.

Rating Factor 5: Achieving Results and Program Evaluation

In this rating factor, you should provide details about the following:

1. Desired outcomes for your project;
2. Mechanisms for collecting and archiving data to develop the outcome analysis; and
3. Include a Logic Model in this Rating Factor. (Information about developing a Logic Model is available at www.hud.gov.), and in the General Section of this SuperNOFA.

A tabular summary of the Rating Factors and Bonus Points is provided below.

Rating Factor	Points
1. Capacity of the Applicant and Relevant Organizational Experience	20
2. Need/Extent of the Problem	15
3. Soundness of Approach	40
4. Leveraging Resources	10
5. Achieving Results and Program Evaluation	15
Empowerment Zone and Enterprise Community Bonus.	2
Total	102

Appendix D: References

To secure any of the documents listed, call the telephone number provided. A number of these references are provided on HUD's CD, ''Residential Lead Desktop Reference, 3rd Edition.'' This CD can be obtained at no charge by calling the National Lead Information Clearinghouse, 800–424–LEAD. If you are a hearing-or speech-impaired person, you may reach the telephone numbers listed in this section through TTY by calling the toll-free Federal Information Relay Service at 800–877–8339.

Regulations

1. Worker Protection: The two Occupational Safety and Health Administration (OSHA) publications listed below can be purchased by calling either OSHA Regulations at 202–693–1888 or the Government Printing Office (GPO) at 202–512–1800 (these are not toll-free numbers).

(a) General Industry Lead Standard, 29 CFR 1910.1025 (Document Number 869022001124). This document can be downloaded without charge from the OSHA website at *www.osha-slc.gov/OshStd_data/1910_1025.html;*

(b) Lead Exposure in Construction, 29 CFR 1926.62, and appendices A, B, C, and D (Document Number 869022001141). This document can be downloaded without charge from the OSHA website at *www.osha-slc.gov/OshStd_data/1926_0062.html.*

2. Waste Disposal. A copy of the EPA regulations at 40 CFR parts 260–268 can be purchased by calling 1–800–424–9346 (this is a toll-free number) downloaded without charge from the EPA website at *www.epa.gov/docs/epacfr40/chapt-I.info/subch-I.htm.*

3. Lead.

(a) Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; Final Rule: 40 CFR Part 745, (EPA) (Lead Hazard Standards, Work Practice Standards, EDP and State Certification and Accreditation programs for those engaged in lead-based paint activities). Can be purchased by calling the Toxic Substances Control Act Hotline at 202–554–1404 (this is not a toll-free number) or downloaded from without charge from the EPA website at *www.epa.gov/lead.*

Guidelines

1. Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing; HUD, June 1995, and amended

September 1997. These guidelines can be purchased by calling 800–245–2691 toll free or downloaded without charge from the HUD website at *www.hud.gov/offices/lead.*

2. Preventing Lead Poisoning in Young Children; Centers for Disease Control, October 1991. These guidelines can be obtained without charge by calling the CDC's toll-free number, 888–232–6789 or they can be downloaded from the HUD website at *www.hud.gov/offices/lead.*

3. Screening Young Children for Lead Poisoning: Guidance for State and Local Public Health Officials, November 1997; Centers for Disease Control and Prevention (CDC). These guidelines can be obtained without charge by calling the CDC's toll-free number, 888–232–6789 or they can be downloaded from the HUD website at *www.hud.gov/offices/lead.*

Reports

1. Putting the Pieces Together: Controlling Lead Hazards in the Nation's Housing, (Summary and Full Report); HUD, July 1995. A copy of this summary and report may be purchased by calling 800–245–2691 toll-free or through the HUD website at *www.hud.gov/offices/lead.*

2. The Healthy Homes Initiative: A Preliminary Plan (Summary and Full Report); HUD, April, 1999. A copy of this summary report may be obtained by calling NLIC's toll-free number, 800–424–LEAD, or downloaded from the HUD Web site at *www.hud.gov/offices/lead.*

3. Institute of Medicine. *Indoor Allergens. Assessing and Controlling Adverse Health Effects.* National Academy Press. Washington, DC 1993.

4. Mott L., Our Children at Risk. Natural Resources Defense Council. Washington, DC 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, DC 1999.

7. *Eliminating Childhood Lead Poisoning:* A Federal Strategy Targeting Lead Paint Hazards. Washington, DC, 2000. Can be downloaded from the Internet without charge from: *www.epa.gov/children.*

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APPENDIX E. CHECKLIST AND SUBMISSION TABLE OF CONTENTS

CHECKLIST AND SUBMISSION TABLE OF CONTENTS
HEALTHY HOMES DEMONSTRATION GRANT PROGRAM

The following checklist is provided to ensure you have submitted all required items to receive consideration for funding. Assemble the application in the order shown below and number your pages consecutively. **Inclusion of this Checklist and Submission Table of Contents with your proposal is recommended but not required.**

☐	**Transmittal Letter (limited to one page)**	Cover page
☐	**Applicant Abstract** (limited to a 2-pages; does not count towards 25-page limit)	
☐	**Checklist and Submission Table of Contents**	_____
		_____
	Application Forms (to be included in Appendix 3)	_____
☐	Form SF-424 (Application for Federal Assistance)	
☐	Form HUD-424B (Assurances/Non-Construction Programs)	_____
☐	Form HUD-424-CB Grant Application Detailed Budget	
☐	Form HUD-CBW (Budget Worksheet)	_____
☐	SF 424 Supplement (Survey on Ensuring Equal Opportunity for Applicants) (to be completed by private nonprofit organizations only)	_____
☐	Form HUD-96010 Logic Model Form	_____
	Rating Factor Response (Total narrative response limited to 25 pages.)	
☐	1. Capacity of the Applicant and Relevant Organizational Experience	_____
☐	2. Need/Extent of the Problem	_____
☐	3. Soundness of Approach	_____
☐	4. Leveraging Resources	_____
☐	5. Achieving Results and Program Evaluation	_____
	Appendices	
☐	Appendix 1 – Required material in support of the Rating Factors (e.g., resumes of key personnel, organizational chart, letters of commitment) arranged in order of Rating Factor. Does not count towards the 25-page limit; resumes limited to 3 pages each.	_____
☐	Appendix 2 – Optional material in support of the Rating Factors, arranged in order of Rating Factors, e.g., maps, letters of support. The 20-page limit applies to this Appendix.	_____
☐	Appendix 3 – Material relating to the forms, or budget material. (See Application Forms, above.)	_____
☐	Form HUD-2993 Acknowledgment of Application Receipt	_____
☐	Form HUD-2994 Client Comments and Suggestions (Optional)	_____

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Appendix F: Administrative Costs

I. Purpose

The intent of this HUD grant program is to allow the Grantee to be reimbursed for the reasonable direct and indirect costs, subject to a top limit, for overall management of the grant. In some instances the grantee, whether a state or a local government, principally serves as a conduit to pass funding to sub-grantees, which are to be responsible for the conducting healthy homes-related work. Congress set a top limit of ten percent of the total grant sum for the grantee to perform the function of overall management of the grant program, including passing on funding to sub-grantees. The cost of that function, for the purpose of this grant, is defined as the ''administrative cost'' of the grant, and is limited to ten percent of the total grant amount. The balance of ninety percent or more of the total grant sum is reserved for sub-grantees or other direct-performers of healthy homes demonstration work. These activities include, but are not necessarily limited to outreach, training, enrollment, home assessments and remediation and parent/child and public education.

II. Administrative Costs: What They Are Not

For the purposes of this HUD grant program for states and local governments to provide support for the evaluation and remediation of health hazards in low- and moderate-income target housing, the term ''administrative costs'' should not be confused with the terms ''general and administrative cost,'' ''indirect costs,'' ''overhead,'' and ''burden rate.'' These are accounting terms usually represented by a government-accepted standard percentage rate. The percentage rate allocates a fair share of an organization's costs that cannot be attributed to a particular project or department (such as the chief executive's salary or the costs of the organization's headquarters building) to all projects and operating departments (such as the Fire Department, the Police Department, the Community Development Department, the Health Department or this program). Such allocated costs are added to those projects' or departments' direct costs to determine their total costs to the organization.

III. Administrative Costs: What They Are

For the purposes of this HUD grant program, ''Administrative Costs'' are the grantee's allowable direct costs for the overall management of the grant program plus the allocable indirect costs. The allowable limit of such costs that can be reimbursed under this program is 10 percent of the total grant sum. Should the grantee's actual costs for overall management of the grant program exceed 10 percent of the total grant sum, those excess costs shall be paid for by the grantee. However, excess costs paid for by the grantee may be shown as part of the requirement for cost-sharing funds to support the grant.

IV. Administrative Costs: Definition

A. General

Administrative costs are the allowable, reasonable, and allocable direct and indirect costs related to the overall management of the HUD grant for Healthy Homes activities. Those costs shall be segregated in a separate cost center within the grantee's accounting system, and they are eligible costs for reimbursement as part of the grant, subject to the ten percent limit. Such administrative costs do not include any of the staff and overhead costs directly arising from specific sub-grantee program activities eligible under Section III of this NOFA because those costs are eligible for reimbursement under a separate cost center as a direct part of project activities.

The grantee may elect to serve solely as a conduit to sub-grantees, who will in turn perform the direct program activities eligible under Section III(C)(1) of this NOFA, or the grantee may elect to perform all or a part of the direct program activities in other parts of its own organization, which shall have their own segregated, cost centers for those direct program activities. In either case, not more than 10 percent of the total HUD grant sum may be devoted to administrative costs, and not less than 90 percent of the total grant sum shall be devoted to direct program activities. The grantee shall take care not to mix or attribute administrative costs to the direct project cost centers.

B. Specific

Reasonable costs for the grantee's overall grant management, coordination, monitoring, and evaluation are eligible administrative costs. Subject to the 10 percent limit, such costs include, but are not limited to, necessary expenditures for the following goods, activities and services:

(1) Salaries, wages, and related costs of the grantee's staff, the staff of affiliated agencies or organizations, or other staff engaged in grantee's overall grant management activities. In charging costs to this category the recipient may either include the entire salary, wages, and related costs allocable to the program for each person whose primary responsibilities (more than 65 percent of their time) with regard to the grant program involve direct overall grant management assignments, or the pro rata share of the salary, wages, and related costs of each person whose job includes any overall grant management assignments. The grantee may use only one of these two methods during this program. Overall grant management includes the following types of activities:

(a) Preparing grantee program budgets and schedules, and amendments thereto;

(b) Developing systems for the selection and award of funding to sub-grantees and other sub-recipients;

(c) Developing suitable agreements for use with sub-grantees and other sub-recipients to carry out grant activities;

(d) Developing systems for assuring compliance with program requirements;

(e) Monitoring sub-grantee and sub-recipient activities for progress and compliance with program requirements;

(f) Preparing presentations, reports, and other documents related to the program for submission to HUD;

(g) Evaluating program results against stated objectives;

(h) Providing local officials and citizens with information about the overall grant program; however, a more general education program, helping the public understand the nature of home environmental triggers and their health consequences is a direct project support activity);

(i) Coordinating the resolution of overall grant audit and monitoring findings; and

(j) Managing or supervising persons whose responsibilities with regard to the program include such assignments as those described in paragraphs (a) through (i).

(2) Travel costs incurred for official business in carrying out the overall grant management;

(3) Administrative services performed under third party contracts or agreements, for services directly allocable to grant management such as: legal services, accounting services, and audit services;

(4) Other costs for goods and services required for and directly related to the overall management of the grant program; and including such goods and services as telephone, postage, rental of equipment, renter's insurance for the program management space, utilities, office supplies, and rental and maintenance (but not purchase) of office space for the program.

(5) The fair and allocable share of grantee's general costs that are not directly attributable to specific projects or operating departments such as salaries, office expenses and other related costs for university or local officials (*e.g.*, mayor and city council members, dean, president etc.), and expenses for a city or university's legal or accounting department which are not charged back to particular projects or other operating departments. If a grantee has an established burden rate, it should be used; if not, the grantee shall be assigned a negotiated provisional burden rate, subject to final audit.

BILLING CODE 4210–32–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HEALTHY HOMES AND LEAD HAZARD CONTROL PROGRAMS

OPERATION LEAD ELIMINATION ACTION PROGRAM (LEAP)

Billing Code 4210-32-C

Operation Lead Elimination Action Program (LEAP)

Overview Information

A. *Federal Agency Name:* Department of Housing and Urban Development, Office of Healthy Homes and Lead Hazard Control.

B. Funding Opportunity Title: Operation Lead Elimination Action Program (LEAP)

C. *Announcement Type:* Initial announcement.

D. *Funding Opportunity Number:* FR–4900–N–14, OMB Approval number 2539–0015.

E. *Catalog of Federal Domestic Assistance (CFDA) Number:* 14.903, Operation Lead Elimination Action Program.

F. *Dates:* Application Deadline: A completed original and three copies of your application must be submitted to HUD on or before the application due date. The application due date is July 13, 2004. Please see the General Section of the SuperNOFA for application submission, delivery and timely receipt requirements.

G. *Additional Overview Content Information:*

1. *Purpose of the Program.* The purpose of the Operation Lead Elimination Action Program (LEAP) is to provide grants to private sector and nonprofit organizations to conduct activities that leverage additional funding for addressing lead hazards in privately owned housing units and eliminating lead poisoning as a major public health threat to young children.

2. *Available Funds.* Approximately $9 million in Fiscal Year (FY) 2004 funds.

3. *Eligible Applicants.* To be eligible to apply for funding under this program, the applicant must be a tax-exempt nonprofit (501(c)(3)), or other non-profit or for-profit entity or firm. For-profit institutions are not allowed to earn a fee. Colleges and universities are also eligible to apply. National and local parent groups are encouraged to apply. States and units of general local government and their departments are not eligible.

Full Text of Announcement

I. Funding Opportunity Description

A. Program Description

Operation LEAP funds are for grants to private sector and nonprofit organizations for activities that leverage additional funding for addressing lead hazards in eligible privately owned housing units and eliminating lead poisoning as a major public health threat to young children. HUD's authority for making funding available under this NOFA is the Consolidated Appropriations Act for Fiscal Year (2004). Leveraged funds must be spent exclusively on addressing lead hazards in eligible privately owned housing units for which no other funding is available. Applicants are encouraged to employ creativity and initiative in mobilizing resources expeditiously for lead hazard control prevention efforts. Based upon the responses provided to the rating factors criteria described below, grants will be awarded to those entities that submit a detailed plan and strategy that demonstrates adequate capacity to implement the program and who demonstrate the ability to generate and use private sector resources for lead hazard control prevention efforts.

LEAP funds may also be used to eliminate lead-based paint hazards in low-income privately owned housing as well as implementing other lead hazard control strategies as defined by Title X of the Housing and Community Development Act of 1992 (42 U.S.C. 4851 *et seq.*). However, these activities are only eligible if they are tied directly to a leveraging strategy. For example, LEAP funds could be used to fund the replacement of windows that are determined to be a lead-based paint hazard, while leveraged funds from owners could be used to do paint stabilization elsewhere in the unit (or in other units) where lead-based paint hazards are present.

II. Award Information

Funding Available: Approximately $9 million in Fiscal Year (FY) 2004 funds. The maximum award shall be $2 million per grant. HUD anticipates that approximately 5–10 grants will be awarded. The period of performance is 42 months (24 months for leveraging private sector resources followed by 18 months of activities utilizing leveraged funds for lead-related work). HUD reserves the right to approve no cost time extensions for a period not to exceed 12 months.

III. Eligibility Information

See the General Section of the SuperNOFA for additional eligibility requirements applicable to HUD Programs.

A. Eligible Applicants

To be eligible to apply for funding under this program, the applicant must be a tax-exempt nonprofit (501(c)(3)), or other non-profit or for-profit entity or firm. For-profit institutions are not allowed to earn a fee. Colleges and universities are also eligible. National and local parent groups are encouraged to apply. States and units of general local government and their departments are not eligible. Applicants who received awards under the Fiscal Year 2003 Notice of Funding Availability published in the **Federal Register** on April 25, 2003 cycle are eligible to apply under this NOFA.

B. Cost Sharing or Matching

There is no match requirement for this grant.

C. Other

To be eligible for funding under this NOFA, the applicant must meet all federal statutory and regulatory requirements applicable to this program including 24 CFR part 84 and applicable OMB circulars (*i.e.*, cost principal, uniform administrative requirements, audits). In addition, you will be required to comply with all State and local statutes, regulations or other applicable requirements.

1. *Threshold Requirements.* As an applicant, you and any subrecipient must meet all of the threshold requirements in section III. C. of the General Section of the SuperNOFA. Applications will not be rated or ranked if they do not meet the threshold requirements.

2. *Eligible Activities.* Activities conducted for the purpose of developing local or regional strategies designed to leverage or mobilize resources from the private sector. These activities may include, but are not necessarily limited to:

a. Providing technical lead safety training to workers or supervisors regarding lead safe work practices;

b. Conducting outreach and related activities that are directly tied to a leveraging strategy, and that will result in increased lead hazard control activities in low-income privately owned or owner occupied housing with lead-based paint hazards.

c. Lead hazard control activities tied directly to a leveraging strategy and conducted in low- and very low-income eligible privately-owned rental and occupied housing units, including:

(1) Performing dust, paint or soil 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;

(2) Conducting lead hazard control, which may include interim control of lead-based paint hazards in housing (which may include specialized cleaning techniques to address lead dust); or abatement of lead-based paint hazards, including soil and dust, by means of removal, enclosure, encapsulation, or replacement methods.

Unless there are only a few surfaces coated with lead paint, complete abatement of all lead-based paint or lead-contaminated soil is not usually acceptable as a cost-effective strategy unless justification is provided and subsequently 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.*, drip line or foundation of the structure being treated, and children's play areas. All hazard control activities must comply with 24 CFR part 35, subpart R, the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing and all applicable Federal, State, and local regulations; in the case of a conflict between any of the above, the more stringent shall apply;

(3) Carrying out temporary relocation of families and individuals during the period in which lead hazard control is conducted and until the time the affected unit receives clearance for re-occupancy;

(4) Performing blood lead testing and air sampling to protect the health of the hazard control workers, supervisors, and contractors; and

(5) 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. Operation LEAP 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, weatherization, and other energy conservation activities.

(6) Conducting clearance dust-wipe testing and associated laboratory analysis.

(7) Purchasing or leasing no more than two (2) X-ray fluorescence analyzers for use by the Program, if not already available.

d. Eligible costs that include providing all necessary administrative and indirect support, including rent, equipment, materials, travel expenses and logistics, and subcontractor/consultant costs necessary to carryout grant activities.

3. *Program Requirements.* In general, applicants conducting lead hazard control activities must ensure that work is conducted in compliance with the applicable requirements of HUD's Lead-Safe Housing Regulation, 24 CFR Part 35, and as clarified in HUD's Interpretive Guidance about the rule located at *http://www.hud.gov/offices/lead/guidelines/leadsaferule/index.cfm.*

a. Eligible Housing Units. LEAP funds may be used to support lead hazard control work in eligible low- and very low-income privately owned rental and occupied housing units. Refer to section IV. E of this NOFA for a list (Eligibility of HUD Assisted Housing) of the HUD-associated housing programs that meet the definition of eligible housing under this program.

b. 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 families for at least three years as required by Title X (section 1011). The grantee must also notify the owner of the information that is collected so that the owner will comply with disclosure requirements under 24 CFR part 35, subpart A.

c. Testing. For applicants conducting lead hazard control activities, 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 whichever is more stringent. Testing must be conducted according to the HUD Guidelines, located at *http://www.hud.gov/offices/lead/guidelines/hudguidelines/index.cfm,* and the EPA lead hazard standards rule at 40 CFR part 745. All test results must be provided to the owner in a timely fashion, together with a notice describing the owner's legal duty to disclose the results to tenants and buyers under 24 CFR part 35, subpart A. All units undergoing lead hazard control must have clearance testing performed.

(1) Lead-Based Paint and Lead-Based Paint Hazard Identification. For applicants conducting lead hazard control activities, an inspection or risk assessment is required. You should ensure that lead paint inspection and risk assessment reports are conducted in accordance with established protocols and sufficient to support hazard control decisions.

(2) Clearance Testing. For applicants conducting lead hazard control activities, clearance testing shall be completed in accordance with Chapter 15 of the HUD Guidelines and the EPA lead hazards standards rule at 40 CFR part 745 for abatement projects and the Lead-Safe Housing Regulation (24 CFR part 35) for lead hazard control activities or other abatement. The clearance standards shall be the more restrictive of those set by the local jurisdiction or by EPA or HUD.

(3) Blood Lead Testing: Before lead hazard control work begins, HUD recommends that each occupant who is under six years of age be tested for lead poisoning prior to proceeding with the housing intervention. Any child with an elevated blood lead level should be referred for appropriate medical follow-up. The standards for such testing are described in the Centers for Disease Control and Prevention (CDC) publications *Preventing Lead Poisoning in Young Children* (1991), and *Screening Young Children for Lead Poisoning: Guidance for State and Local Public Health Officials* (1997).

d. Written Policies and Procedures. For applicants conducting lead hazard control activities, you must have clearly established written policies and procedures for eligibility, program marketing, unit selection, expediting work on homes occupied by children with elevated blood lead levels, and 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.

e. Prohibited Practices. For applicants conducting lead hazard control activities, you must not engage in the following prohibited practices:

(1) Open flame burning or torching;

(2) Machine sanding or grinding without a high-efficiency particulate air (HEPA) exhaust control;

(3) Uncontained hydro blasting or high-pressure wash;

(4) Abrasive blasting or sandblasting without HEPA exhaust control;

(5) Heat guns operating above 1,100 degrees Fahrenheit;

(6) Chemical paint strippers containing methylene chloride or other volatile hazardous chemicals in a poorly ventilated space; 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 square feet in any one interior room or space, or totaling no more than 20 square feet on exterior surfaces.

f. Research. In conformance with the Common Rule (*Federal Policy for the Protection of Human Subjects,* codified by HUD at 24 CFR part 60), for applicants conducting blood lead testing as part of a research effort, your organization must provide an assurance (*e.g.*, a letter signed by an appropriate official) that the research has been reviewed and approved by an Institutional Review Board (IRB) before you can receive funds from HUD for activities that require IRB approval. Before receiving such funds, you must

also provide the number for your organization's assurance (*i.e.*, an ''institutional assurance'') that has been approved by the Department of Health and Human Service's Office of Human Research Protections (OHRP). For additional information on what constitutes human subject research or how to obtain an institutional assurance *see* the OHRP Web site at *http://ohrp.osophs.dhhs.gov/.*

g. Conducting Business in Accordance with HUD Core Values and Ethical Standards. Refer to the General Section of the SuperNOFA for information about conducting business in accordance with HUD's core values and ethical standards.

4. *DUNS Requirement.* Refer to the General Section of the SuperNOFA for information regarding the DUNS requirement. You will need to obtain a DUNS number to receive an award from HUD.

5. *Eligibility of HUD-Assisted Housing.* The chart ''Eligibility of HUD-Assisted Housing'' below lists the ''eligible'' housing units that may participate under LEAP when lead hazard control is tied directly to a leveraging strategy.

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Eligibility of HUD-Assisted Housing

Program	Eligible?	Program	Eligible?
Housing Components of Community Planning & Development Programs		Housing in Military Impacted Areas (Section 238)	Yes
Community Development Block Grants (Entitlement)	Yes	Single Family Home Mortgage Coinsurance (Section 244)	Yes
Community Development Block Grants (Non-Entitlement) for States and Small Cities	Yes	Graduated Payment Mortgages (Section 245)	Yes
Community Development Block Grants (Section 108 Loan Guarantee)	Yes	Adjustable Rate Mortgages (ARMs) (Section 251)	Yes
Special Purpose Grants	Yes	Manufactured Homes (Title I)	Yes
The **Home** Program: **HOME** Investment Partnerships	Yes	**Housing - Multifamily Programs**	
HOPE for Homeownership of Single Family Homes	Yes	Rent Supplements (Section 101)	No
Shelter Plus Care - Sponsor-based Rental Assistance	No	Multifamily Rental Housing (Section 207)	Yes
Shelter Plus Care - Tenant-based Rental Assistance	Yes	Cooperative Housing (Section 213)	Yes
Shelter Plus Care - Project-based Rental Assistance	No	Mortgage and Major Home Improvement Loan Insurance for Urban Renewal Areas (Section 220)	Yes
Shelter Plus Care - SRO Rental Assistance	No	Multifamily Rental Housing for Moderate-Income Families - Section 221(d)(3)	No
Single Family Property Disposition Homeless Initiative	No	Multifamily Rental Housing for Moderate-Income Families - Section 221(d)(4)	Yes
Emergency Shelter Grants	Yes	Existing Multifamily Rental Housing (Section 223(f))	Yes
Housing Opportunities for Persons With AIDS (HOPWA)	Yes	Supplemental Loans for Multifamily Projects (Section 241)	Yes
Surplus Properties (Title V)	No	Supportive Housing for Persons with Disabilities (Section 811)	No
Supportive Housing Demonstration Program Transitional Housing Component	Yes	**HOPE 2**: Homeownership of Multifamily Units (Title IV)	No
Supportive Housing Demonstration Program Permanent Housing Component	Yes	Low-Income Housing Preservation and Resident Homeownership (Title VI)	No
Supplemental Assistance for Facilities to Assist the Homeless (SAFAH)	Yes	Emergency Low-Income Housing Preservation (Title II)	No
Supportive Housing Program	Yes	Flexible Subsidy (Section 201)	No
Section 8 SRO Mod Rehab for Homeless Individuals	No	**Public and Indian Housing**	
Innovative Demonstration Program	Yes	Section 8 Project-Based Certificate Program	No
Housing - Single Family Programs		Section 8 Tenant Based Certificate and Voucher Program	Yes
One- to Four-Family Home Mortgage Insurance (Section 203(b) and (i))	Yes	Section 8 Moderate Rehabilitation Program	No
Rehabilitation Mortgage Insurance (Section 203(k))	Yes	Public Housing Development	No
Homeownership Assistance for Low- and Moderate-Income Families (Section 221(d)(2))	No	Public Housing Operating Subsidy	No
Homes for Service Member (Section 222)	Yes	Public Housing Modernization (Comprehensive Grant Program)	No
Housing in Declining Neighborhoods (Section 223(e))	Yes	Public Housing Modernization (Comprehensive Improvement Assistance Program)	No
Condominium Housing (Section 234)	Yes		

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IV. Application and Submission Information

A. Addresses To Request Application Package

1. *Application Submission. See* the General Section of the SuperNOFA for specific procedures concerning the form of application submission (*e.g.*, mailed applications, express mail or overnight delivery). Be advised that there is no Application Kit for the Operation Lead Elimination Action Program. All the information required to submit an application is contained in this Notice of Funding Availability (NOFA).

a. Guidebook and Further Information. You may request general information, copies of the General Section and Program Sections of the SuperNOFA from the SuperNOFA Information Center (800–HUD–8929 or 800–HUD–2209 (TTY)) between the hours of 9 a.m. and 8 p.m. (eastern time) Monday through Friday, except on Federal holidays. When requesting information, please refer to the name of the program you are interested in. 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 copies of the SuperNOFA or this NOFA can be made immediately following publication of the SuperNOFA. The SuperNOFA Information Center opens for business simultaneously with the publication of HUD's 2004 NOFAs. You can obtain information on this SuperNOFA and download application information for this SuperNOFA through the Web site *http://www.grants.gov.*

B. Content and Form of Application Submission

1. *Application Submission Requirements for the Operation Lead Elimination Action Program (LEAP).* Applicants under this category of the NOFA are to follow the submission requirements described below.

a. Application Information.

(1) Application Format. The application narrative response to the Rating Factors are limited to a maximum of 15 pages. Your response must be typewritten on one side only on 8½ × 11 inch paper, using a standard 12-point font, with not less than ''inch 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 (voluntary). Your application must contain all of the required information noted in this Program Section and the General Section of the SuperNOFA. These items include the standard forms, certifications, and assurances listed in the General Section of this SuperNOFA that are applicable to this funding (collectively referred to as the ''standard forms''). The standard forms can be found in the General Section of the SuperNOFA. The ''Checklist and Submission Table of Contents'' below includes a listing of the required items needed for submitting a complete application and receiving consideration for funding. You are to assemble the application in the order shown in the Checklist and Submission Table of Contents and note the corresponding page number where the response is located. Inclusion of this Checklist and Submission Table of Contents with your proposal is recommended but not required.

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Checklist and Submission Table of Contents Lead Elimination Action Program (LEAP)

The following checklist is provided to ensure that you have submitted all required items to receive consideration for funding. Inclusion of this Checklist and Submission Table of Contents with your proposal is recommended but not required.

☐	Transmittal Letter	
☐	Applicant Abstract (limited to a maximum of 2 pages)	
	Application Forms	
☐	SF-424	
☐	SF-424 Supplement	
☐	HUD Form-424B	
☐	HUD Form-424CB	
☐	HUD Form-424CBW, Total Budget (Federal Share and Matching) with Supporting Narrative and Cost Justification	
☐	HUD Form-2880 Disclosure and Update Report	
☐	Form SF-LLL Disclosure of Lobbying Activities Required ☐ Form SF-LLL Not Required	
☐	HUD Form-2993 Acknowledgment of Application Receipt	
☐	HUD Form-2994 Client Comments and Suggestions (completion of this form is optional)	
☐	HUD Form-96010 Logic Model	
	Rating Factor Response (limited to a maximum of 15 pages)	
☐	1. Capacity of the Applicant and Relevant Organizational Experience	
☐	2. Soundness of Approach	
☐	3. Leveraging Resources	
☐	4. Achieving Results and Program Evaluation	
	Applicant-provided Appendices	
☐	Data to support Rating Factor 1, 3 (if applicable)	
☐	Tables	
☐	Other Rating Factor Related Materials	

* The forms included in this Checklist and Submission Table of Contents are found in the **General Section** of the SuperNOFA or this Program NOFA and are available as fillable Adobe Reader (PDF) or Word (DOC) formats from the HUD website at: www.hud.gov
Applicants are encouraged to use the electronic version of HUD Form-424CBW

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The following are the items to be included in an application:

(a) Transmittal Letter. A transmittal letter that identifies the applicant(s) submitting the application, the dollar amount requested, what the program funds are requested for, and the nature of involvement with community-based organizations. Also include 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;

(b) Checklist and Submission Table of Contents (voluntary)

(c) Abstract Summary. Provide an abstract summary describing the goals and objectives of the proposed program (two-page maximum); including—

(i) The total amount of the federal request and the amount of the matching contribution for the entire period of performance;

(ii) The specific activities that will be conducted;

(iii) The organization(s) that will participate in the program; and

(iv) Your prior activities, experience and achievements in related work.

(d) Forms. All standard forms as required by the General Section of the SuperNOFA and program Form HUD–96009 (Work Plan Development Worksheet With Minimum Benchmark Performance Standards).

(e) Budget. A total budget summary (total budget is the federal share and leveraged contribution) with supporting narrative and cost justifications for all budget categories of your grant request. A maximum of ten percent of the federal share can be for administrative costs.

An itemized breakout (using the HUD Form–424CBW) of leveraged contributions that are directly received by the project or subrecipients should be documented including:

(i) Values placed on donated in-kind services;

(ii) Letters or other evidence of commitment from donors; and

(iii) The amounts and sources of contributed resources; and

(f) Partners. Contracts, Memoranda of Understanding or Agreement, letters of commitment or other documentation must describe the proposed roles of agencies, local broad-based task forces, participating faith-based or other community- or neighborhood-based groups or organizations, local businesses, and others working with the program. For-profit entities and/or firms must clearly demonstrate and document how activities, including the lead-based paint hazard identification and control measures to be undertaken by the applicant will be coordinated with local organizations, state(s) or units of general local government to carry out lead hazard control and other program activities.

Other leveraged resources not received directly by the project and subrecipients but used to support program activities should be included in the narrative response to Rating Factor 3, but not on HUD Form 424–CBW. Applicants should describe their methodology for tracking leveraged resources not directly received by the project or subrecipients. c. Rating Factor Responses—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 4).

C. Submission Dates and Times

1. *Application Due Date.* The application due date is July 13, 2004. Refer to the General Section of the SuperNOFA for additional submission requirements including acceptable submission methods, acceptable proof of delivery and other information to assist the applicant.

D. Intergovernmental Review

Not applicable.

E. Funding Restrictions

1. *Ineligible Activities.* You may not use grant funds for any of the following:

a. Purchase of real property;

b. Chelation or other medical treatment costs related to children with elevated blood lead levels; and

c. Lead hazard abatement activities in public housing, or project-based Section 8 housing.

F. Other Submission Requirements

Refer to the General Section of the SuperNOFA for other application submission requirements.

1. *Addresses and Number of Copies.* The applicant, must submit an original and three copies of a complete application to: HUD Headquarters, Robert C. Weaver Federal Building, 451 Seventh Street, SW., Room P3206, Washington, DC 20410; Attn: LEAP.

V. Application Review Information

A. Criteria

The factors for award used to evaluate and rate applications include:

- Rating Factor 1: Organizational Capacity.
- Rating Factor 2: Approach.
- Rating Factor 3: Leveraging Resources.
- Rating Factor 4: Achieving Results and Program Evaluation.

Applicants are encouraged to employ creativity and initiative in mobilizing resources expeditiously for lead hazard control prevention efforts. Based upon the responses provided to the rating factors described below, grants will be awarded to those entities who submit a detailed strategy that demonstrates adequate capacity to carry out the proposed use of funds and who demonstrate the ability to generate and use private sector resources for lead hazard control prevention efforts. The factors for rating and ranking applicants, and maximum points for each factor, are delineated below. The maximum number of points to be awarded is 100.

1. Rating Factor 1: Organizational Capacity (30 points)

This factor addresses the applicant's organizational capacity to successfully implement the proposed activities in a timely manner.

a. *Staff Experience (20 points).* Describe the knowledge and experience of the staff responsible for the following functions: Executive Direction; Finance, Marketing; and Program Coordination. The applicant must have sufficient qualified personnel or be able to quickly retain qualified experts or professionals in financial/grant management, marketing, and/or lead-based paint programs that will allow you to immediately begin your proposed work program and to perform your proposed activities within the 42-month period of performance.

The applicant's narrative should include information about your organizational and staff capacity in raising and/or leveraging funds, and in successfully garnering private sector support recently (*e.g.*, within the past five years). Include a discussion of staff knowledge and expertise in raising and/or leveraging funds, possessing the prerequisite organizational skills, and lead poisoning prevention activities.

The discussion on capacity should include the depth, experience, the commitment of time to the program, salary information, and position titles of the program staff.

Resumes or detailed job announcements for the above key positions must be included as an appendix to your application. Indicate the percentage of time key personnel will devote to the proposed project. An applicant may demonstrate capacity by thoroughly describing prior experience in this type of activity and/or how the

applicant will develop the necessary capacity to carryout proposed activities.

b. *Grants Management (4 points).* Describe the agency's or organization's ability to manage grants and leveraged program funds and activities.

c. *Partner Expertise (4 points).* Describe project participants/partners knowledge and experience regarding lead poisoning as a public health threat to children, and/or lead-based paint issues and hazard control. Use of staff with more recent, relevant, and demonstrated successful experience will result in a higher rating.

d. *Removal of Barriers to Affordable Housing (2 points).* A new applicant will be awarded up to two points under Rating Factor 1 for activities that remove barriers to affordable housing within their communities, support state and local efforts to streamline processes and procedures, eliminate redundant requirements, statutes, regulations, and codes which impede the availability of affordable housing. This priority relates to HUD's Strategic Goals for Increasing Homeownership Opportunities and Promoting Decent Affordable Housing.

2. Rating Factor 2: Approach (40 points)

This factor addresses the approach and strategy that the applicant intends to follow in meeting the goals and objectives of the program. This strategy should address the following:

a. *Selection Process for Partner Organization (5 points).* Describe the selection process for those organizations that are to conduct or coordinate work activities for lead hazard control, outreach, evaluation, etc and discuss how you intend to involve faith-based or other community-based organizations in your proposed activities.

b. *Strategy and Approach (35 points).* (1) Leveraging Strategy. Describe the proposed strategy for leveraging private sector resources including:

(a) Target audiences/constituencies;

(b) Use of contractors/subgrantees/partners and their method of selection;

(c) Methods of outreach/promotion;

(d) Types of leveraging to be employed;

(e) Proposed use and distribution of funds/resources leveraged;

(f) Overall project management and coordination; and

(g) Proposed schedule of activities within the 42-month period of performance.

(2) Work Plan Strategy. The work plan strategy narrative shall include:

(a) The management plan that describes how the project will be managed, and the timeline for staffing the program. Applicants should develop a work plan that includes specific, measurable and time-phased objectives for each major program activity. The applicant's work plan should reflect the benchmark standards with quarterly milestones for proposed program activities and expenditures, and that will provide HUD with measurable outcome results to be achieved with the requested funds. Measurable outcome results should be stated in terms relevant to the purpose of the program funds as a direct result of the work performed within the performance period of the grant.

(b) A detailed description of how assistance and funding will flow from the grantee to the actual performers of the work;

(c) The selection process for sub-grantees, sub-contractors and/or sub-recipients (if any);

(d) The evaluation process used to measure program performance;

(e) The overall objectives for activities. Quarterly performance milestones are to be developed to achieve the overall objectives for these activities;

(f) Performance benchmarks have been developed. The benchmarks referred to in this NOFA can also be found on the HUD Web site at: *http://www.hud.gov/offices/lead/grantfrm/hudgrantee.cfm.* Development of your work plan should include and reflect these benchmark standards.

(g) A successful applicant's award is contingent upon budget negotiation and approval of a work plan.

(3) Strategies/Approaches. The applicant is encouraged to employ creativity and initiative in achieving the objectives of the program. Some examples of possible strategies/approaches include the following:

(a) Enlisting the support and resource commitment of financial institutions, foundations, private industry, the general public, property owners, and others to make residential housing lead-safe and eliminate lead poisoning as a public health threat to children;

(b) Soliciting the support of national building materials providers, building component manufacturers, and housing-related national retail outlets to donate money and/or materials to lead hazard control programs in housing and health departments, landlords and owner-occupants to eliminate lead-based paint hazards in privately owned low-income dwellings: For example, a window, wallboard, or paint manufacturer/retailer could donate or coordinate the donation and distribution of windows or paint to lead-based paint and/or rehabilitation projects throughout the country. This strategy could also include the distribution of discount coupons for purchases of paint or other materials from national supplies;

(c) Forming partnerships with banks or other mortgage or financial institutions willing to provide no or low-interest home improvement loans to finance lead hazard control activities and abatement measures among low-income recipients who would not otherwise be served. By participating, banks could fulfill a major element of their responsibilities under the Community Reinvestment Act;

(d) Forming partnerships to facilitate the coordination and distribution of donated building materials, such as windows, trim molding, or paint, etc., to local projects involved in lead hazard control programs;

(e) Identifying and facilitating the availability and use of temporary relocation facilities for families who need to move out of their dwellings while lead hazard control work is being undertaken. For example, hotel chains, colleges, and other lead-safe sites could be contacted to make housing available for the temporary relocation of families during lead hazard control;

(f) Working with landlords, tenant groups and others to form consortia or otherwise engage landlords and owner-occupants to enroll their eligible housing units in local lead hazard control or rehabilitation programs. The applicant should obtain commitments from landlords to provide matching resources for work to be done on their units. For example, the lead hazard control program could offer landlords grant funds for replacement windows if the landlords contribute the cost of additional repairs (such as basic system upgrades, or other rehabilitation work including painting and maintenance) that is associated with lead hazard control. To encourage such commitments, efforts should be made to educate landlords about the primary benefits (effect on children's health) and supplementary benefits that can result from lead hazard reduction work such as improving an apartment's physical condition and marketability;

(g) Expanding dust testing and clearance testing, especially in high-risk communities;

(h) Promoting homebuilder, remodeler, or contractor associations to coordinate efforts to reduce lead hazards by contributing technical assistance, training, presentations and materials and/or labor to lead hazard control efforts;.

(i) Encouraging landscaping firms, nurseries, and landscape architects to contribute lead-safe soil, mulch, and other forms of vegetation cover and shrubbery designed to mitigate lead

contamination of soil around the exterior/perimeter and play areas of affected housing units;

(j) Working with health, housing, and community development organizations or other entities to conduct lead poisoning prevention activities, including efforts to plan and/or facilitate or participate in strategic planning to eliminate lead poisoning as a public health threat to young children by 2010.

(k) Working with grassroots faith-based or other community-based organizations that are committed to improving the quality of life of young children in high risk housing; and

(l) Providing training for significant numbers of trades people to implement lead-safe work practices, such as window replacement and weatherization work.

3. Rating Factor 3: Leveraging Resources (20 points)

This factor addresses the applicant's ability to obtain and use private sector resources or leverage private sector activities that can be combined with HUD and other program resources to achieve program objectives. Private funds/resources do not include any public sector funds, *e.g.*, funds provided by states and units of general local government including Community Development Block Grant (CDBG)/Home Investment Partnership (HOME) funds. Applicants are encouraged to use such funds as part of this program but these funds are not considered under this rating factor. Describe the types of public or private sector commitments, if any, currently available to devote to Operation LEAP grant program activities, and the anticipated future amounts to be generated. Based upon the estimated amount of funding anticipated for leveraging over the life of the award, identify the general geographic locations of the units that will be treated by this increased funding or leveraged resources. Also provide an estimate of the number of eligible housing units that can be expected to be treated and the number of low- and very low-income families that will benefit under LEAP. Generated resources may include cash or in-kind contributions of personnel, services, equipment, or supplies. In evaluating this factor, HUD will consider the extent to which the applicant has established working partnerships, memoranda of understanding, and/or firm agreements with other identified entities for the commitment of additional resources. Resources may be provided by any private source, including contributions of investor-owners. However, the donations of resources, goods, and services considered as leveraged resources should be based on market values and documented. Applicants that do not have such partnerships at the time of application will be required to establish partnerships immediately following notification of grant award. Only contributions that have a stated monetary value with supporting documentation from the contributing organization/entity authorized to make such commitment will be counted as leveraged funds. Firmly established commitments will be rated more highly than applications with commitments that have not yet been established. The most advantageous agreements will be those not solely dependent on LEAP funding, including those that create long-term commitments for leveraged funds beyond the period of the LEAP grant. Therefore it is preferable that LEAP funds act as ''seed'' funds so any future funding streams can be used to stimulate additional leveraging agreements and not simply support prior agreements. In evaluating this factor, HUD will examine the extent to which agreements provide for sustained contributions from non-public sources and allow for non-LEAP funds to support such leveraging in the future. Applicants that have targeted specific high-risk neighborhoods or geographic locations for leveraging/fundraising and abatement/control activities will receive a higher number of rating points. Describe what the organization has done in the recent past (*e.g.*, within the past five years) that gives evidence of its ability and experience to leverage substantial private sector resources. Describe specific activities, the amount of funds or resources leveraged, and what the leveraged funds will be used to support. If an applicant has experience in generating funds or resources for purposes similar to addressing lead paint abatement or control measures, the applicant should describe those activities and the results achieved.

4. Rating Factor 4: Achieving Results and Program Evaluation (10 Points)

This factor emphasizes HUD's commitment to ensuring that applicants achieve the goals outlined in their work plan and other benchmark standards and assess their performance to ensure performance goals are met. Achieving results means you, the applicant, have clearly identified the benefits, or outcomes of your program. Outcomes are ultimate goals. Benchmarks or outputs are interim activities or products that lead to the ultimate achievement of your goals. Program evaluation requires that you, the applicant, identify program outcomes, interim products or benchmarks, and performance indicators that will allow you to measure your performance. Performance indicators should be objectively quantifiable and measure actual achievements against anticipated achievements. Your Evaluation Plan should identify what you are going to measure, how you are going measure it and the steps you have in place to make adjustments to your work plan if performance targets are not met within established timeframes. Applicants are required to complete the HUD Logic Form to supplement the narrative response to this rating factor.

a. An applicant is to identify and describe specific methods, measures, and tools that 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. In evaluating this factor, HUD will consider how you have described outcome measures and benefits of your program including:

b. Ability to generate substantial private sector resources. The main objective of Operation LEAP is to leverage private sector resources to eliminate lead poisoning as a major public health threat to young children. The key terms here are ''leverage private sector resources.'' HUD is looking for those applicants that demonstrate the most realistic and successful fund raising and/or leveraging skills to mobilize substantial private sector resources for addressing lead hazards in housing.

c. Ability to demonstrate or develop a national and/or regional (multi-state) strategy for leveraging resources from the private sector is essential. Those resources should be realistic and achievable and made part of the work plan and benchmark activities of this proposal. The proposed budget should demonstrate how these leveraged funds will be used to address lead hazards in housing and make residential housing lead-safe and eliminate lead poisoning as a public health threat to children.

d. Results of any specific plans and objectives established to implement and/or maintain a registry (listing) of lead-safe housing that is available to the public, or to incorporate the inclusion of the lead-safe status of properties in another publicly accessible address-based property information system. Results could include how the information would be managed and affirmatively marketed to the public so

that families (particularly low-income families with children under six years of age) can make informed decisions regarding their housing options. Applicants that demonstrate partnerships with national or regionally recognized material suppliers, *e.g.,* sheet rock/drywall manufacturers or retailers, paint manufacturers or distributors, window manufacturers or distributors, etc., will receive stronger consideration.

e. The extent to which affirmatively furthering fair housing for all segments of the population is advanced by the proposed activities. Detail how the proposed work plan will support the community's efforts to affirmatively further affordable housing and discuss the impact of prior activities that have contributed to enhanced lead-safe housing opportunities.

f. How your program will be held accountable for meeting program goals, objectives, and the actions undertaken in implementing the grant program. Applicants should provide a description of the mechanism to assess progress and track performance in meeting the goals and objectives outlined in the work plan. Applicants should provide assurances that work plans and performance measures developed for the program will assist intended beneficiaries, and that work will be conducted in a timely and cost-effective manner.

B. Reviews and Selection Process

1. HUD's Strategic Goals

Refer to the General Section of the SuperNOFA for information on HUD's strategic goals.

2. Rating and Ranking

Please refer to the General Section of the SuperNOFA for details. Only those applications that meet the threshold review requirements will be rated and ranked according to their response to the Rating Factor Criteria included in this NOFA. The maximum number of points to be awarded is 100. A minimum score of 75 is required for fundable applications.

Rating factor	Maximum points
Rating Factor 1: Organizational Capacity	30
Rating Factor 2: Approach	40
Rating Factor 3: Leveraging Resources	20
Rating Factor 4: Achieving Results and Program Evaluation	10
Total	100

VI. Award Administration Information

A. Award Notices

1. Successful applicants will receive a letter from the Office of Healthy Homes and Lead Hazard Control Grant Officer indicating that they have been selected for an award. This letter will provide additional details regarding the effective start date of the grant and any additional data and information to be submitted to execute a grant agreement. This letter is not an authorization to begin work or incur costs under the grant. A fully executed grant agreement is the authorizing document. Unsuccessful applicants will also be notified that their application was not selected for an award and will be afforded an opportunity to request a debriefing on the unsuccessful application according to the procedures outlined in the SuperNOFA.

2. *Negotiation.* Refer to the General Section of the SuperNOFA for additional details.

3. *Adjustments to Funding.* Refer to the General Section of the SuperNOFA for additional details.

4. *Performance and Compliance Actions of Funding Recipients.* HUD will measure and address the performance and compliance actions of funding recipients in accordance with the applicable standards and sanctions of their respective programs.

B. Administrative and National Policy Requirements

1. *Environmental Requirements:* Certain activities assisted under this program may be subject to HUD environmental review to the extent required under 24 CFR part 50. An award under the Lead Elimination Action Program (LEAP) does not constitute approval of specific sites where activities that are subject to environmental review may be carried out. Following grant award execution, HUD will be responsible for ensuring that any necessary environmental reviews are completed. You may not rehabilitate, convert, or repair property, or commit or expend grant funds or HUD-leveraged funds for any eligible property until you receive written notification from the appropriate HUD official that completed its environmental review and the property has been approved. The results of the environmental reviews may require that proposed activities be modified or proposed sites rejected. For assistance, contact Karen Choi, the Office of Healthy Homes and Lead Hazard Control Environmental Officer at (213) 894–8000, extension 3015 (this is not a toll-free number) or the HUD Environmental Review Officer in the HUD field office serving your area. If you are a hearing- or speech-impaired person, you may reach the telephone number via TTY by calling the toll-free Federal Information Relay Service at 800–877–8339. Recipients of a grant under this funded program will be given additional guidance in these responsibilities.

2. *HUD Reform Act.* Applicants must comply with the requirements for funding competitions established by the HUD Reform Act of 1989 (42 U.S.C. 3531 *et seq.*) as defined in the General Section of the SuperNOFA.

3. *Other Requirements.* Please review the General Section of the SuperNOFA for information on Statutory and Regulatory Requirements, Affirmatively Furthering Fair Housing, Economic Opportunities for Low- and Very Low-Income Persons (Section 3), ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Woman-Owned Businesses, OMB Circulars and Governmentwide Regulations Applicable to Financial Assistance Programs, Conflicts of Interest, Prohibition Against Lobbying Activities, Accessible Technology, Improving Access to Services for Persons with Limited English Proficiency, Compliance with Fair Housing and Civil Rights Laws, and Executive Orders pertaining to this NOFA.

a. Participation in HUD-Sponsored Program Evaluation. As a condition of the receipt of financial assistance under this NOFA all successful applicants will be required to cooperate with all HUD staff or contractors performing HUD funded research and evaluation studies.

C. Reporting

Successful applicants will be required to submit quarterly, annual, and final program and financial reports according to the requirements of the Office of Healthy Homes and Lead Hazard Control. Specific guidance and additional details will be provided to successful applicants.

VII. Agency Contact(s)

1. *For Further Information and Technical Assistance:* You may contact Linda J. Ciancio, Acting Director, Program Management and Assurance Division, Office of Healthy Homes and Lead Hazard Control; 451 7th Street, SW., Washington, DC 20410. Or by telephone, fax, or email: 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 number via TTY by calling the toll-free Federal

Information Relay Service at 800–877–8339; fax: (202) 755–1000; or e-mail: *Linda_J._Ciancio@hud.gov.*

VIII. Other Information

Refer to the General Section of the SuperNOFA for details regarding other information on submitting application that meets HUD requirements.

A. Paperwork Reduction Act

The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2539–0015. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average 80 hours per application and 16 hours per grant award. This includes the time for collecting, reviewing, and reporting the data. The information will be used for grantee selection & monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

B. Other Office of Healthy Homes and Lead Hazard Control Information

For additional general, technical, and grant program information pertaining to the Office of Healthy Homes and Lead Hazard Control, visit: *http://www.hud.gov/offices/lead.*

BILLING CODE 4210–32–P

WORK PLAN DEVELOPMENT WORKSHEET
WITH MINIMUM BENCHMARK PERFORMANCE STANDARDS
FOR 42-MONTH PERIOD OF PERFORMANCE

Healthy Homes and Lead Hazard Programs — OMB Approval Number 2539-0015 (exp 1/31/2006)

Grant Number: — **Grantee Organization:** — **Period of Performance: September 30, 2003 - March 29, 2007**

ACTIVITY	Q1 2003 Oct -Dec	Q2 2004 Jan - Mar	Q3 2004 Apr - Jun	Q4 2004 Jul - Sep	Q5 2004 Oct - Dec	Q6 2005 Jan - Mar	Q7 2005 Apr - Jun	Q8 2005 Jul - Sep	Q9 2005 Oct - Dec	Q10 2006 Jan - Mar	Q11 2006 Apr-Jun	Q12 2006 Jul - Sep	Q13 2006 Oct - Dec	Q14 2007 Jan - Mar	Q15 2007 Apr - Jun
Applicant Capacity(0-180 days)															
Staff Hired															
Approved Environmental Review and Release of Funds															
Written Policies and Procedures															
Lead Hazard Control Implementation Units In Grant Agreement = #															
Paint Inspections/Risk Assessments:															
Performance Standard			5%	15%	25%	35%	45%	55%	65%	75%	85%	95%	100%		
Work Plan Milestone															
% Planned															
Actual # Completed															
Actual % Completed															
*** Units in Progress*															
Units Completed and Cleared:															
Performance Standard				2%	5%	15%	30%	45%	55%	65%	75%	85%	95%	100%	
Work Plan Milestone															
% Planned															
Actual # Completed															
Actual % Completed															
Cumulative LOCCS DRAWDOWNS Grant Award Amount = $															
Performance Standard					5%	10%	15%	20%	30%	40%	50%	60%	80%	95%	100%
LOCCS Drawdown Work Plan Milestone															
% Planned															
Actual LOCCS Drawdown															
Actual Cumulative LOCCS Drawdown %															
Community Outreach / Education / Training															
Community Outreach and Education Work Plan Milestone															
Community Outreach and Education Milestone Achieved															
Skills Training Work Plan Milestone															
Skills Training Milestone Achieved															
Performance Measured Against Approved Work Plan Milestones														100%	
Close-Out March 30 - June 29, 2007															

form **HUD-96009** (04/2003)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

BROWNFIELDS ECONOMIC DEVELOPMENT INITIATIVE (BEDI)

Billing Code 4210-32-C

Brownfields Economic Development Initiative (BEDI)

Overview Information

A. *Federal Agency Name:* Department of Housing and Urban Development, Office of Community Planning and Development.

B. *Funding Opportunity Title:* Brownfields Economic Development Initiative.

C. *Announcement Type:* Initial announcement.

D. *Funding Opportunity Number:* The **Federal Register** number is FR–4900–N–07. The OMB approval number is 2506–0153.

E. *Catalog of Federal Domestic Assistance (CFDA) Number(s):* Brownfields Economic Development Initiative (BEDI), 14.246.

F. *Dates:* The application due date is July 15, 2004.

G. *Optional, Additional Overview Content Information:*

BEDI funds are used to enhance the security of a loan guaranteed by HUD under section 108 of the Housing and Community Development Act of 1974, as amended, for the same brownfields economic development project, or to improve the viability of a brownfields economic development project financed with the section 108-guaranteed loan, in order to stimulate economic development by local governments and private sector parties at brownfields sites and to return those sites to productive, economic reuse. All BEDI grants must be used in conjunction with a new section 108-guaranteed loan commitment.

HUD encourages brownfields economic development projects that propose the redevelopment of a brownfields site through new investments by identified private sector parties and that will directly result in new business or job creation, increases in the local tax base or other near-term, measurable economic benefits.

Those interested in applying for funding under this program should review carefully the General Section of the SuperNOFA and the following additional information.

Full Text of Announcement

I. Funding Opportunity Description

A. Authority

BEDI is authorized pursuant to section 108(q), Title I, Housing and Community Development Act of 1974, as amended, (42 U.S.C. 5301); 24 CFR part 570.

B. Program Description

BEDI is designed to help local governments redevelop brownfields, defined in this NOFA as abandoned, idled, or underutilized real property, including industrial and commercial facilities, where expansion or redevelopment is complicated by the presence or potential presence of environmental contamination. A BEDI grant award will be conditioned upon, and must be used in conjunction with, a new (*i.e.,* not previously approved) section 108-guaranteed loan commitment. Both section 108 loan guarantee proceeds and BEDI grant funds are initially made available by HUD to units of general local government eligible for assistance under HUD's Community Development Block Grant (CDBG) program (specifically, the Entitlement and State programs and for certain jurisdictions in the state of Hawaii, the Small Cities program). A local government may re-loan the section 108 loan proceeds and provide BEDI funds to a business or other public entity eligible to carry out a specific approved brownfields economic development project, or the public entity may carry out the eligible project itself, as provided in the approved application. In either case, BEDI grant funds and the 108 proceeds must be used to support the same eligible BEDI project.

Under this program, communities (and states, as applicable) pledge their continuing CDBG allocations as security for the section 108 loans guaranteed by HUD. BEDI grant funds are intended to reduce grantees' potential loss of future CDBG allocations by:

1. Strengthening the economic feasibility of a project financed with section 108 funds (and thereby increasing the probability that the project will generate enough cash to repay the guaranteed loan);

2. Directly enhancing the security of the section 108-guaranteed loan; or

3. Employing a combination of these or other risk mitigation techniques.

BEDI funds are to be used as the stimulus for local governments and private sector parties to commence redevelopment or continue phased redevelopment efforts of brownfields sites where contamination is present or potentially present and a redevelopment plan exists. HUD desires to see BEDI and section 108 funds used to finance projects and activities that involve investment in the brownfields site by an identified private sector party and that will provide near-term results and measurable economic benefits, such as job creation and increases in the local tax base.

C. Program Definitions

Unless otherwise defined herein, terms defined in this NOFA shall have the same respective meanings as provided for in 24 CFR part 570.

Act means Title I, Housing and Community Development Act of 1974 (42 U.S.C. 5301 *et seq.*).

Application means a single set of documents, including a request for Section 108 loan guarantee assistance, submitted by an eligible applicant for BEDI grant funds, in accordance with the provisions of this NOFA to finance a brownfields economic development project. Section IV.B.1(e) of this NOFA provides additional information on the nature and forms of section 108 loan guarantee requests that must accompany each BEDI application.

Brownfields means abandoned, idled, or under-used real property (including industrial and commercial facilities) where expansion or redevelopment is complicated by the presence or potential presence of contamination.

Brownfields Economic Development Initiative (BEDI) funds means the appropriated funds made available for the competition under this NOFA from any available appropriation.

Brownfields Economic Development Initiative (BEDI) project or brownfields economic development project means an activity or activities (including mixed use projects with housing components) that are eligible under section 108(q) of the Act and under 24 CFR 570.703, and that will increase economic opportunity for persons of low- and moderate-income, stimulate or retain businesses or jobs, or otherwise lead to near-term, measurable economic benefits in connection with brownfields redevelopment.

CDBG funds means those funds collectively so defined at 24 CFR 570.3, including grant funds received pursuant to section 108(q) and this NOFA.

Economic Development Initiative (EDI) grant 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).

EPA means the U.S. Environmental Protection Agency.

Firm Commitment means either a written agreement or letter of understanding by which an applicant or a third party:

(1) Agrees to perform an activity or provide resources as specified in the application, and demonstrates their relationship to the proposed BEDI/Section 108 project;

(2) Specifies the dollar value of the commitment and demonstrates that it has the financial and organizational capacity to deliver the resources necessary to successfully complete the activity; and

(3) Irrevocably commits the resources to the activity either through cash or in-kind services or contributions; if any portion is to be financed through a grant or loan from another public or private organization, that institution's grant or loan commitment must be firmly committed as well.

Any such agreement or letter of understanding shall be understood as being contingent upon receipt of the BEDI grant. Funds expended prior to the submission of the BEDI application will not be considered as firmly committed funds for purposes of this NOFA.

Additional information related to firm commitments of other resources is provided in Section V.A.1 of this NOFA, Rating Factor 4 (Leveraging of Other Financial Resources).

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. A list of the federally designated Brownfield Showcase Communities is provided in Appendix B in Section VIII of this NOFA and is also available from the SuperNOFA Information Center or through the HUD Web site, *http://www.hud.gov.*

Strategic Plan means a strategy or course of action 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, Enterprise Community, or a Renewal Community, designated pursuant to 24 CFR parts 597, 598 or 599.

D. Program Background

HUD has multiple programs that are intended to stimulate economic and community development and promote economic revitalization of distressed areas, and which 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.

1. *CDBG.* The CDBG program provides grant funds by formula to local governments (either directly or through states) to carry out community and economic development activities ($4.338 billion appropriated in FY2004). The section 108 loan guarantee program provides CDBG-eligible communities 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 CDBG States' program, as well as certain non-entitlement units of general local government in the state of Hawaii funded under 24 CFR part 570, subpart F. The section 108 program is subject to the regulations applicable to the CDBG program at 24 CFR part 570 as described in 24 CFR part 570, subpart M. BEDI grants must support section 108 loan guarantees as generally described in this NOFA.

2. *Section 108 Loan Guarantees.* For FY2004, the loan guarantee authority for the section 108 program is estimated at $510,337,000 including $236,960,000 in loan guarantee authority that will continue be to available in FY2004 under the FY2003 appropriation and $273,377,000 in loan guarantee authority for FY2004. The full faith and credit of the United States is pledged to the payment of all guarantees made under section 108. Under this program, communities (and states, as applicable) are required to 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. *Additional Security for Section 108 Loan Guarantees.* Applicants should be aware 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 allocations as security for the section 108 loan guarantee, it 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 and the related mortgage from the business). Applications proposing uses for BEDI 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.

4. *Integration of Other Government Economic Development and Brownfields Programs.* HUD encourages local governments which are assisted by (a) other Federal or State economic development programs, (b) other Federal brownfields programs (*e.g.*, the federal Brownfields Showcase Community program, EPA's Assessment, Revolving Loan Fund Cleanup or Grant programs), or (c) State-supported brownfields programs, 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 in section V.A.1 of this NOFA (*e.g.*, ''Capacity of the Applicant,'' ''Soundness of Approach,'' or ''Leveraging Resources''—Rating Factors 1, 3, and 4 respectively.)

II. Award Information

A. Available Funds

HUD has available approximately, $25,352,500 for grant awards under this BEDI NOFA. This amount consists of $24,725,130 in appropriations under the ''Brownfields Redevelopment'' heading in the Consolidated Appropriations Act, 2004 (Pub. L. 108–199, approved January 23, 2004, referred to as the FY2004 Appropriations Act); $127,370 of unobligated appropriated funds from the FY2003 HUD Appropriations Act (Pub. L. 108–7, approved February 20, 2003) under the ''Brownfields Redevelopment'' heading; and $500,000 of unobligated appropriated funds from the FY2001 HUD Appropriations Act (Pub. L. 106–377, approved October 27, 2000) under the ''Brownfields'' Redevelopment heading. All such funds are authorized by section 108(q) of the Act (as described above). If any additional funds become available for the BEDI program during FY2004, including through the deobligation and recapture of previous BEDI awards, HUD may either fund additional applicants in accordance with this NOFA, or may add these funds to funds available for future competitions pursuant to section 108(q) of the Act.

B. Maximum Award

The maximum amount of a BEDI award under this competition is $2 million per project. An application in excess of $2 million will be reduced to the extent HUD determines that such a reduction is appropriate and the project remains feasible.

C. Limitations on Grant Amounts

1. HUD expects to approve BEDI grant amounts for approvable applications with a range of ratios of BEDI grant funds awarded to new section 108 loan guarantee commitments for the same project, but the minimum ratio must be $1.00 of section 108 loan guarantee commitments for every $1.00 of BEDI grant funds in order to receive consideration for funding. Section V.A.1, Rating Factor 4 (Leveraging of Resources), provides additional information on the required ratio of BEDI to section 108 funds.

2. After selection, but prior to grant award, if HUD determines that an application can be funded at a lesser BEDI grant amount than requested and still be feasible and consistent with the proposed plan and the purposes of the Act, it reserves the right to reduce the amount of the BEDI award and/or increase the required section 108 loan guarantee commitment.

3. In the event a BEDI grant is awarded and has been reduced below the original request (*e.g.*, the application contained some activities that were ineligible, exceeded the $2 million cap, or there were insufficient funds to fund the last competitive application at the full amount requested), the applicant will be required to modify the project plans and application to conform to the terms of HUD approval before HUD will execute a grant agreement.

4. HUD also may proportionately reduce or deobligate the BEDI award if a grantee does not submit an approvable section 108 loan guarantee application, issue section 108-guaranteed obligations and receive loan guarantee proceeds 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.B.1(e)(2) of this NOFA).

5. In the case of a requested increase in guarantee assistance for a project with a previously approved section 108 loan guarantee commitment (as further discussed in section IV.B.1(e)(4) below), the BEDI assistance approved will be based only on the additional amount of section 108 loan guarantee assistance requested.

III. Eligibility Information

A. 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 that participate in an Urban County program are not independently eligible applicants. For non-entitlement applicants other than those subject to 24 CFR part 570, subpart F (which applies only to the state of Hawaii), applicants are required to provide evidence in the BEDI application from an authorized official of the state agency responsible for administering the State CDBG program stating that it supports the related section 108 loan with a pledge of its CDBG allocations pursuant to the requirements of 24 CFR 570.705(b)(2). Such evidence must be provided by form HUD–40122, titled ''Section 108 Loan Guarantee: State Certifications Related to Nonentitlement Public Entities'' included in section VIII of this NOFA, or which may be obtained by downloading from the Internet at *http://www.grants.gov.* Note that effective January 25, 1995, non-entitlement public entities in the state of Hawaii are 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, with assistance of the state's or commonwealth's pledge of CDBG allocations.

For application submission requirements, *see* section IV.B of this NOFA regarding mandatory submission requirements. *See* also section III.C of this NOFA regarding eligible and ineligible uses of grant funding.

B. Cost Sharing or Matching

As described further in section V.A.1 of this NOFA, under Rating Factor 4 (Leveraging of Resources), applications which evidence a greater level of other funds firmly committed to the BEDI project will receive more points under Rating Factor 4, to the extent consistent with the points available under Rating Factor 4. In addition, a BEDI grant is required to be used with at least an equal amount of section 108 loan guarantee proceeds for the same brownfields economic development project.

C. Other

1. Eligible Activities and National Objectives

a. 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 NOFA and meet the CDBG requirements at 24 CFR 570.200. Applicants 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 threshold requirements found in section III.C.2 of the General Section of the SuperNOFA and the program requirements of this NOFA will not be rated, ranked, or otherwise considered by HUD.

b. 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. All applicants must clearly identify in their narrative statement (as described in section IV.B.1(c) of this NOFA) 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.

c. A grantee's aggregate use of its CDBG funds, including any section 108 loan guarantee proceeds and section 108(q) (BEDI) funds provided pursuant to this NOFA, must comply with the CDBG primary objective requirements as described in section 101(c) of the Act and 24 CFR 570.200(a)(3) for entitlement grantees, or 570.484 in the case of a recipient under a State's program, requiring that, over the period of time specified in the applicant's CDBG certification, not less than 70 percent of the aggregate expenditures of CDBG funds be expended for activities benefiting low- and moderate-income persons under the criteria of 24 CFR 570.208(a) or 570.208(d)(5) or (6).

d. The following examples are offered only to illustrate some of the ways in which BEDI funds may be used to support section 108-guaranteed loans:

(1) *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 that could be used as collateral for other sources of funding and those other sources of financing could then be used to finance environmental remediation or other development costs. In such a

circumstance, the level of BEDI assistance could approximate the difference between the original cost of the site and its remediation in comparison to the market value of the remediated property.

(2) *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 to meet operating expenses and debt service obligations. The BEDI grant could be used by the grantee to either establish a debt service reserve held by a bank in a security account for the benefit of the grantee and HUD to cover interest on the section 108 loan, or as a grant to a business for working capital. In either case, the BEDI funds enhance the economic feasibility of the project.

(3) *Provision of Financing to For-Profit Businesses at a Below Market Interest Rate.* 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, non-profit groups or public entities in severely economically distressed neighborhoods. The BEDI grant can be used to make section 108 financing affordable by serving to ''buy down'' the interest rate up front, or make full or partial interest payments on the section 108 loan. This might increase the financial viability of the businesses or other entities in the early start-up period, which might not otherwise be possible with section 108 alone. This strategy would be particularly useful where a community was undertaking a large commercial or retail project in a brownfields area in order to act as a catalyst for other development in the area.

(4) *Site Remediation Costs.* Local governments may use BEDI funds in any of several ways to address site remediation costs. If the local government proposes to use section 108 funds to acquire real property, BEDI funds could be used to address assessment and site remediation costs as part of eligible demolition, clearance, or site preparation activities. If the local government uses section 108 funds to make a loan to a developer, BEDI funds could be granted or loaned to the developer for the purpose of addressing remediation costs as part of an economic development activity.

(5) *Combination of Techniques.* A combination of the above could be employed to implement a BEDI project successfully. BEDI is governed by Federal regulations applicable to the CDBG program and the section 108 Loan Guarantee program and this NOFA contains many specific references to those regulations. The full text of the CDBG and section 108 Loan Guarantee regulations can be accessed through the HUD Web site at *www.hud.gov/offices/cpd/communitydevelopment/rulesandregs/regulations.*

2. Ineligible Activities

Certain restrictions shall apply to the use of BEDI and section 108 funds, including those ineligible activities listed at 24 CFR 570.207 and those provided for in this NOFA:

a. BEDI grant funds must not be used as a resource immediately to 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 the principal prove to be unavailable.

b. Section 108 loan obligations may not be subordinated, directly or indirectly, to federally tax exempt obligations. Pursuant to Office of Management and Budget (OMB) Circular A–129 (Rev.) Appendix A, sections II.2.c. and d., (Policies for Federal Credit Programs and Non-Tax Receivables), section 108-guaranteed loan funds may not directly or indirectly support federally tax-exempt obligations.

c. 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 own 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. Applicants will be required in the BEDI Narrative Statement described in section IV.B.1(c) of this NOFA to indicate that the proposed BEDI project will not be used to provide assistance as prohibited herein.

d. Applicants may not propose projects on sites which are: (i) Listed or proposed to be listed on EPA's National Priority List (NPL); (ii) subject to unilateral administrative orders, court orders, administrative consent orders or judicial consent decrees issued or entered into by parties under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA); or (iii) subject to the jurisdiction, custody, or control of the United States Government. Applicants will be required in the BEDI Narrative Statement described above in section IV.B.1(c) of this NOFA to indicate that the proposed BEDI project will not be undertaken at an ineligible site as provided herein.

e. 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, unless the applicant requests to deobligate previously approved commitment authority as provided in section IV.B.1(e)(5) of this NOFA. In no event, however, may a previously approved section 108 commitment to be used with a prior BEDI or EDI award be subject to such deobligation. In an instance where a pending application for section 108 assistance is to be leveraged by the proposed BEDI grant, the BEDI 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.

f. A BEDI award will not be made if the section 108 request contained in the application (*see* section IV.B1(e) of this NOFA) calls for the use of the section 108-guaranteed obligation solely as security for other financing on the project.

3. Threshold Requirements

a. Applicants for BEDI grant funds must comply with the statutory, regulatory, threshold, and public policy requirements listed in the General Section of the SuperNOFA, except as otherwise specifically provided in this NOFA. In particular, applicants should carefully review those provisions that could result in the failure to receive funding, including the DUNS Number Requirement at section II.C.2(b) of the General Section of the SuperNOFA, provisions relating to Delinquent Federal Debts (Section II.C.2(e)), and the Name Check Review (section II.C.2(g)).

b. The maximum number of points to be awarded under this NOFA is 104. To be eligible for funding, a BEDI application must obtain a total score of at least 75 points. All applications meeting threshold requirements and BEDI program requirements will be rated under the selection criteria provided in section V.A.1 below.

4. Program Requirements

a. *BEDI Funding Request.* A single BEDI application must contain a request for funds for a single BEDI/108 project. An applicant may submit an additional application for each additional unrelated BEDI/108 project, but in no event will HUD rate and rank more than one BEDI project per application.

b. *Related Section 108 Loan Guarantee Request.* Each BEDI

application must be accompanied by a request for new section 108 loan guarantee assistance as described in section IV.B.1(e) of this NOFA. The request for section 108 Loan Guarantee assistance must provide for a minimum ratio of $1.00 of requested section 108 loan guarantee commitments for every $1.00 of BEDI grant funds requested, or a higher ratio, as needed for the project.

c. *CDBG National Objectives and Eligible Activities.* Each BEDI application must include citations to the specific regulatory subsections supporting eligibility of activities and compliance with National Objectives (*see* section III.C.1 of this NOFA).

d. *Nonentitlement Applications.* Applications submitted by nonentitlement public entities must provide for the state or commonwealth's certification agreeing to pledge its CDBG allocations to receive funding consideration, as evidenced by form HUD–40122, available in section VIII of this NOFA.

e. *Narrative Response to Rating Factors.* Each BEDI application must provide narrative statements in response to each of the rating factors below in section V.A.1 of this NOFA.

f. *Time Frame for Submission of Section 108 Applications.* All applications for Section 108 Loan Guarantee Assistance required for approved BEDI projects must be submitted within 60 days of written notice of BEDI selection, as provided for in section IV.B.1(e)(2) of this NOFA.

g. *HUD Environmental Requirements.* Beginning with the submission of a BEDI application through 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. This includes limitations on the commitment of HUD and non-HUD funds by the BEDI grantee and section 108 public entity, as well as other participants in the development process, 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 non-entitlement 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.

h. *Compliance with Environmental and Other Laws.* 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 and regulations, 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 applicable law, including voluntary clean up programs.

i. *CDBG Program Regulations.* In addition to 24 CFR 570.701 (Definitions), 570.702 (Eligible applicants), and 570.703 (Eligible activities), the CDBG regulatory requirements cited in 24 CFR 570.707, including subparts J (Grant Administration), K (Other Program Requirements), and O (Performance Reviews), also govern the use of BEDI funds, as applicable.

j. *Obligation to Affirmatively Further Fair Housing.* All BEDI grantees are obliged to affirmatively further fair housing, even when the proposed activities do not appear to be directly related to housing. Therefore, applicants that propose to use BEDI funds must include in their applications an explanation of how they propose to further fair housing opportunities for persons on the basis of race, color, national origin, sex, religion, familial status, or disability. Applicants should respond to this requirement in section V.A.1, of this NOFA, under Rating Factor 3, subfactor (1)(c). Affirmative activities include, but are not limited to: initial and periodic assessments of the extent to which affordable and accessible housing opportunities are provided or denied to persons by race, color, national origin, sex, religion, familial status, or disability; outreach to persons in underserved population groups or advocacy organizations representing such persons; affirmative fair marketing of job or housing opportunities; furthering housing choice; addressing environmental justice concerns; or ensuring that employment, housing and other benefits of the BEDI grant are made available to those individuals and families living at or near the brownfields site prior to its redevelopment.

k. *Policy Priorities.* Applicants are reminded of the Department's Policy Priorities for FY2004 found in section V.B.2 General Section of the SuperNOFA, several of which apply to this NOFA, as described in section V.A.1 below, under Rating Factor 5 (Achieving Results and Program Evaluation).

IV. Application and Submission Information

A. Addresses to Request Application Package

1. *For All Applicants.* All information and forms necessary to complete and submit a valid application are contained in the General Section and this NOFA, and the appendices to the General Section and this NOFA. Copies of the NOFA and forms are also available on the Internet through the Web site *http://www.grants.gov.*

2. *Further Information.* Applicants may request general information and copies of the General Section and Program NOFAs of the SuperNOFA from the SuperNOFA Information Center (800–HUD–8929 or 800–HUD–2209 (TTY)) between the hours of 9 a.m. and 8 p.m. (eastern time) Monday through Friday, except on federal holidays. When requesting information, please refer to the name of the program that is of interest. Those requesting information should be sure to provide their name, address (including zip code), and telephone number (including area code). To ensure sufficient time to prepare an application, requests for copies of this SuperNOFA can be made immediately following publication of the SuperNOFA. The SuperNOFA Information Center opens for business simultaneously with the publication of the SuperNOFA. Application and other information on the SuperNOFA can also be obtained and downloaded through the Web site *www.grants.gov.*

3. *Satellite Broadcasts.* HUD will hold informational broadcasts via satellite for potential applicants to learn more about the BEDI program and the preparation of BEDI application(s). For more information about the date and time of the broadcast, consult the Web site *http://www.hud.gov.*

B. Content and Form of Application Submission

1. Content of Application

A complete application for a BEDI grant under this NOFA must contain the following items listed below to be complete. The standard forms, certifications, and assurances, which are required for the BEDI application (and listed in section IV.B.2 below) can be found in the General Section of the SuperNOFA. 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 section VIII of this NOFA.

a. *Transmittal Letter* signed by the authorized representative of the eligible

applicant indicating that it is submitting the application for funding under the Brownfields Economic Development Initiative Program and is requesting funding consideration for a BEDI project.

b. *Checklist and Submission Table of Contents* indicating the page numbers where the submission items can be found in the application (form HUD–40076–A EDI/BEDI).

c. *BEDI Narrative Statement* (not to exceed three double-spaced, 8½ × 11 inch pages, with one inch margins, combined) describing BEDI-funded eligible activities within the proposed project and indicating that funding will not be used for a prohibited purpose and that the proposed site for the project as described in paragraph (3) below, is not ineligible under the BEDI program. The BEDI narrative statement should:

(1) Describe the activities that will be carried out with the BEDI grant funds, and explain the nature and extent of the brownfields problem(s) actually or potentially affecting the site and/or structure(s) already on the site;

(2) Describe how the proposed uses of BEDI funds will qualify as eligible activities under 24 CFR 570.703 and meet the National Objectives under 24 CFR 570.208 of the CDBG program. In describing how the proposed uses will meet the National Objectives of the CDBG program and the activity eligibility requirements of the section 108 program, *applications must also include citations to the specific regulatory subsections supporting eligibility of activities and compliance with National Objectives.* (See Section III.C.1 of this NOFA) and;

(3) Indicate that:

(a) the proposed assistance will not be used to provide funding to parties to remediate conditions caused by their own actions for which they have been determined to be legally responsible, as specified in section III.C.2(c) of this NOFA; and

(b) that the proposed brownfields site is not ineligible as provided in Section III.C.2(d) of this NOFA.

d. *EDI/BEDI/Section 108 Funding Eligibility Statement.* A completed EDI/BEDI section 108 Funding Eligibility Statement (form HUD–40076–E EDI/BEDI).

e. *Request for Loan Guarantee Assistance.* A request for loan guarantee assistance under Section 108, as further described below. Full application requirements for the section 108 program are found at 24 CFR 570.704. Nonentitlement applicants must accompany this request with the State Certifications Related to Nonentitlement Public Entities (form HUD–40122) in order to be considered for BEDI funding.

The request for loan guarantee assistance may take any of the five forms defined in paragraphs (1), (2), (3), (4) or (5) below. Notwithstanding the form of the request for new section 108 loan guarantee assistance, the applicant must include citations to the specific regulatory subsection supporting activity eligibility and National Objectives compliance for the section 108 funds described in the application. (*See* section III.C.1 of this NOFA.) Both the BEDI and section 108 funds must be used in conjunction with the same BEDI project. The request for new section 108 guarantee assistance may be presented through a:

(1) Concurrent Application. A complete application for new section 108 loan guarantee(s), including the documents listed at 24 CFR 570.704(b). Any full application must also be submitted to the appropriate HUD field office concurrently with its submission to Headquarters. As described further in section V.A.1, in Rating Factor 3 (Soundness of Approach), two points will be awarded for the submission of a full section 108 loan guarantee application with a BEDI application.

(2) Subsequent Application. A brief description (not to exceed three pages) of the project to be applied for in a subsequent new section 108 loan guarantee application(s). Such a 108 application(s) shall be submitted within 60 days of written notice of BEDI 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. BEDI awards will be conditioned on approval of actual section 108 loan commitments and loan guarantee proceeds in a specific ratio of BEDI funds to section 108 funds as approved by HUD in the BEDI award. The description provided in the BEDI application must be sufficient to support the basic eligibility of the proposed project and activities for section 108 assistance. (*See* section III.C.1 of this NOFA.)

(3) Pending, Unapproved Application. 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.

(4) Increase to a Project Assisted Under a Previously Approved Application. A request for section 108 loan guarantee assistance (analogous to section IV.B.1(e)(1) or (2) above of this section) that proposes to increase the amount of section 108 assistance for a project assisted under a previously approved section 108 application. However, any amount of section 108 loan guarantee authority approved before HUD's announcement of a BEDI grant for the same project is not eligible to be used in conjunction with a BEDI grant under this NOFA.

(5) Deobligation of Previously Approved section 108 Authority. A request to deobligate a previous commitment of section 108 loan guarantee authority to the applicant that is no longer to be used by the applicant (except for an amount required as a condition of a previously approved BEDI or EDI award), combined with a new request or application for section 108 loan guarantee assistance. Such request or application may either be a full application as provided for in paragraph (1) above or a request for 108 assistance submitted within 60 days as provided for in paragraph (2) above.

(6) In no event may a section 108 loan guarantee amount that is required to be used in conjunction with a previously approved BEDI or EDI grant award as of the date of the submission of the application, whether or not the section 108 loan guarantee has been approved as of the date of this SuperNOFA, be used in conjunction with a new 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 a BEDI grant of $1 million and had agreed to submit a section 108 loan application for $10 million in support of that BEDI grant, the public entity's application under this NOFA must propose to increase the amount of its total section 108 loan guarantee commitments beyond those amounts to which it has previously agreed. (*i.e.*, the $12 million or $10 million section 108 loan guarantee commitments in this example).

f. *Narrative Responses to Factors for Award* (not to exceed 15 double-spaced, 8½ × 11 inch pages, with one inch margins, combined):

(1) Rating Factor 1: Capacity and Relevant Organizational Experience. Provide a narrative indicating the capacity of the applicant's organization and staff and any known third parties to perform the work for which it is 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 the statement of need, accompanied by a completed form HUD–40076–B EDI/BEDI.

(3) Rating Factor 3: Soundness of Approach. Include the activities, budget and time frame for conducting activities and providing project benefits in the narrative response, accompanied by Form HUD–40076–C EDI/BEDI.

(4) Rating Factor 4: Leveraging Resources. The response must include a completed copy of Form HUD–40076–D EDI/BEDI, ''Rating Factor 4: Leveraging Resources—Sources and Uses Statement,'' accompanied by any letters of firm commitment as defined in Section I.C of this NOFA.

(5) Rating Factor 5: Achieving Results and Program Evaluation: Provide a narrative response to this factor, accompanied by the logic model provided in the General Section of the SuperNOFA (form HUD–96010).

2. Forms, Certifications, and Assurances

a. In addition to any forms that have been submitted in response to Section IV.B.1 above (which may be found in Section VIII of this NOFA), the following forms and certifications must also be submitted in accordance with the General Section of the SuperNOFA and may be found in the General Section of the SuperNOFA:

(1) Application for Federal Assistance (SF–424);

(2) Applicant Assurances and Certifications (HUD–424–B);

(3) Applicant/Recipient Disclosure/Update Report, HUD–2880; and, if applicable,

(4) Certification of Consistency With EZ/EC Strategic Plan, HUD–2990.

If an applicant wishes to receive an acknowledgment of HUD's receipt of its application it should submit a completed Acknowledgment of Receipt of Application form (HUD–2993).

BILLING CODE 4210–32–P

Brownfields Economic Development Initiative
Forms, Certifications, and Assurances

What to submit	Required Content	Required Form or Format	When to submit it
Application			The application due date shall be on or before 12:00 midnight Eastern Time, on July 15, 2004. See the General Section of the SuperNOFA for details regarding submission requirements.
Transmittal Letter	Described in Section 1V.B.1(a) of this NOFA.	Described in Section 1V.B.1(a) of this NOFA.	
Checklist and Submission Table of Contents	Described in Section 1V.B.1(b) of this NOFA.	Form HUD-40076-A EDI/BEDI, available in Section VIII (Appendix A) of this NOFA.	
BEDI Narrative Statement	Described in Section IV.B.1(c) of this NOFA.	Described in Section IV.B.1(c) of this NOFA.	
EDI/BEDI/Section 108 Funding Eligibility Statement.	Described in Section IV.B.1(d) of this NOFA.	Form HUD-40076-E EDI/BEDI, available in Section VIII (Appendix A) of this NOFA.	
Request for Loan Guarantee Assistance	Described in Section IV.B.1(e) of this NOFA.	Described in Section IV.B.1(e) of this NOFA. Nonentitlement applicants must also submit form HUD-40122, available in Section VIII (Appendix A) of this NOFA.	
Narrative Responses to Factors for Award	Described in Section IV.B.1(f) of this NOFA.	Described in Section V.A.1 of this announcement and accompanied by Forms HUD-40076-B, C and D EDI/BEDI, available in Section VIII (Appendix A) of this NOFA; and form HUD 96010, available in the General Section of the SuperNOFA.	
Standard Forms, Certifications and Assurances	Described in Section IV.B.2 of this NOFA.	Forms SF-424, HUD 424-B, and HUD-2880; also HUD-2990, if applicable. All above forms are available in the General Section of the SuperNOFA	
Acknowledgment of Receipt of Application form (Optional)	Described in Section IV.B.2 of this NOFA.	Form HUD-2993 is available in the General Section of the SuperNOFA	

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In addition, within 30 days after the due date for this NOFA applicants are invited, on a voluntary basis, to submit duplicate applications via the use of *http://www.grants.gov.* For FY2004 BEDI applications, use of *http://www.grants.gov/apply* is strictly voluntary and intended to help HUD test the system to ensure that future applications can be received at HUD without problems and also to help applicants become familiar with the use of the system. It is HUD's intent to move to electronic submissions in FY2005 and beyond. Applicants can help HUD in its planning by voluntarily submitting applications electronically within 30 days after the submission of paper copies of the application by the due date and time per the mailing instructions in this NOFA and the General Section of the SuperNOFA.

C. Submission Dates and Times

1. Application Due Date

Please submit your completed applications (one original and three copies) on or before July 15, 2004, to the addresses shown below. Applications must be postmarked on or before midnight eastern time of July 15, 2004, and be received within 15 days of such date in order to be considered.

2. Proof of Timely Submission

Please *see* the General Section of the SuperNOFA for information regarding proof of timely submission.

D. Intergovernmental Review

BEDI is not subject to the provisions of Executive Order 12372, ''Intergovernmental Review of Federal Programs.''

E. Funding Restrictions

BEDI grant funds and Section 108 loan guarantee funds may be used only for activities listed at 24 CFR 570.703, provided such activities are carried out as part of a BEDI project as described in this NOFA and meet the CDBG requirements at 24 CFR 570.200, 570.207, 570.208 and 570.209.

F. Other Submission Requirements

1. Address for Submitting Applications

a. *Applications to HUD Headquarters.* Submit the completed application (an original and two copies) by mail or permitted delivery service to: HUD Headquarters; Robert C. Weaver Federal Building; 451 Seventh Street, SW., Room 7251; Washington, DC 20410, Attention: BEDI.

When submitting the application, please specify BEDI on any label or mailing container, and include the applicant's name, mailing address (including ZIP code), street address (if different from mailing address), and ZIP code, and voice and facsimile telephone numbers (including area code), along with the contact person's name, and voice and facsimile telephone numbers (including area code), and email address, if available.

b. *Applications to HUD Field Offices.* At the same time the application and copies are submitted to HUD Headquarters, an additional copy should be submitted to the Community Planning and Development Division of the appropriate HUD field office for the applicant's jurisdiction. HUD strongly suggests that applications submitted to HUD field offices be mailed via the United States Postal Service, as access by other delivery services cannot be guaranteed.

2. Application Submission Procedures

See the General Section of the SuperNOFA for specific procedures governing the submission and receipt of applications.

V. Application Review Information

A. Criteria

1. Factors for Award Used To Evaluate and Rate Applications

a. Response to Factors for Award. The applicant must provide in narrative form responses to each of the rating factors below. HUD will evaluate all applications for funding assistance based on the following factors, the responses to which demonstrate the quality of the proposed project or activities, and the applicant's capacity and commitment to use the BEDI funds in accordance with the purposes of the Act.

b. Responses to Rating Factors 1–5. Responses to Rating Factors 1–5 below shall not exceed 15 double-spaced, 8½ × 11 inch pages, with one-inch margins, combined.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 Points Maximum)

This Factor addresses the extent to which the applicant has 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'' will include any subcontractors, consultants, and sub-recipients that are firmly committed (*see* definition in section I.C above) to participate in the activities described in the application. In responding to subfactors (1) and (2) of this Factor, applications that merely summarize the amount of funds received, spent, or managed will receive fewer points than those providing specific measurable information on program activities undertaken, outcomes of these activities and their accomplishments. In rating this Factor, HUD will consider the following:

(1) Applicant Capacity (Up to 10 points). The applicant should demonstrate that it has the organization, the staff, and the financial resources in place to implement the specific steps required to successfully carry out its proposed BEDI/Section 108 project. The applicant should offer evidence of this capacity through a description that includes:

(a) Performance in the administration of its CDBG, HOME, or other HUD programs, including a description of successfully completed projects and other outcomes or accomplishments under these programs. In addition to citing specific projects, outcomes, or accomplishments, CDBG entitlement recipients must also indicate the extent to which the applicant has met the HUD standard that the total amount of its undisbursed entitlement grant funds may not be more than 1.5 times the entitlement grant amount for the current program year (*see* 24 CFR 570.902(a)(1)(i)).

(b) Performance, if any, in carrying out economic development projects similar to that proposed, including brownfields economic development or redevelopment projects, if any, and if applicable, the ability to conduct prudent underwriting;

(c) If applicable because the applicant has such designation, the capacity to achieve state and local commitments identified in its local implementation plan, including maximizing the federal tax benefits made available as a result of a federal Renewal Community/Empowerment Zone/Enterprise Community designation (including Enhanced Enterprise Community (EEC) designation). Applicants that have been designated as a Renewal Community (RC), Empowerment Zone (EZ), or Enterprise Community (EC/EEC) must respond to this subfactor even if the proposed brownfields economic development project is not to be located within the boundaries of the designated RC/EZ/EC; and

(d) An applicant that has previously received a BEDI or a competitive EDI grant award or, within the past five years, a section 108-guaranteed loan commitment, must describe the status of the implementation of those project(s) assisted with any BEDI or competitive EDI funds or with any section 108-guaranteed loan funds so approved

within the last five years. An applicant must address any delays that have been encountered and the actions it is taking to overcome any such delays in carrying out the project(s) in a timely manner. For any such previously funded BEDI or competitive EDI grant projects, or for those section 108-guaranteed loan projects committed within the past five years, HUD will award more rating points for applications providing evidence of achievement of specific measurable outcomes in carrying out approved activities funded with such guaranteed loan or grant funds.

If any of the rating criteria listed under (a) through (d) above do not apply to an application, the rating for this subfactor (1) shall be based solely upon the other applicable criteria.

(2) Partner Capacity (Up to 10 points). In response to this subfactor (2), the applicant should describe the experience and performance of subrecipients, private developers and other businesses, nonprofit organizations (including grassroots faith-based and other community-based organizations), and other entities, if any, that have a role in implementing the proposed BEDI/108 program. Applicants are encouraged to identify specific economic development or other projects undertaken by each entity, which reflect the capacity of each entity to fulfill its responsibilities under the proposed brownfields economic development project, including the location, scale, and timeframe for completion of other relevant projects. If there are no third parties participating with the applicant in the proposed project, the 10 points available under this subfactor (2) will be added to the 10 points available under subfactor (1), with a maximum of 20 possible points then available under subfactor (1).

Experience will be judged in terms of recent (*i.e.*, within the past 5 years) and successful performance of activities relevant to those proposed in the BEDI application. The more recent and extensive the experience, the greater the number of points that will be awarded for this Factor.

In addition to the application, HUD also may rely on information at hand or available from public sources such as newspapers, from performance and/or monitoring reports, Inspector General or Government Accounting Office reports or findings, hotline complaints that have been proven to have merit, audit reports, and other reliable public information in rating this Factor.

Rating Factor 2: Distress/Extent of the Problem (15 Points Maximum)

This Factor addresses the extent to which there is need for funding the proposed activities based on levels of distress in both the jurisdiction of the public entity that is the applicant *and* the geographic or target area that will benefit from the project. Applications will be evaluated on the extent to which the level of distress for the target area is documented and compared with national data and data for the jurisdiction.

(1) In applying this Factor, HUD will consider current levels of distress in the target area, as defined in standard geographic terms by the applicant. This may be Census Tract(s) or Block Groups immediately surrounding the project site up to a radius of one-half mile, or it may be the target area to be served by the proposed project. HUD will also consider the current levels of distress in the applicant public entity's jurisdiction, if different from the target area. The applicant should describe the nature of the distress that the project is designed to address and the rationale for its definition of the area to be benefited. Examples of project beneficiaries may include: (a) Those receiving or using products or services produced by the project, and (b) those employed by the project.

To the extent that the applicant's Consolidated Plan, its Analysis of Impediments to Fair Housing choice (AI), and/or its Anti-Poverty Strategy found therein identify the level of distress in the jurisdiction and the target area in which the project is to be carried out, references to such documents should be included in preparing the response to this Factor. Applications that fail to reference these sources will receive fewer points under this Factor.

Notwithstanding the above, an applicant proposing a project to be located outside the target area for which benefit is claimed could still receive points under this Factor if a clear rationale is provided linking the proposed project location and the benefits to be derived by persons living in the target area.

(2) Applicants should provide data that address the following specific indicators of distress:

(a) Poverty Rate (Up to 5 points). Data should be provided in both absolute and percentage form (*i.e.*, whole numbers and percents) for both the target area and the applicant's jurisdiction as a whole; an application that compares the local poverty rate in the following manner to the national average at the time of submission will receive points under this section as follows:

(i) Less than the national average, but with a poverty rate in the target area that is greater than the applicant's jurisdiction: 2 points;

(ii) At least equal to, but less than twice, the national average: 3 points;

(iii) Twice or more the national average: 5 points.

(b) Unemployment Rate (Up to 5 points). An application that compares the local unemployment rate for the applicant's jurisdiction and the target area in the following manner to the national average at the time of submission will receive points under this Section as follows:

(i) Less than the national average, but with an unemployment rate in the target area that is greater than the applicant's jurisdiction: 2 points;

(ii) At least equal to, but less than twice, the national average: 3 points;

(iii) Twice or more the national average: 5 points.

(c) Other Indicators of Social and/or Economic Decline (Up to 5 points). Applicants should provide other indicators of social or economic decline that best capture the applicant's local situation. Examples that could be provided under this section include information demonstrating the target area and the jurisdiction's stagnant or falling tax base, including recent (within the last three years) commercial or industrial closings, downturns or layoffs; housing conditions, such as the number and percentage of substandard and/or overcrowded units; rent burden (defined as average housing cost divided by average income) for both the target area and jurisdiction; local crime statistics. The response to this subfactor (c) should paint a picture of the extent of need and distress in the target area and jurisdiction.

HUD requires use of sound and reliable data (*e.g.*, U.S. Census data, state statistical reports, university studies/reports that are verifiable) to support distress levels cited in each application. A source for all information along with the publication or origination date must also be provided. Updated Census data are available as follows for the listed indicators:

Unemployment rate: Unemployment rates are estimated monthly for counties, with a two-month lag, while census tract unemployment rates are available through the 2000 U.S. Census;

Poverty rate: Poverty rates are provided through the 2000 U.S. Census and are estimated every two years, with a three-year lag. Census and other relevant data can be accessed through *http://www.ffiec.gov.* In rating

applications under this Factor, HUD reserves the right to consider sources of available objective data other than, or in addition to, those provided by applicants, in order to compare such data to those provided by applicants.

Rating Factor 3: Soundness of Approach (35 Points Maximum)

This Factor addresses the quality and cost-effectiveness of the proposed plan for the brownfields economic development project. Applications that do not propose the productive reuse of a specific, identified site or sites and that do not result in near-term, measurable economic benefits, such as projects that involve only the preparation of a site for potential future reuse by an unidentified party, or the capitalization of a loan pool for loans to unidentified borrowers, will receive fewer points under this Factor. The relationship between the proposed site or sites, the proposed eligible activities and the community needs and purposes of the program funding must be clearly described, as set forth below, in order to receive points for this Factor. In rating this Factor, HUD will consider the following:

(1) Consistency/Appropriateness of Proposed Activities with Identified Needs (Up to 8 points). The applicant should address:

(a) The extent to which the proposed plan for use of BEDI grant/section 108-guaranteed loan funds will address the needs described in Rating Factor 2 above, regarding the distress and extent of the problem in the target area or area to be benefited and the long-term benefit for current residents of the target area. The applicant should provide a clear and quantified explanation of this relationship.

(b) How the project will achieve one of the National Objectives under the Community Development Block Grant program (*see* 24 CFR 570.208) and the eligible activities that will be carried out under 24 CFR 570.703, including citations to the specific regulatory subsections supporting eligibility of activities and compliance with National Objectives; and

(c) Any unmet needs identified in the jurisdiction's Consolidated Plan and pursuant to section III.C.4(j) of this NOFA, any impediments to fair housing identified in the jurisdiction's Analysis of Impediments to Fair Housing Choice, that will be directly addressed by the proposed project. In order to receive full points under this subfactor, applicants must address the unmet needs addressed in both its Consolidated Plan and in the Analysis of Impediments to Fair Housing Choice. *See* section III.C.4(j) of this NOFA for examples of general affirmative fair housing actions that may be undertaken to address a jurisdiction's Analysis of Impediments to Fair Housing Choice.

(2) Project Readiness (Up to 15 points). In responding to this subfactor (2), the applicant should demonstrate the extent to which the redevelopment plan for the brownfields site is logical, feasible, and likely to achieve its stated purpose and the extent to which the project will directly result in the productive reuse of the site and the delivery of near-term, measurable economic benefits. The applicant's response should demonstrate the extent to which the project is likely to be completed within a maximum of five years from the date of the BEDI award and will produce near-term, measurable economic benefits. Points for this subfactor will be awarded based upon the extent to which the following critical benchmarks for the redevelopment plan have been met or are approaching completion. The applicant's response to this subfactor should address:

(a) Environmental Investigation. This subfactor (a) will consider the extent to which the presence or potential presence of environmental contamination of the project site is known or understood. Proposed projects on sites where the nature and degree of environmental contamination is not well-quantified, where no environmental investigation has commenced, or that are the subject of on-going litigation or environmental enforcement actions will receive fewer points under this subfactor (a). Similarly, fewer points will be awarded to proposed projects at sites with exceptionally expensive contamination problems that may be beyond the scope of the BEDI and section 108 programs' financial resources or other resources firmly committed to the project as described in the application, and sites subject to pending and current litigation that may not be available for remediation and development or redevelopment in a time frame that will produce near-term and measurable economic benefits through the use of BEDI and section 108 funds. Alternatively, any applicant indicating the completion of environmental assessment or review and the issuance of HUD approval for a Request for Release of Funds for the project under 24 CFR part 58 will receive more points under this subfactor.

(b) Site Control. This subfactor (b) will consider the extent to which control of the proposed project site has been secured or is being sought. Points for this subfactor (b) will be awarded based upon the degree of site control secured by the applicant or its development partner. Projects, for instance, in which negotiation or litigation related to site control are underway or continuing will receive fewer points than projects in which an option to purchase has been secured. Projects in which the applicant or its development partner has secured site control through acquisition, eminent domain or other means at the time of application will receive full points under this subfactor (b). In responding to this subfactor (b), applicants are encouraged to accompany their narrative response with a map indicating the boundaries of the proposed site or sites on which BEDI-assisted improvements are proposed. Any map included by the applicant will not be counted in the fifteen page limitation on the narrative response to the Rating Factors as provided in section V.A.1(b) of this NOFA.

(c) Legislative, Regulatory, and Other Approvals. This subfactor (c) will consider the extent to which any required local legislative approvals, regulatory permits, zoning classifications, environmental regulatory approvals, waivers, general, and special use permits, assessment district designations, public easements or rights-of-way, or other similar approvals have been secured or are being sought. The greater the number of outstanding legislative, regulatory, or other approvals required and not yet secured, the fewer points will be awarded. In the case of a CDBG entitlement unit of general local government, such as a county, proposing to undertake a BEDI project within the jurisdiction of another CDBG entitlement unit of general local government, such as a city or other jurisdiction within that county, the applicant should also include a letter of support from the jurisdiction in which the BEDI project would be located.

(d) User Agreements. This subfactor (d) will consider the extent to which any development agreements, tenant leases, memoranda of understanding, or other agreements integral to returning the site to productive reuse and producing near-term measurable economic benefits, have been secured or are being sought. Applicants proposing projects that do not provide for new investment by an identified, committed private entity and the return of a brownfields site to productive reuse, with accompanying near-term, measurable economic benefits, will receive fewer points under this subfactor (d).

(e) Delivery of Economic Benefits. The response to this subfactor (e) must include the time frame in which the measurable economic benefits are to be delivered. For multi-phase projects, the response to this subfactor (e) must clearly delineate the different phases of the project and indicate whether or not they are to be funded by BEDI/section 108 funds. Brownfields economic development projects that provide near-term, measurable economic benefits directly through the creation or retention of jobs will receive a greater number of points under this subfactor (e). In response to this subfactor (2), the applicant should also provide a specific time schedule (with both beginning and end dates) for carrying out the project and identify all interim measurable benchmarks (acquisition, demolition, site improvements, relocation, construction, etc.) to be accomplished. The applicant should also include a proposed schedule for drawing down all funds necessary to complete the project, including BEDI and section 108 funds.

A timeline form is provided in Appendix A to this NOFA for the purpose of illustrating the project schedule (form HUD–40076–C EDI/BEDI), but HUD will consider the timeline form only as an illustration of the narrative response to this subfactor (e).

(3) Section 108 Application (Up to 2 points). BEDI applications accompanied by a request for new section 108 Loan Guarantee assistance as evidenced by a full *and* complete section 108 application will receive up to two points for this subfactor (3). BEDI applications accompanied by a copy of a currently pending but unapproved section 108 loan guarantee application for the same project described in the BEDI application will also receive up to two points under this subfactor (3).

(4) Financial Feasibility/Need (Up to 10 points). The applicant should demonstrate the economic necessity of the proposed BEDI and section 108 funds and the extent to which the project is not financially feasible in the absence of such funds. In responding to this subfactor (4), applicants are encouraged to accompany their narrative response, as appropriate, with a development and operating ''*pro forma*'' or similar analysis of the proposed project financing. Such *pro forma* or other financial analysis will not be counted in the fifteen page limitation on the narrative response to the Rating Factors as provided in section V.A.1(b) of this NOFA. In the narrative response, applicants must clearly address the question of why the BEDI funds are critical to the success of this project by providing the following items:

(a) Use of BEDI and section 108 Funds to Fill Financing Gaps. The applicant must provide an economic rationale that demonstrates how the use of the BEDI and section 108 funds will directly impact the financial feasibility of the proposed project. The response should discuss the critical gaps that exist in financing the proposed project, why those gaps exist and how the BEDI and section 108 funds will be used to fill those gaps. The narrative response, including any *pro forma* or similar analysis, should demonstrate how the proposed BEDI and section 108 financing will yield economic benefits critical to the success of the project, including, for example, increased rates of return or debt coverage ratios, reduced rents or other similar financial outcomes necessary to attract private investment.

(b) Project Costs and Financial Requirements. A funding sources and uses statement must also be provided that specifies the source of funds for each identified use or activity, along with the derivation of project costs.

Rating Factor 4: Leveraging Resources (15 Points Maximum)

In evaluating this Factor, HUD will consider the extent to which the response demonstrates the likelihood that the project will leverage both section 108 loan and other public or private funds as part of the total project resources. Points for this Factor will be awarded in two parts, for the following:

(1) Leverage of section 108 funds (Up to 8 points). The minimum ratio of section 108 funds to BEDI funds in any project may not be less than 1:1. Points will be awarded based upon the extent to which the proposed project leverages an amount of section 108 funds greater than a 1:1 ratio. If the application has a ratio of 1:1, it will not receive any points under this subfactor. The higher the ratio of additional new section 108 funds to BEDI funds proposed in an application, the more points it will receive under this subfactor, within the points available hereunder. (See Sections III.C.3(b) and Section VI.B.1(a) of this NOFA. regarding the conditioning of BEDI awards on achievement of a specific BEDI/section 108 leveraging ratio.)

(2) Leverage of Other Financial Resources (Up to 7 points). HUD will evaluate the extent to which other funds (public or private) are leveraged by BEDI grant funds, and the extent to which such other funds are firmly committed to the project. This could include the use of CDBG funds, other federal or state grants or loans, local general funds, project equity or commercial financing provided by private sources or funds from nonprofits or other sources. In order to receive points for other public and privately committed funds under this subfactor (2):

(a) Applicants must provide evidence that such funds are ''firmly committed'' as defined in section I.C. of this NOFA.

(b) Each agreement or letter of commitment must include the name of the organization making the commitment, the proposed total level of commitment, and the responsibilities of the organization as they relate to the proposed BEDI project.

(c) Each commitment—including the donation or purchase of real property or the provision of in-kind services—must be assigned a monetary value by the party making the commitment, accompanied by an indication of the basis for that assigned value.

(d) The commitment must be signed by an official of the organization legally authorized to make commitments on behalf of the organization, with a statement confirming that authority, and remain in effect for a period stated in the commitment.

(e) If a commitment is to be self-financed, such as a commitment by a private developer to provide a specified amount of equity investment in the project, the party making that commitment must evidence its financial capacity through the submission of a corporate or personal financial statement or other appropriate means in order to receive points under this subfactor (2).

(f) For Applicants Committing CDBG Funds: In order for an applicant's commitment of CDBG funds to be accepted by HUD as additional financing for a BEDI project, a resolution from the local governing body (*e.g.*, city/borough council) authorizing the amount and permitted uses of the funds must be provided.

All such funds may also be committed subject to completion of a satisfactory environmental review required under 24 CFR part 58 for the project for purposes of this section.

Rating Factor 5: Achieving Results and Program Evaluation (15 Points Maximum)

This Factor emphasizes HUD's commitment to ensuring that applicants maintain commitments made in their application and assess their performance to ensure that performance goals are met. This Factor also evaluates the extent to which the results of the proposed BEDI project address the policy priorities of the Department. In

addition to a narrative response, applicants must complete the logic model provided in the General Section of the SuperNOFA (form HUD–96010) in order to receive points under this Factor.

(1) Performance Measurement Plan (Up to 12 points). HUD requires applicants to develop an effective, quantifiable, outcome oriented performance measurement plan for measuring performance and determining that BEDI project goals have been met. The applicant's response to this subfactor (1) should identify: (a) Each of the specific project outcomes for the proposed BEDI project, *i.e.*, the near-term, measurable economic benefits to be achieved; (b) all interim benchmarks of the project and the associated time frames for meeting each interim benchmark; and (c) the performance indicators selected by the applicant to measure its achievement of the identified interim benchmarks and project outcomes. The performance indicators selected by the applicant should be objectively quantifiable and measure actual achievements against anticipated results. The response to this subfactor (1) should identify what will be measured, how it will be measured, and the procedures or plans that are in place to make adjustments to the project redevelopment plan if performance targets are not met within established time frames.

In response to this subfactor (1), applicants should address any of the following applicable outcomes or ultimate goals identified by HUD for BEDI projects: the number of jobs to be created or retained; the amount of increased wages resulting from the creation or retention of jobs; the number of housing units to be constructed or rehabilitated; the total square feet of commercial and industrial space to be created; the total number of low- and moderate-income persons to benefit from the project; the total number of businesses assisted by the project; the number of acres of brownfields returned to productive economic use; and the amount of any increased land value that results from the BEDI project. Applicants may also propose additional quantifiable outcomes or goals related to other benefits expected for the neighborhood or for persons assisted, as part of the evaluation plan.

(2) Policy Priorities (Up to 3 points). The applicant's response to this subfactor (2) should address how the project will address the following policy priorities of the Department, as further detailed in section V.B.2 of the General Section of the SuperNOFA. The number of points to be awarded for each applicable policy priority addressed by the proposed BEDI project is indicated below:

(a) For BEDI projects that propose only housing activities:

(i) The extent to which the project will increase affordable housing and homeownership opportunities for low- and moderate-income persons, the disabled, the elderly, minorities, and families where English may be the second language, whether through the provision of housing or employment which will enable residents to access affordable housing and have a choice of such housing in environmentally healthy and revitalized neighborhoods (1 point); and

(ii) The extent to which the project will assist in breaking down regulatory barriers that impede the availability of affordable housing (up to 2 points).

(b) For all other BEDI projects:

(i) The extent to which the proposed project will improve the quality of life in the nation's communities, by bringing private capital to distressed communities (1 point);

(ii) The extent to which the proposed project will finance business investments that will grow new businesses or maintain and expand existing businesses (1 point); and

(iii) The extent to which the proposed project will create decent jobs for low-income persons (1 point).

Bonus Points

An application may receive up to four bonus points, until the maximum of four points are achieved. Two bonus points may be awarded for each of the following:

(1) Projects that are located either in federally designated Empowerment Zones, Enterprise, or Renewal Communities (*see* the General Section of the SuperNOFA for advice on locating a list of designated communities);

(2) Projects that are located in Brownfields Showcase Communities designated by EPA. A list of the federally designated Brownfields Showcase Communities is listed in Appendix B of section VIII of this NOFA and is also available from the SuperNOFA Information Center or through the HUD Web site, *http://www.hud.gov.*

B. Reviews and Selection Process

1. *Reviews and Selection Process.* All applications meeting BEDI program and threshold requirements will be rated under the selection criteria in section V.A. of this NOFA. Applications will be selected for funding as follows:

a. Fundable BEDI grant applications must meet the program and submission requirements of this NOFA and the threshold requirements stipulated in section III.C.2 of the General Section of the SuperNOFA or they will not be ranked.

b. All BEDI grant applications that meet threshold requirements will be ranked separately in order of points assigned with the applications receiving more points ranked above those receiving fewer points.

c. In the event two or more applications are given the same score, but there are insufficient funds to fund all of the tied applications, the application(s) with the highest score(s) on Rating Factor 3 (Soundness of Approach) shall be selected. If there is still a tie, the following Factors will be considered sequentially, with the application having the high score on each Factor in the following order taking precedence until the tie is broken: Rating Factor 1 (Capacity and Experience), Rating Factor 2 (Distress/Extent of the Problem), Rating Factor 4 (Leveraging Resources), and Rating Factor 5 (Achieving Results and Program Evaluation).

d. Fundable BEDI applications will be funded in rank order until the total aggregate amount of the approvable applications funded is equal to the maximum amount available in the competition (subject to the limitations described in section II.C above).

2. *Corrections to Deficient Applications.* The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

3. *Applicant Debriefing.* The General Section of the SuperNOFA provides information on applicant requests for a debriefing. Applicants requesting to be debriefed must send a written request to the contact person for the BEDI program, Mr. Frank McNally, at the address listed in section VII of this NOFA.

C. Anticipated Announcement and Award Dates

Historically, BEDI awardees have been notified of the approval of BEDI applications within approximately 90 days of the application deadline.

VI. Award Administration Information

A. Award Notices

1. Notice of Award and Obligation

BEDI award recipients will receive written notice of approval of their applications and the related terms and conditions of the award. An authorized official of the applicant receiving a BEDI award will be required to sign and return an acceptance of the BEDI award.

BEDI funds shall be obligated for an approved application upon the return of a signed acceptance of the award to HUD and a countersignature of that acceptance by an authorized HUD official.

2. Award Disbursements and Amendments

a. *Timing of Section 108 Approval and BEDI Grant Disbursements.*

(1) To the extent a full and complete Section 108 application is submitted with the BEDI grant application, HUD will evaluate the Section 108 application immediately following the competition for BEDI grant funds. Note that the 108 application must be submitted to the appropriate HUD field office concurrently with submission to Headquarters.

(2) Notwithstanding any earlier obligation or award of BEDI funds to a grantee, or execution of a grant agreement, HUD will not permit the grantee to draw down BEDI funds before the issuance and at least partial funding of the obligations evidencing the related section 108-guaranteed loan.

(3) Pursuant to the FY2004 HUD Appropriations Act (under the ''Brownfields Redevelopment'' heading) and 31 U.S.C. 1552, FY 2004 BEDI funds must be obligated (*i.e.*, awarded) by HUD by September 30, 2005, and must be disbursed by HUD to the grantee by September 30, 2010. FY2003 BEDI funds must be obligated by September 30, 2004, and must be disbursed by HUD to the grantee by September 30, 2009. FY2001 BEDI funds are not subject to statutory obligation or disbursement deadlines. In all cases, however, HUD reserves the right to require earlier disbursement under a BEDI grant agreement. Accordingly, a BEDI awardee must ensure the timely submission of its section 108 Loan Guarantee application, the execution of the section 108 Contract for Loan Guarantee Assistance and BEDI Grant Agreement, and the issuance of the section 108 Loan Guarantee Note.

B. Administrative and National Policy Requirements

1. Terms and Conditions

a. Ratio of BEDI to section 108 Loan Guarantee Funds. Because the proposed ratio of BEDI funds to section 108 funds presented in an approved BEDI application represents an applicant's financial commitment to a BEDI project, HUD will condition the BEDI grant award on the grantee's achievement of that specific ratio. The failure of the grantee 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.

b. Approval of section 108 Loan Guarantee Application and Disbursement of Funds. As a condition of any award under this NOFA, if the related section 108 application has not been submitted and approved within 10 months of written HUD notification of selection for potential funding under this NOFA, HUD may deobligate the BEDI funds. BEDI grant awards and grant agreements will contain conditions requiring grantees to adhere to time frames mutually agreed on by the applicant/grantee and HUD for implementing proposed projects and drawing section 108 and BEDI funds. If BEDI grant funds and section 108 loan proceeds are not disbursed to the applicant within the time frames specified in the BEDI grant agreement, HUD reserves the right to cancel the award and recapture all or a portion of the BEDI funds, as applicable under the grant agreement.

c. BEDI Application Amendments. Any modifications or amendments to an application approved pursuant to this NOFA, whether requested by the applicant 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 the revised application remains within the competitive range and is otherwise approvable under this NOFA. In addition, if the applicant proposes an amendment after the period during which appropriated funds are available for obligation (for FY2004 BEDI funds, after September 30, 2005), HUD will be unable to approve any amendment which materially changes the scope, purpose, or need for the original award. In such a case, the unused BEDI funds must be deobligated and returned to the U.S. Treasury.

a. 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.

b. HUD expects that projects presented for BEDI funding will integrate environmental justice concerns and provide measurable economic benefits for affected communities and their current residents for the long term.

3. *Other National Requirements.* BEDI applicants are directed to the Section III.C of the General Section of the SuperNOFA, which provides the statutory, regulatory, threshold, and public policy requirements applicable to all HUD grantees. In particular, BEDI applicants should carefully review provisions relating to Executive Order 13202 (Preservation of Open Competition and Government Neutrality) and Federal laws governing the procurement of recovered materials.

C. Reporting

Post Award Reporting Requirements. CDBG regulations at 24 CFR 570.507 (for metropolitan city and urban counties) and 24 CFR 570.491 (for State grantees) require the submission of a Consolidated Annual Performance Evaluation Report (CAPER) describing the use of CDBG funds during the program year. 24 CFR 570.3 defines CDBG funds to include BEDI grants, and accordingly, grantees must report specifically on the use of BEDI grant funds and section 108 loan guarantee proceeds in the CAPER. For each reporting period, as part of the required report to HUD, grant recipients must include a completed Logic Model (form HUD 96010), which identifies output and outcome achievements.

VII. Agency Contact

For Technical Assistance. Contact: Frank McNally, Economic Development Specialist, Office of Economic Development, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7140, Washington, DC 20410; telephone (202) 708–0614, extension 7100 (this is not a toll-free number). Hearing or speech challenged persons may call the Federal Information Relay Service at 800–877–8339 (this is a toll-free number). Before the application due date, HUD staff will be available to provide general guidance and technical assistance about this BEDI NOFA. However, HUD staff are not permitted to assist in preparing a BEDI 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 by HUD. In addition, the Section 108 Loan Guarantee program is not a competitive program and therefore is not subject to those provisions of the HUD Reform Act pertaining to competitions that do not permit HUD staff to assist in the preparation of applications. HUD staff are available to

provide advice and assistance to develop Section 108 loan applications.

VIII. Other Information

Appendices

1. Appendix A—Non-Standard BEDI Forms

The non-standard forms for the BEDI application follow.

BILLING CODE 4210–32–P

Appendix A

OMB Approval No. 2506-0153 (exp.8/31/2004)

CHECKLIST AND SUBMISSION TABLE OF CONTENTS

Public reporting burden for this collection of information is estimated to average 01 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. The information collection requirements contained in the Notice of Funding Availability, in the Federal Register for the Brownsfield Economic Development Initiative (BEDI) program 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 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
☐		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. ____
	☐	Sources and Uses Statement form	p. ____
☐	#5	Results and Program Evaluation	p. ____
		Application Forms and Certifications	
☐		Section 108 Certifications	p. ____
☐		Applicant Assurances and Certifications (HUD-424B)	p. ____
☐		Certification and Disclosure Form Regarding Lobbying (SF-LLL)	p. ____
☐		Applicant/Recipient Disclosure Update Report (HUD-2880)	p. ____
☐		Certification Regarding Debarment & Suspension (HUD-2992)	p. ____
☐		Certification of Consistency with EZ/EC Strategic Plan (HUD-2990)	p. ____
☐		Certification of Consistency with the Consolidated Plan (HUD-2991)	
		Appendices	
☐		Written Agreements or Signed Letters of Understanding - Rating Factor 1	p. ____
☐		Third Party Funding Commitment Letters - Rating Factor 4, subfactor 3	p. ____
☐		Acknowledgment Application Receipt	

form HUD-40076-A EDI/BEDI (5/2003)
Previous editions obsolete

OMB Approval No. 2506-0153 (exp.8/31/2004)

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: _____

OMB Approval No. 2506-0153 (exp.8/31/2004)

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-B EDI/BEDI (8/2004)

OMB Approval No. 2506-0153 (exp.8/31/2004)

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. Use as many as you need to show beginning -- end timeframes for all phases.

		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-40074-C EDI/BEDI (exp.8/2004)
Previous editions obsolete

OMB Approval No. 2506-0153 (exp.8/31/2004)

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-D EDI/BEDI(exp.8/2004)
Previous editions obsolete

OMB Approval No. 2506-0153 (exp.8/31/2004)

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 statement.

form HUD-40076-E EDI/BEDI(exp.8/2004)
Previous editions obsolete

OMB Approval No. 2506-0153 (exp.8/31/2004)

EDI/BEDI/SECTION 108/CDBG FUNDING ELIGIBILITY STATEMENT

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-E EDI/BEDI(exp.8/2004)
Previous editions obsolete

SECTION 108 LOAN GUARANTEE
State Certifications Related to Nonentitlement Public Entities

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

Pursuant to 24 CFR §570.704(b)(9), the SECTION 108 LOAN GUARANTEE

State Certifications Related to Nonentitlement Public Entities

State of _____, with regard to the Section 108 Loan guarantee application submitted by the _____ (Nonentitlement Public Entity), certifies that:

(i) It agrees to make the pledge of grants required under 24 CFR §570.705(b)(2).

(ii) It possesses the legal authority to make such pledge.

(iii) At least 70 percent of the aggregate use of the CDBG grant funds received by the State, guaranteed loan funds, and program income during the one, two, or three consecutive years specified by the State for its CDBG program will be for activities that benefit low and moderate income persons.

(iv) It agrees to assume the responsibilities described in 24 CFR §570.710.

_____
Signature

_____
Name

_____
Title

_____
Date (mm/dd/yyyy)

form **HUD-40122** (05/2002)

Appendix B – Federally-Designated Brownfields Showcase Communities.

The following lists Federally-Designated Brownfields Showcase Communities:

(1) Baltimore, Maryland
(2) Cape Charles/ Northhampton County, Virginia
(3) Chicago, Illinois
(4) Dallas, Texas
(5) Denver, Colorado
(6) Des Moines, Iowa
(7) East Palo Alto, California
(8) Eastward Ho (Consortium), Florida
(9) Gila River Indian Community, Arizona
(10) Glen Cove, New York
(11) Houston, Texas
(12) Jackson, Mississippi
(13) Kansas City, Kansas/Missouri
(14) Los Angeles, California
(15) Lowell, Massachusetts
(16) Metlakatla Indian Community, Alaska
(17) Milwaukee, Wisconsin
(18) Mystic Valley Development Commission, Massachusetts
(Cities of Everett, Malden and Medford)
(19) New Bedford, Massachusetts
(20) Niagara Region, New York
(Cities of Buffalo, Niagara Falls, Counties of Niagara and Erie)
(21) Portland, Oregon
(22) State of Rhode Island
(23) St. Louis, Missouri/East St. Louis, Illinois
(24) St. Paul, Minnesota
(25) Salt Lake City, Utah
(26) Seattle/King County, Washington
(27) Stamford, Connecticut
(28) Trenton, New Jersey

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SELF-HELP HOMEOWNERSHIP OPPORTUNITY PROGRAM (SHOP)

Billing Code 4210-32-C

Self-Help Homeownership Opportunity Program (Shop)

Overview Information

A. *Federal Agency Name:* Department of Housing and Urban Development, Office of Community Planning and Development.

B. *Funding Opportunity Title:* Self-Help Homeownership Opportunity Program (SHOP).

C. *Announcement Type:* Initial announcement.

D. *Funding Opportunity Number:* The **Federal Register** number for this NOFA is FR–4900–N–15. The OMB paperwork approval number for this program is 2506–0157.

E. *Catalog of Federal Domestic Assistance (CFDA) Number:* 14.247 Self-Help Homeownership Opportunity Program

F. *Dates:* The application due date is on or before July 20, 2004. Please *see* the General Section of the SuperNOFA for application submission, delivery, and timely receipt requirements.

G. *Optional, Additional Overview Content Information:* SHOP funding is awarded to national and regional nonprofit organizations and consortia demonstrating experience in administering self-help housing programs in which the homebuyers contribute a significant amount of sweat-equity toward construction or rehabilitation of the dwelling.

The amount available for SHOP in Fiscal Year 2004 (FY) is approximately $26,840,700 to be awarded to eligible applicants.

Full Text of Announcement

I. Funding Opportunity Description

A. Program Description

SHOP funding is intended to facilitate and encourage innovative homeownership opportunities on a national geographically-diverse basis through self-help housing programs that require a significant amount of sweat-equity by the homebuyer toward the construction or rehabilitation of the dwelling.

SHOP programs are administered by national and regional nonprofit organizations and consortia. Units developed with SHOP funds must be decent, safe, and sanitary non-luxury dwellings and must be made available to eligible homebuyers at prices below the prevailing market prices. Eligible homebuyers are low-income individuals and families (*i.e.*, those whose annual incomes do not exceed 80 percent of the median income for the area, as established by HUD) who would otherwise be unable to purchase a dwelling but for the provision of sweat equity. Housing assisted under this notice must involve labor contributed by homebuyers and volunteers in the construction of dwellings and by other activities that involve the community in the project.

B. 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'').

II. Award Information

The amount available for this program is $26,840,700 in FY2004. Any unobligated funds from previous competitions or additional funds that may become available due to deobligation or recapture from previous awards or budget transfers may be added to the FY2004 appropriation to fund applications submitted in response to this NOFA. Awards will be made to successful applicants in the form of a grant.

III. Eligibility Information

A. Eligible Applicants

You must be a national or regional nonprofit public or private organization or consortium that has the capacity and experience to provide or facilitate self-help housing homeownership opportunities. Your organization or consortium must undertake eligible SHOP activities directly and/or provide funding assistance to your local affiliates to carry out SHOP activities.

''National organization'' is defined as an organization that carries out self-help housing activities or funds affiliates that carry out self-help housing activities on a national scope. A national organization must propose in its application to use a significant amount of SHOP funds in at least two states.

Regional organization is defined as an organization that carries out self-help housing activities or funds affiliates that carry out self-help housing activities on a regional scope. ''Regional'' is an area, such as the Southwest or Northeast, that must include at least two states. The regional organization must propose to use a significant amount of SHOP funds in at least two states. The states in the region need not be contiguous, and the service area of the organization need not precisely conform to state boundaries. Affiliates working under regional organizations must be located within the regional organization's service area.

''Consortium'' is defined as two or more nonprofit organizations located in at least two states that individually have the capacity and experience to carry out self-help housing activities or fund affiliates that carry out self-help housing activities on a national or regional scope and enter into an agreement to submit a single application for SHOP funding on a national or regional basis. The consortium must propose to use a significant amount of SHOP funds in each state represented in the consortium. One organization must be designated as the lead entity. The lead entity must submit the application and, if selected for funding, execute the SHOP Grant Agreement with HUD and assume responsibility for the grant on behalf of the consortium in compliance with all program requirements.

A consortium agreement, executed, and dated by all consortium members, for the purpose of applying for and using FY2004 SHOP funds must be submitted with your application. All consortium members must be identified in your application. Your application must be one integrated document that demonstrates the consortium's comprehensive approach to self-help housing. If individual consortium members will use different program designs, your application must describe the program design of each consortium member. Upon being funded, the lead entity must enter into a separate agreement with each consortium member. The agreement must incorporate the requirements of the FY2004 SHOP Grant Agreement between HUD and the consortium and outline the individual consortium member's responsibilities for compliance with HUD's 2004 SHOP program.

''Affiliate'' is defined as:

(1) A local public or private non-profit self-help housing organization which is a subordinate organization (*i.e.*, chapter, local, post, or unit) of a central organization and covered by the group exemption letter issued to the central organization under section 501(c)(3) of the Internal Revenue Code;

(2) A local public or private non-profit self-help housing organization with which the applicant has an existing relationship (*e.g.*, the applicant has provided technical assistance or funding to the local self-help housing organization); or

(3) A local public or private non-profit self-help housing organization with which the applicant does not have an existing relationship, but to which the applicant will provide necessary technical assistance and mentoring as part of funding under the application.

You must carry out eligible activities or you must fund affiliates to carry out

eligible activities. If you are a consortium, each of your affiliates must be linked to an individual consortium member.

Your application may not propose to fund any affiliate or consortium member that is also included in another SHOP application. You must ensure that any affiliate or consortium member under your FY2004 application is not also seeking FY2004 SHOP funding from another SHOP applicant. If an affiliate applies for funds through more than one applicant, it may be disqualified for any funding.

B. Cost Sharing or Matching

There is no match requirement for the SHOP funds. However, you are expected to leverage resources for the construction of self-help housing assisted with SHOP. Failure to provide documentation of leveraged resources as described in rating factor 4 will result in a lower application score.

C. Other

1. Eligible Activities

Eligible activities are:

a. Land acquisition (including financing and closing costs), which may include reimbursing an organization, consortium, or affiliate, upon approval of any required environmental review, for non-grant amounts expended by the organization, consortium, or affiliate to acquire land before completion of the review;

b. Infrastructure improvements (installing, extending, constructing, rehabilitating, or otherwise improving utilities and other infrastructure, including removal of environmental hazards); and

c. Administration, planning, and management development, including the costs of general management, oversight, and coordination of the SHOP grant; staff and overhead costs of the SHOP grant; costs of providing information to the public about the SHOP grant; cost of providing civil rights training to local affiliates as well as any expenses involved in affirmatively furthering fair housing; and indirect costs (such as rent and utilities) of the grantee or affiliate in carrying out the SHOP activities.

2. Threshold Requirements

In addition to the statutory, regulatory, threshold, and public policy requirements listed in section III.C of the General Section of the SuperNOFA, each applicant must meet and comply with the following SHOP threshold requirements:

a. You must be eligible to apply under SHOP (*see* section III.A. of this program section).

b. The amount of funding you request must be sufficient to complete a minimum of 30 self-help housing units and may not exceed an average investment of $15,000 per unit of SHOP funding.

c. The population you propose to serve must be eligible for SHOP assistance. Eligible homebuyers are low-income individuals and families (*i.e.*, those whose incomes do not exceed 80 percent of the median income for the area, as established by HUD). You must identify the definition of ''annual income'' to be used in your proposed program. You may use one of the following three definitions of ''annual income'' to determine whether a homebuyer is income eligible under SHOP:

(1) ''Annual income'' as defined at 24 CFR 5.609; or

(2) ''Annual income'' as reported under the Census long-form for the most recent available decennial Census; or

(3) ''Adjusted gross income'' as defined for purposes of reporting under Internal Revenue Service (IRS) Form 1040 series for individual Federal annual income tax purposes.

You may also adopt or develop your own definition of annual income for use in determining income eligibility under SHOP subject to review and approval by HUD.

d. You must demonstrate that you have successfully completed at least 30 self-help homeownership units in a national or regional area within the 24-month period immediately preceding the publication of this NOFA. To qualify as self-help homeownership units, the homebuyers must have contributed a significant amount of sweat-equity toward the construction of the dwellings as set forth in section III.C.2.e.

e. Your program must require homebuyers to contribute a minimum of 100 hours of sweat equity toward the construction or rehabilitation of their own homes. However, in the case of a household with only one adult, the requirement is 50 hours of sweat equity toward the construction of the home. This includes training for construction on the dwelling units, but excludes homebuyer counseling and home maintenance training. Reasonable accommodation must be permitted in the provision of sweat equity for persons with disabilities.

f. Your program must involve community participation in which volunteers assist in the construction of dwellings. Volunteer labor is work performed by an individual without promise, expectation or compensation for the work rendered. A homebuyer, who contributes sweat equity to his/her own home, counts as volunteer labor when working on other homes.

g. You must propose to use the SHOP funds for eligible activities (*see* sections III.C. and IV.E.). You must carry out the activities or you must fund affiliates to carry out the activities.

h. DUNS Number Requirement. All applicants must provide a DUNS number pursuant to the DUNS number requirement specified in section III.C.2.b. of the General Section. *Failure to provide a DUNS number will be treated as a technical deficiency. Failure to correct the deficiency will result in your application not being eligible to receive funding.*

3. Threshold Submission Requirements

You must describe how you qualify as an eligible applicant and provide evidence of your public or private non-profit status, such as 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. If you are a consortium, each participant in your consortium must be a nonprofit organization. Each consortium member must submit evidence of its nonprofit status to the lead entity for inclusion in the consortium's application package. In addition, your consortium agreement must be submitted.

Threshold requirements (b) through (g) do not require separate submissions. In order for your application to be rated and ranked, these requirements must be addressed under the submission requirements for the rating factors listed below in section V, Application Review Information Criteria, of this SHOP NOFA.

4. Statutory and Program Requirements

The operation of SHOP is governed by the statute, Public L. 104–120, § 11, 110 Stat. 841 (March 28, 1996), as amended; 42 U.S.C. 12805 note, and this NOFA. There are no program regulations. You must comply with all statutory requirements applicable to SHOP as cited in section I., Funding Opportunity Description, of this SHOP NOFA and the program requirements cited in this SHOP NOFA. Pursuant to these requirements, you must:

a. Develop, through significant amounts of sweat-equity by each homebuyer and volunteer labor, at least 30 dwelling units at an average cost of no more than $15,000 per unit in SHOP funds for land acquisition and infrastructure improvements;

b. Use your grant to leverage other sources of funding, including private or other public funds, to complete construction of the housing units;

c. Develop quality dwellings that comply with local building and safety codes and standards, that will be made available to homebuyers at prices below the prevailing market price;

d. Schedule SHOP activities to expend all grant funds awarded and substantially fulfill your obligations under your grant agreement, including timely development of the appropriate number of dwelling units. Grant funds must be expended within 24 months of the date that grant funds are first made available for draw-down in a line of credit established by HUD for the Grantee, except that grant funds provided to affiliates that develop five or more units must be expended within 36 months; and

e. Not require a homebuyer to make an up-front financial contribution to a housing unit other than cash contributed for downpayment or closing costs at the time of acquisition.

IV. Application and Submission Information

A. Address To Request Application Package

Application. There is no application kit. This notice contains all the information necessary for national and regional nonprofit organizations and consortia to submit an application for SHOP funding. Copies of the standard forms are located in the General Section of the SuperNOFA or you may request copies by calling HUD's NOFA Information Center at: 800–HUD–8929. If you have a hearing or speech impairment, please call the Center's TTY number at 800–HUD–2209. When requesting standard forms, you should refer to SHOP and provide your name and address (including ZIP code) and telephone number (including area code). *See* section IV.B.2., Assembly Format, for application submission requirements. You may also access the application requirements on the Internet through HUD's Web site at: *http://www.grants.gov.*

B. Content and Form of Application Submission

Your application should consist of the items listed in the section below called Assembly Format. The standard forms, certifications, and assurances applicable to this funding (collectively, referred to as the ''standard forms'') can be found in the Appendices to the General Section of the SuperNOFA.

1. *Page Limits.* There are page limits for your responses to the five rating factors. A national or regional organization is limited to 60 pages of narrative for responding to the five rating factors. A consortium is permitted up to 10 additional pages total to accommodate the requirement to address the capacity and soundness of approach of its individual consortium members if they are different. All pages must be numbered sequentially from 1 through 60 or 70, for factors 1 through 5, and tabs must be inserted to separate each factor. Your application may contain only the narrative statements that address the five rating factors and the required forms, certifications, assurances, and appendices listed in Assembly Format below to be submitted for review. Any additional information provided outside the narrative statements to further explain information required in the five factors will not be considered in the scoring of the application. In responding to the five factors, information must be included in your narrative response to the factor, unless this NOFA states that it should be included as an appendix. Applicants are discouraged from submitting unnecessary documentation.

2. *Assembly Format.* Your FY2004 application should be assembled with tabs designating Application Overview, Narrative Statements (rating factors), Forms, and Appendices. In order to receive full consideration for funding, your application should be assembled according to the following checklist to ensure that all of the required items have been submitted.

a. Application Overview: (Not subject to the page limitations.)

_____ SF–424, Application for Federal Assistance (signed by the authorized representative of the organization eligible to receive funds).

_____ SF–424 Supplement, Survey on Ensuring Equal Opportunity for Applicants.

_____ HUD–424B, Applicant Assurances and Certifications.

_____ Narrative describing qualification as an eligible applicant and evidence of non-profit status.

_____ Consortium Agreement, if applicable.

_____ Program Summary.

b. Narrative Statements Addressing: (Subject to the page limitations described above.)

_____ 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—Achieving Results and Program Evaluation. Program Outcome Logic Model, HUD–96010 (Evaluation Plan).

c. Forms, Certifications and Assurances: (Not subject to the page limitations.)

_____ HUD–424CB, Grant Application Detailed Budget.

_____ SF–LLL, Disclosure of Lobbying Activity, as applicable.

_____ HUD–2880, Applicant/Recipient Disclosure/Update Report.

_____ HUD–2990, Certification of Consistency with the RC/EZ/EC Strategic Plan.

_____ HUD–2993, Acknowledgment of Application Receipt.

d. Appendices: (Not subject to the page limitations.)

_____ Recent audit, if available.

_____ A copy of your code of conduct and a narrative description of the methods you will use to ensure that all officers, employees and agents of your organization become aware of your code of conduct.

_____ Leveraging documentation—firm commitment letters.

_____ Survey of potential affiliates, if applicable (*see* Factor 2, element ''a'').

_____ Demonstration of past performance for new applicants (*see* Factor 1).

_____ HUD–27300, Questionnaire for HUD's Initiative on Removal of Regulatory Barriers.

_____ Evaluative criteria for Removal of Regulatory Barriers to Affordable Housing in affiliate selection process, if applicable.

3. Technical Deficiencies. Section V.B.4 of the General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

C. Submission Dates and Times

To apply for SHOP funding, please follow these procedures and those noted in the General Section of this SuperNOFA.

1. Application Deadline. Applications for SHOP grants are due on or before 12 midnight eastern time on July 20, 2004. Please follow the specific Mailing and Receipt Procedures and Proof of Timely Submission located in section IV.F of the General Section as failure to comply with these procedures may disqualify your application.

2. *Acceptance of Hand-Carried Submissions.* Please follow the procedures for hand-carried submissions located in Section IV.F. of the General Section as failure to comply with these procedures may disqualify your application.

D. Intergovernmental Review

Executive Order 12372 review does not apply to SHOP.

E. Funding Restrictions

1. *Administrative costs.* Administrative costs may not exceed 20 percent of any SHOP grant. Indirect costs may only be charged to the SHOP grant under a cost allocation plan prepared in accordance with OMB Circular A–122.

2. *Pre-agreement costs.* After submission of the application, but before the effective date of the SHOP Grant Agreement, an applicant may incur costs which may be charged to its SHOP grant provided the costs are eligible (*see* section III.C.1.) and in compliance with the requirements of this NOFA (including environmental review requirements) and the application. Applicants incur costs at their own risk, because applicants that do not receive a SHOP grant cannot be reimbursed.

3. *Ineligible Costs.* Costs associated with the rehabilitation, improvement, or construction of dwellings and any other costs not identified in section III.C.1. are not eligible uses of program funds. Acquiring land for land banking purposes (*i.e.*, holding land for an indefinite period) is an ineligible use of SHOP funds.

F. Other Submission Requirements

1. *Application Mailing Procedures.* Applicants must follow the specific Mailing and Receipt Procedures and Proof of Timely Submission located in section IV.F.1 and 2. of the General Section of this SuperNOFA.

2. *Address for Submitting Applications.* Submit one original and two copies of the application to: HUD Headquarters, Robert C. Weaver Federal Building, 451 Seventh Street, SW., Room 7251, Washington, DC 20410–7000, ATTN: Self-Help Homeownership Opportunity Program (SHOP).

V. Application Review Information Criteria

1. Rating Factor l: Capacity of the Applicant and Relevant Organizational Staff (30 points)

This factor examines the extent to which you, as a single applicant or consortium (including individual consortium members), have the experience and organizational resources necessary to carry out the proposed activities effectively and in a timely manner. Any applicant that does not receive at least 20 points under this factor will not be eligible for funding.

In evaluating this factor, HUD will consider your recent and relevant experience in carrying out the activities you propose, and your administrative and fiscal management capability to administer the grant, including the ability to account for funds appropriately. All applicants, including individual consortium members, must have capacity and experience in administering or facilitating self-help housing. If you are sponsoring affiliate organizations that do not have experience in developing self-help housing, HUD will assess your organization's experience in providing technical assistance and the ability to mentor new affiliates. For applicants that currently have open SHOP grants, HUD will assess your organization's past performance based upon performance reports that demonstrate your organization's completion of eligible SHOP activities, the number of families provided housing, financial status information focusing on timely use of funds, and other program outcomes. HUD will consider whether you have had funds deobligated for failure to meet your drawdown and construction schedules or funds were returned because of monitoring findings. HUD will also rely on monitoring reports, audit reports and other information available to HUD in making its determination under this factor. For applicants that currently have open SHOP grants from previous years, HUD will assess your pattern of meeting benchmarks in the most recent three years of participation in the program. If you are not a current recipient of SHOP funds, you must summarize your past performance in undertaking similar or the same activities during the past three years. You may supplement your narrative with existing internal or external performance reports or other information that will assist HUD in making this determination and submit it as an appendix. Failure to provide this information will result in a lower score.

Submission Requirements for Rating Factor 1

a. (10 points) Past Experience. You must describe your past experience in carrying out self-help housing activities (specify the time frame during which these activities occurred) that are the same as, or similar to, the activities you propose for funding, and demonstrate reasonable success in carrying out and completing those activities. You must include the average number of sweat-equity hours provided per family, and volunteer labor. You may demonstrate reasonable success by showing that your previous activities were carried out as proposed, consistent with the time frame you proposed for completion of all work. You must provide evidence regarding your performance in meeting established benchmarks for acquiring properties and completing housing construction and indicate that performance reports were submitted, as required. New applicants furnishing supplemental material should refer to the introduction to this rating factor. To the extent that you encountered delays that were beyond your control, please describe the circumstances causing the delays and the mitigating actions taken to overcome them to successfully complete your program.

b. (8 points) Management Structure. You must provide a description of your organization's or consortium's management structure. You must also describe your key staff and their specific roles and responsibilities for day-to-day management of your proposed SHOP program. If you elect to work with affiliates that do not have capacity and experience, you must describe how you will provide technical assistance and mentor these organizations to develop capacity either directly or indirectly.

c. (8 points) Financial Control. You must demonstrate your organization's ability to track financial resources with adequate financial control and accounting procedures. You must describe your financial control procedures for SHOP and how they meet 24 CFR 84.21, ''Standards for Financial Management Systems.'' Under 24 CFR 84.21, your financial management system must provide:

(1) Accurate, current, and complete disclosure of the financial results;

(2) Adequate identification of the source and application of funds including information pertaining to Federal awards, authorization, obligations, unobligated balances, assets, outlays, income and interest;

(3) Effective control over the accountability for all funds, property and other assets and adequately safeguards all such assets and assures they are used solely for authorized purposes;

(4) Written procedures to minimize the time elapsing between the transfer of funds to your organization from the U.S. Treasury and the issuance or redemption of checks, warrants, or payments by other means for program purposes by your organization;

(5) Written procedures for determining the reasonableness, allocability, and allowability of costs in accordance with the provisions of the applicable Federal cost principles and

the terms and conditions of the award; and

(6) Accounting records including cost accounting records that are supported by source documentation.

You should submit a copy of your most recent audit, if one is required to be performed for your organization. A consortium only needs to submit an audit of the lead entity.

d. (4 points) Experience Developing Accessible Housing. You must demonstrate your experience in and ability to construct and alter homes by describing the kinds of features that you have used to design homes in accordance with universal design and visitability standards, or otherwise make homes accessible to the elderly or persons with disabilities. You must provide data on the number of accessible units you have completed and the timeframe during which units were constructed and/or altered.

2. Rating Factor 2: Need/Extent of the Problem (10 Points)

This factor examines the extent to which you demonstrate an urgent need for SHOP funds in your proposed target areas based on the need for affordable housing, and the quality of the data submitted to substantiate 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 community need or needs that your proposed SHOP activities are designed to address. If you plan to select some or all affiliates after application submission, you must demonstrate how the selection of affiliates will help to address the needs identified in the proposed target areas.

Submission Requirements for Rating Factor 2

a. (5 points) Extent of Need. Describe the extent of need for SHOP funds in the communities or areas in which your proposed activities will be carried out. You must specifically address the need for acquisition and/or infrastructure assistance for self-help housing activities in these areas. National and regional organizations and consortia that select affiliates after application submission must submit a list of affiliates surveyed upon which they are basing their need for SHOP funding and the specific criteria to be used to select communities or projects based on need.

b. (5 points) Documentation of Need. Information you submit to demonstrate the need or needs in the target areas must include, but is not limited to, the following:

(1) (3 points) Data describing:

(a) The housing market data in the proposed target areas including, but not limited to, low-income, minority, and disability populations; number of home sales and median sales price; and homeownership, rental and vacancy rates. This information can be obtained from state or regional housing plans, the American Housing Survey, the United States Census, Home Mortgage Disclosure Act data or other local data sources, such as Consolidated Plans, comprehensive plans, local tax assessor databases or relevant realtor information. Data included in your application must be specific to your proposed target areas.

(b) The housing problems in the proposed target areas such as overcrowding, cost burden, housing age or deterioration, low homeownership rate (especially among minority families, families with children, and families with members with disabilities) and lack of adequate infrastructure or utilities.

(2) (2 points) Data demonstrating:

(a) Need for accessible homes in the target area(s).

(b) Evidence of housing discrimination in the target area(s).

(c) Any need for housing shown in the local Analysis of Impediments to Fair Housing Choice, if addressed.

3. Rating Factor 3: Soundness of Approach (40 Points)

This factor examines the quality and soundness of your plan to carry out a self-help housing program. In evaluating this factor HUD will consider:

a. Your proposed use of SHOP funds, including the number of units and the type(s) of housing to be constructed, the use of sweat equity and volunteer labor; your schedule for expending funds and completing construction; including interim milestones; the appropriateness of proposed housing to the specific needs of target area(s); the proposed budget and cost effectiveness of your program; and your plan to reach all potentially-eligible homebuyers, including those with disabilities and others least likely to apply, and your criteria for selecting homebuyers.

b. How your planned activities further the Department's FY2004 policy priorities noted in section V.B.2 of the General Section. For FY2004, the four policy priorities that apply to SHOP are:

(1) Providing increased homeownership opportunities for low- and moderate-income persons, persons with disabilities, the elderly, minorities, and families with limited English proficiency.

(2) Encouraging accessible design features: Visitability in new construction and substantial rehabilitation and universal design.

(3) Providing full and equal access to grassroots faith-based and other community-based organizations in HUD program implementation; and

(4) Removal of regulatory barriers to affordable housing.

Submission Requirements for Factor 3

Activities. Describe the types of activities that you propose to fund with SHOP and the proposed number of units to be assisted with SHOP funding, the housing type(s) (single family or multifamily, or both) to be assisted and the form of ownership (fee simple, condominium, cooperative, etc.) you propose to use.

a. (5 points) Sweat Equity. Describe the individual sweat equity requirements (*i.e.*, types of tasks and numbers of hours required of homebuyers) of your program, and describe how your program will provide reasonable accommodations for persons with disabilities by identifying sweat equity assignments that can be performed by the homebuyer regardless of the disability, such as doing administrative, clerical, organization, or other office work or minor tasks on site. Reasonable accommodation can include sweat equity by the homebuyer that can be performed regardless of the disability or substitution of a non-homebuyer designee(s) to perform the sweat equity assignments on behalf of the homebuyer. Include the dollar value of the sweat equity and volunteer labor contribution and specify the amount by which this contribution will reduce the sales price to the homebuyer. Applicants showing a larger reduction of the sales price as a result of the homebuyer's sweat equity and volunteer labor contributions will receive a higher score.

b. (5 points) Funds Expenditure, Construction, and Completion Schedules. Submit a construction and completion schedule that expends SHOP funds and substantially fulfills your obligations. You must define ''substantially fulfills'' by stating the percentage or number of properties that you propose to be completed and conveyed to homebuyers at the time all grant funds are expended. Your construction schedule must include the number of dwelling units to be completed within 24 months, or in the case of affiliates that develop five or more units, within 36 months, and a time frame for completing any unfinished units.

Your schedule must also include milestones or benchmarks against which HUD can measure your progress in

selecting local affiliates if they are not specifically identified in the application, expending funds, and completing acquisition, infrastructure, and housing construction activities within these schedules. These milestones or benchmarks should be established at reasonable intervals (*e.g.*, monthly, quarterly).

c. (3 points) Need. Describe how your proposed SHOP activities address the need or needs you identified under Rating Factor 2 above.

d. (6 points) Budget. Provide a detailed budget including a break out for each proposed task and each budget category (acquisition, infrastructure improvements, and administration) funded by SHOP in the HUD–424C and 424CB. If SHOP funds will be used for administration of your grant, you must include the cost of monitoring consortium members and affiliates at least once during the grant period. Your budget must also include leveraged funding to cover costs of completing construction of the proposed number of units.

e. (3 points) Cost Effective. Describe how the cost of your proposed SHOP units compare to similar units in the target area(s) that are not funded with SHOP. You must demonstrate that your SHOP costs will not exceed an average of $15,000 per unit, and that your proposed self-help housing activities are cost effective. Applicants should address costs of land, infrastructure, and housing construction for non-SHOP units.

f. (5 points) Policy Priorities. Describe how each of the four Department's policy priorities identified specifically for SHOP is furthered by your proposed activities. You will receive one point for policy priorities (a), (b), and (c) above based on how well your proposed work activities address the specific policy. You will receive up to two points for addressing policy priority (d), Removal of Regulatory Barriers to Affordable Housing, for which you must submit form HUD–27300, Questionnaire for HUD's Initiative on Removal of Regulatory Barriers (see Section V.B.2.g. of the General Section). Applicants that identify affiliate organizations and jurisdictions to be served in their application to HUD should address the questions in Part A or Part B for the jurisdiction in which the majority of services will be performed. Applicants that do not identify affiliates and communities to be served in their application to HUD, but select affiliates competitively or through another method after application submission to HUD, may address this policy priority by including it as an evaluative criterion in their affiliate selection process. Such applicants may receive up to two points by either requiring affiliate applicants for the awarded SHOP funds to complete the questions in Part A or Part B, as appropriate. In order to receive points, applicants that identify affiliates after application submission must include their evaluative criterion as an appendix. This does not count against the page limits identified in section IV.B.1., Page Limits.

g. (3 points) Program Outreach. Describe materials or services that will be used to reach potential homebuyers in all protected classes. For example, what alternative formats will be used to reach persons with a variety of disabilities and what language accommodations will be made for persons with limited English proficiency.

h. (5 points) Homebuyer Selection. Describe your criteria for selecting homebuyers, including the income range of targeted homebuyers, and selection procedures. If the selection criteria used by individual consortium members or affiliates are different from your criteria, you must describe the differences. Specify the definition of annual income that you will use to determine the income eligibility of homebuyers as described in section III.C.2.c. of this NOFA. If a consortium member's or affiliate's definition of annual income is different from your income definition, you must identify the consortium member or affiliate and its definition. For organizations that select affiliates after application submission, you must specify how you will impose this requirement in your selection of affiliates.

i. (5 points) Performance and Monitoring. Describe your plan for overseeing the performance of consortium members and affiliates, including a plan for monitoring each consortium member and affiliate for program compliance at least once during the term of the grant. Your plan should address when and how you will shift funds among consortium members and affiliates to ensure timely and effective use of SHOP funds within the schedule submitted for item b. above.

4. Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure other resources that can be combined with HUD's program resources to fully fund your proposed program. When combined with the SHOP grant funds, homebuyer sweat equity, and volunteer labor, your leveraged resources must be sufficient to develop the number of units proposed in your application. HUD will consider only those leveraging contributions for which current firm commitments as described in this Factor have been provided. A firm commitment means a written agreement under which the applicant, a partner, or an entity agrees to perform services or provide resources for an activity specified in your application. Firm commitments in the form of cash funding (*e.g.*, grants or loans), in-kind contributions, donated land and construction materials, and donated services will count as leverage. Leveraging does not include the dollar value of sweat equity and volunteer labor for your proposed activities. Leveraging does not include financing of mortgages to homebuyers. Firm commitments must be substantiated by the documentation described below.

Submission Requirements for Factor 4

(10 points) Firm Commitments of Resources. Provide firm commitments (letters, agreements, pledges, etc.) of leveraged resources or services from the source of the commitment. In order to be considered, leveraged resources or services must be committed in writing and include your organization's name, the contributing organization's name (including designation as a Federal, state, local, or private source), the proposed type of commitment and dollar value of the commitment as it relates to your proposed activities. Each letter of commitment must be signed by an official of the organization legally able to make the commitment on behalf of the organization. Each letter of commitment must specifically support your FY2004 SHOP application or specific projects in your FY2004 application. If your organization depends upon fundraising and donations from unknown sources/providers you must submit a separate letter committing a specific amount of dollars in fundraising to your proposed FY2004 SHOP program. Likewise, if you have received funds from organizations and agencies from previous years that are not committed to another activity and you have the sole discretion to commit these funds to your FY2004 SHOP program, you must submit a separate letter committing these dollars to your FY2004 SHOP program. Letters of commitment may be contingent upon your receiving a grant award. Letters of commitment must be included as an appendix to your application, and do not count toward the page limitation noted in section IV.B. Letters only expressing support of your organization or its proposal, unsigned, undated, or outdated letters, or those not specifically linking the resources to

your FY2004 SHOP application or specific projects in your FY2004 application do not count as firm commitments.

To receive full credit for leveraging, an applicant's leveraging resources must be clearly identified for your FY2004 SHOP application and must total at least 50 percent of the amount needed to complete all properties, minus the proposed SHOP grant amount, homebuyer sweat equity, and volunteer labor.

5. Rating Factor 5. Achieving Results and Program Evaluation (10 points)

This factor emphasizes HUD's determination to track whether applicants meet commitments made in their applications and grant agreements and assess their performance in realizing performance goals. HUD requires SHOP applicants to develop an effective, quantifiable, outcome-oriented evaluation plan for measuring performance and determining whether goals have been met using the Logic Model, Form HUD–96010, provided in the General Section. ''Outcomes'' are benefits accruing to the families and/or communities during or after participation in the SHOP program. The self-help housing units developed are outputs as described under this Factor, not outcomes. Applicants must clearly identify the outcomes to be achieved and measured. Examples of outcomes include increasing the homeownership rate in a neighborhood or among low-income families by a certain percentage, increasing financial stability (*e.g.,* increasing assets of the low-income homebuyer households through additional savings, home equity) or increasing housing stability (*e.g.*, whether persons and families assisted remain in the home one, two, or five or more years after completion).

In addition, applicants must establish interim benchmarks and outputs for their proposed programs that lead to the ultimate achievement of outcomes. ''Outputs'' are the direct products of the applicant's program activities. Examples of outputs include the number of the houses constructed, number of sweat-equity hours, or number of homes rehabilitated. Outputs should produce outcomes for your program. ''Interim benchmarks'' are steps or stages in your activities that, if reached or completed successfully, will result in outputs for your program. Examples of interim benchmarks include income-qualifying homebuyers, obtaining building permits, or securing construction materials and equipment.

Program evaluation requires that you identify program outcomes, outputs, benchmarks, and performance indicators that will allow you to measure your performance. Performance indicators should be objectively quantifiable and measure actual achievements against anticipated achievements. Your evaluation plan should identify what you are going to measure, how you are going to measure it, and the steps you have in place to make adjustments to your work plan if performance targets are not met within established timeframes. This factor reflects HUD's goal to embrace high standards of ethics, management, and accountability.

Submission Requirements for Factor 5

(10 Points) Program Evaluation Plan. Using Logic Model, Form HUD–96010, provided in the General Section, you must submit a program evaluation plan that demonstrates how you will measure your own program performance. Your plan must identify the interim benchmarks, outputs, and outcomes you expect to achieve over the term of your proposed grant including timeframes for accomplishing these goals. Your plan must demonstrate how interim benchmarks relate to outputs, and subsequently to outcomes in your proposed program. Your plan must include performance indicators to measure actual accomplishments against anticipated achievements. You must indicate how your plan will measure the performance of individual consortium members and affiliates, including the standards and measurement methods, and the steps you have in place or how you plan to make adjustments if you begin to fall short of established benchmarks and time frames.

B. Reviews and Selection Process

1. Factors for Award Used To Evaluate Applications

HUD will evaluate all SHOP applications that successfully complete technical processing and meet threshold and submission requirements for Factors 1 through 5. The maximum number of points for this program is 102, which includes two Empowerment Zones/Enterprise Communities/Urban Enhanced Enterprise Communities/or Renewal Communities (RC/EZ/EC) bonus points, as described in section V.A.1.a. of the General Section of the SuperNOFA.

2. Rating

Applications that meet all threshold requirements listed in Section III.C. will be rated against the criteria in Factors 1 through 5 and given a score. Applications that do not meet all threshold factors will be rejected and not rated.

3. Ranking and Selection Procedures

Applications that receive a total rating of 75 points or more (without the addition of RC/EZ/ECs bonus points) will be eligible for selection. RC/EZ/EC bonus points will be awarded as follows: Two points to an applicant with over 25 percent of its proposed units in RC/EZ/ECs; one point for 10 to 25 percent of units in RC/EZ/ECs, and 0 points below 10 percent of units in zones. After adding any bonus points for RC/EZ/ECs, HUD will place applications in rank order. HUD will consider rank order, funds availability, and past performance in the selection and funding of applications.

a. HUD reserves the right to:

(1) Fund less than the amount requested by any applicant based on the application's rank, the applicant's past performance, and the amount of funds requested relative to the total amount of available funds; and

(2) Fund less than the full amount requested by any applicant to ensure a fair distribution of the funds and the development of housing on a national, geographically-diverse basis as required by the statute; and/or

(3) Not award funds to an applicant with significant performance problems.

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 this SHOP section of the SuperNOFA. The minimum grant award shall be the amount necessary to complete at least 30 units at an average investment of not more than $15,000 per unit or a lesser amount if lower costs are reflected in the application. If any funds remain after all selections have been made, these funds may be available for other competitions.

VI. Award Administration Information

A. Award Notices

Upon selection and public announcement of grant award, successful applicants will receive an award letter stating that they were selected and the award amount. Following this award letter, grantees will receive a letter transmitting a grant agreement and financial documents to set up their lines of credit. The grant agreement must be signed and returned to HUD. Upon receipt of the executed grant agreement, HUD will establish a line of credit for the grantee. Grantees

will be notified when they may begin to draw funds. The 24- and 36-month grant periods for grantees to expend funds begin at the time HUD makes funds available to grantees in their lines of credit.

B. Applicant Debriefing

In accordance with the requirements of Section VI.A.3. of the General Section of the SuperNOFA, applicants requesting a debriefing must send a written request to Ms. Lou Thompson, Office of Affordable Housing Programs, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7164, Washington, DC 20410–7000.

C. Administrative and National Policy Requirements

1. 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 activity or project may be undertaken, or Federal or non-Federal funds or assistance committed, if the project or activity would limit reasonable choices or could produce a significant adverse environmental impact 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. Not withstanding the preceding sentence, in accordance with section 11(d)(2)(A) of the Housing Opportunity Extension Act of l996 and HUD Notice CPD–01–09, an organization, consortium, or affiliate receiving SHOP assistance may advance non-grant funds to acquire land prior to completion of an environmental review and HUD's approval of a request for release of funds and environmental certification. Any advances to acquire land prior to such approval are made at the risk of the organization, consortium or affiliate and reimbursement from SHOP funds for such advances will depend on the result of the environmental review.

2. HUD Reform Act of 1989

The provisions of the HUD Reform Act of 1989 that apply to this NOFA are explained in the General Section of the SuperNOFA at Section VIII.F.

D. Reporting

Grantees are required to submit quarterly and annual reports providing data on the construction status, unit characteristics, and income and racial and ethnic composition of homeowners in SHOP-funded properties. For each reporting period, as part of the required report to HUD, grant recipients must include a completed Logic Model (form HUD 96010), which identifies output and outcome achievements.

VII. Agency Contact

Further Information and Technical Assistance. You may contact Ms. Lou Thompson; Office of Affordable Housing Programs; U.S. Department of Housing and Urban Development; 451 Seventh Street, SW., Room 7164, Washington, DC 20410–7000; telephone (202) 708–2684 (this is not a toll-free number). This number can be accessed via TTY by calling the toll-free Federal Information Relay Service Operator at 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/grants*.

VIII. Other Information

A. Paperwork Reduction Act

The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2506–0157. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average 60 hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application, quarterly, and annual report, and final report. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

BILLING CODE 4210–32–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

YOUTHBUILD

Billing Code 4210-32-C

Youthbuild

Overview Information

A. *Federal Agency Name:* Department of Housing and Urban Development, Office of Community Planning and Development.

B. Funding Opportunity Title: Youthbuild.

C. Announcement Type: Initial announcement.

D. *Funding Opportunity Number:* The OMB approval number for this program is 2506–0142.

The Federal Register number for this NOFA is FR–4900–N–20.

E. *Catalog of Federal Domestic Assistance (CFDA) Number(s):* 14.243, Youthbuild Program

F. *Dates:* The application due date is on or before July 2, 2004. Please see the General Section of the SuperNOFA for application submission, delivery, and timely receipt requirements.

G. *Additional Overview Content Information:*

1. *Purpose of the Program.* The purpose of the Youthbuild program is to assist disadvantaged young adults in distressed communities in completing their high school education, to provide on-site construction training experiences, which also result in the rehabilitation or construction of housing for homeless persons and low- and very low-income families, to foster leadership skills, to further opportunities for placement in apprenticeship programs, and to promote economic self-sufficiency.

2. *Available Funds.* Approximately $ 59,397,475 in appropriated funds and carry over is available for Fiscal Year (FY) 2004, plus any funds available through recapture, minus any amount needed to correct errors.

3. *Eligible Applicants.* Eligible applicants are public or private nonprofit agencies, including grassroots faith-based and other community-based organizations, State or local housing agencies or authorities, State or units of 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.

4. *Match.* None

If you are interested in applying for funding under this program, please carefully review the General Section of the SuperNOFA and the following additional information.

Full Text of Announcement

I. Funding Opportunity Description

A. Program Description

The purposes of the Youthbuild Program are to:

1. 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. Foster the development of leadership skills and commitment to community;

3. 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. Provide disadvantaged young adults with meaningful on-site training experiences in housing construction and rehabilitation that will enable them to render a service to their communities by helping to meet the housing needs of homeless persons and low-income families; and

5. Give to the greatest extent possible, job training, employment, contracting and other economic opportunities to low-income young adults.

B. Desirable Elements of a Youthbuild Program

You should document the extent to which HUD's initiatives are furthered by the proposed activities. Such initiatives include:

1. Providing increased homeownership and rental opportunities for low- and moderate-income persons, persons with disabilities, the elderly, minorities, and families with limited English proficiency;

2. Improving our nation's communities;

3. Encouraging accessible design features;

4. Providing full and equal access to grassroots faith-based and other community based organizations in HUD program implementation; and

5. Ending chronic homelessness within ten years.

C. 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.

II. Award Information

A. Available Funds

Approximately $59,397,475 in Fiscal Year (FY) 2004 funding and carry over will be made available through this program section of this SuperNOFA for the Youthbuild program. The breakdown of funding is discussed below.

B. The FY2004 HUD Appropriations Act

The Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2004 (the ''FY 2004 HUD Appropriations Act'') made $64,616,500 available of which $59,397,475 is allocated for grants.

C. Funding Categories

HUD will award up to $59,397,475 on a competitive basis. Funds will be divided among three categories of grants as described below. In each fiscal year, the Secretary shall reserve five percent of the amounts available for technical assistance activities under this subtitle pursuant to section 402 to carry out subsections (b) and (c), (Subtitle D-Hope for Youth: Section 458 (42 U.S.C. 12899g).

1. *Category 1 Grants. New Applicants.* HUD will award up to $10,000,000 for new applicants that have not previously received implementation grants since the inception of the Youthbuild Program and that have elected not to apply under Category 2 or 3. The maximum amount that may be awarded to a successful applicant in this category is $400,000, for a period not to exceed 30 months.

2. *Category 2 Grants. Grants up to $700,000.* HUD will award up to $39,456,475 for grants up to $700,000 for a period not to exceed 30 months. The maximum amount that may be awarded to a successful applicant in this category is $700,000. Any eligible applicant can apply in Category 2.

3. *Category 3 Grants. Underserved and Rural Areas.* HUD will award up to $ 9,941,000 (includes $10,000,000 in appropriated funds, less .59 percent rescission) for grants to organizations serving clients in underserved and rural areas as defined in this NOFA for a period not to exceed 30 months. The maximum amount that may be awarded to a successful applicant in this category is $400,000. Rural and Underserved areas are defined as follows:

a. *Rural Area.* A rural area is defined in one of five ways:

(1) A place having fewer than 2,500 inhabitants (within or outside of metropolitan areas).

(2) A county with an urban population of 20,000 inhabitants or fewer.

(3) Rural portions of extended cities, as identified by the U.S. Census Bureau.

(4) Open country, which is not part of or associated with an urban area. The United States Department of Agriculture (USDA) describes ''open country'' as a site separated by open space from any adjacent densely populated urban area. Open space includes undeveloped land, agricultural land or sparsely settled areas but does not include physical barriers (such as rivers and canals), public parks, commercial and industrial developments, small areas reserved for recreational purposes, and open space set aside for future development.

(5) Any place with a population not in excess of 20,000 and not located in a Metropolitan Statistical Area.

b. *Underserved Area.* An underserved area is defined as an area comprised of census tracts with the following distress criteria:

(1) A census tract where the unemployment remains high (50 percent or more above the nation's unemployment rate) and

(2) A census tract where high rates of poverty (50 percent or more above the national average) persists.

Applicants must indicate on their transmittal/cover letter which funding category they are applying for.

4. *Grant Period.* You must expend funds awarded within 30 months of the effective date of the grant agreement.

5. *Maximum Awards.* Under the competition established by this Youthbuild program section of the SuperNOFA, the maximum award for a Youthbuild grant is $700,000.

III. Eligibility Information

A. Eligible Applicants

Eligible applicants are public or private nonprofit agencies, including grassroots faith-based and other community-based organizations, State or local housing agencies or authorities, states or units of local government, or any entity eligible to provide education and employment training under other Federal employment training programs.

B. Cost Sharing or Matching

Under the Youthbuild program, there is no match required. Applicants that submit evidence of leveraging dollars under Rating Factor 4 ''Leveraging Resources'' will receive points under that factor.

C. Other

1. Eligible Activities

a. Work and activities associated with the acquisition, architectural and engineering work, rehabilitation or construction of housing, as defined in HUD's regulations at 24 CFR 585.309, 585.310, and 585.311.

b. Relocation payments and other assistance required to comply with HUD's regulation at 24 CFR 585.308;

c. Costs of ongoing training and technical assistance needs related to carrying out a Youthbuild program;

d. Education, job training, counseling, employment, leadership development services, and optional activities that meet the needs of the participants including entrepreneurial training, driver education, apprenticeship opportunities, financial literacy, credit counseling, assistance programs for those with learning disabilities, and in-house staff training;

e. Outreach to potential participants;

f. Wages, benefits, and need-based stipends for participants; and

g. Pursuant to the FY2004 HUD Appropriations Act, administrative costs must not exceed 10 percent of the grant award. HUD encourages you to use grant funds for outreach, recruitment, training, and other services for the participants that facilitate program implementation. Please refer to HUD's regulation at 24 CFR 585.305 for further details on eligible activities.

2. Threshold 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 may be high school graduates (or equivalent), but must have educational needs (such as lack of reading, writing, and communication skills) that justify their participation in the program.

b. Youthbuild Program Components. Applications that receive assistance under this Youthbuild program section of the SuperNOFA must contain the three components described as follows:

(1) Educational and job training services;

(2) Leadership training, counseling, and other support activities; and

(3) On-site training through actual housing rehabilitation and/or new construction work. (New construction may be subject to the accessible design and construction requirements of the Fair Housing Act (*see* the General Section of the SuperNOFA), including the provision of alternative training experiences that are necessary as a reasonable accommodation for students with disabilities.)

c. Identification of and Access to Property. Your application must identify the location of the site(s) or property(ies) (*e.g.*, addresses, parcel numbers, etc.) that will be used for on-site construction. Your application MUST contain a letter from the property owner or property management company(ies) allowing access to the housing site(s) for on-site construction training. HUD may deem as ineligible any application that fails to specifically identify the location of the on-site construction. Guidance on evidence of site access is as follows:

(1) If the applicant or joint applicant has a contract or option to purchase the property, you should include a copy of the contract or option; and

(2) 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.

d. Minimum Score. In order to be considered eligible for funding, your application must receive a minimum score of 75, including a minimum of 10 points in Factor 1.

3. *Program Requirements*

a. 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.

b. Site Selection—In determining the site or the location of a federally assisted facility, the applicant may not select sites that will exclude qualified persons with disabilities, or otherwise subject them to discrimination under the Youthbuild program.

c. New Construction—Substantial Alterations—Other Alterations. If the applicant undertakes to participate in New Construction, Substantial Alterations, or Other Alterations, it must conform to the accessibility standards outlined in the regulations implementing the Rehabilitation Act of 1973 at 24 CFR part 8, §§ 8.22, 8.23(a) and § 8.23(b).

d. Training Requirement. 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.

e. 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 the Youthbuild program. Please *see* the General Section of the SuperNOFA.

f. Participation in Local Workforce Investment Act One-Stop Center. Youthbuild grantees are mandatory partners in one-stop centers authorized by the Workforce Investment Act of 1998 (Public Law 105–220).

g. First time applicants. If you are a first-time applicant applying for funding under Category 1, you must have a graduating class of not more than 20 participants.

h. 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 the SuperNOFA. Complete form 2C13a, 2C13b or 2C13c and form 2C15 only if you are proposing to use Youthbuild funds for new housing construction or rehabilitation.

i. Environmental Reviews. 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's regulation at 24 CFR 585.307.

j. DUNS Requirement. Refer the General Section of the SuperNOFA for information regarding the DUNS requirement. You will need to obtain a DUNS number to receive an award from HUD.

k. Consistency with Consolidated Plan. 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 the General Section of the SuperNOFA. Youthbuild applicants will be rated on this certification under Rating Factor 2, subfactor (d).

l. Category 3 applicants only. You must state that the proposed project to be established will be located in an underserved and rural area as defined in Section II.C. of this program section of the SuperNOFA.

m. Funding Restrictions. Administrative costs must not exceed 10 percent of the grant award.

IV. Application and Submission Information

A. Addresses To Request Application Package

There is no application kit for the FY2004 Youthbuild NOFA. This SuperNOFA clearly describes the requirements for completing a successful application and all forms and certifications needed to complete the application are included in the General and Youthbuild Sections of the SuperNOFA.

B. Content and Form of Application Submission

1. *Response to NOFA—Page Limitation.* The total narrative response to all factors identified in Section V of this program NOFA must not exceed 15 pages, and must be submitted on 8.5 by 11 inch paper, using a standard 12 point font, with lines double-spaced and printed only on one side. Please note that submitting pages in excess of the page limit will not disqualify your application. However, HUD will not review or consider the information on any excess pages, which may result in a lower score or failure to meet a threshold.

2. *Application Items.* 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 A to the General Section of the SuperNOFA.

What to submit	Required content	Required form or format	When to submit it
Transmittal Letter	Category applying for Location of project; Number of participants; Number of houses to be constructed; Number of houses to be rehabbed; Major partners.	None	On or before July 2, 2004.
Application		SF–424.	
Survey on Ensuring Equal Opportunity for Applicants.		SF–424 supplement.	
Budget information	Total Youthbuild Grant Budget	Youthbuild Form 4A.	
Rating Factors: Narrative plus Exhibit 4B plus Logic Model Form.	Described in Section V of this announcement.		
Assurances	(per required form)	HUD–424B.	
Applicant/Recipient Disclosure/Update Form.	(per required form)	HUD–2880.	
Disclosure of Lobby Activities (if necessary).		SF–LLL.	
Certification of Consistency with RC/EZ/EC Strategic Plan.		HUD–2990.	
Certification of Consistency with Consolidated Plan.		HUD–2991.	
Acknowledgment of Application Receipt.		HUD–2993.	
Client Comments and Suggestions		HUD–2994.	
Youthbuild Program Specific Forms* Exhibit 2C (Housing Site Description)		HUD–40211.	

What to submit	Required content	Required form or format	When to submit it
Exhibit 2C10 (Individual Housing Project Site Estimate)			
*Exhibit 2C13a (Housing Project Certifications for Residential Rental Units)			
*Exhibit 2C13b (Housing Project Certifications for Transitional Housing)			
*Exhibit 2C13c (Housing Project Certifications for Homeownership)			
*Exhibit 2C15 (Environmental Threshold Information for a Property Proposed for YB Funding)			
Exhibit 4B (Non-Housing Program Resources)			
Logic Model Form		HUD–96010.	
Site Access Letters			

*These forms are required only if the applicant proposes to use Youthbuild funds for any part of acquisition, construction, or rehabilitation costs.

C. Submission Dates and Times

The application due date shall be on July 2, 2004. Please see the General Section of the SuperNOFA for application submission, delivery, and timely receipt requirements.

D. Other Submission Requirements

1. Address for Submitting Applications. Completed applications (one original signed application and two copies) must be submitted to: HUD Headquarters, Robert C. Weaver Federal Building, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7251, Washington, DC 20410; Attention: Youthbuild Program. When submitting your application, please include your name, mailing address (including Zip code), telephone number, and fax number (including area code). Also, please submit one copy of your complete application to the Community Planning and Development office that has jurisdiction for your program project area (refer to Appendix C to find your appropriate CPD office and address).

2. Application and Submission Information. Please refer to General Section of the SuperNOFA for information.

V. Application Review Information

The factors for rating and ranking applicants, and maximum points for each factor, are provided below. The maximum number of points for the program is 102. This includes two RC/EZ/EC bonus points, as described in the General Section of the SuperNOFA. The minimum fundable score is 75, including a minimum of 10 points in Factor 1.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 Points, Minimum 10 Points)

This factor addresses the qualifications and experience of the applicant and participating parties to implement a successful young adult education training program in accordance with your work plan as further described in Factor 3. HUD will review and evaluate information provided documenting recent capability. Experience within the last 5 years will be considered recent. In addition, as described in the General Section of the SuperNOFA, HUD will take into account the applicant's past performance and may deduct points in this rating factor for previous inability to demonstrate performance. In reviewing this rating factor, HUD will evaluate the following sub-factors:

1. *Team Member Composition and Experience (5 points).* Your experience and the experience of your project director, core staff competencies including your day-to-day program manager, consultants, and contractors. You must demonstrate that your program manager has the background, experience, and capacity to implement all of the program components of the proposed work plan, as evidenced by recent work experience (within the last 5 years) in managing projects of the same or similar size, dollar amount, types of activities, and beneficiaries as those proposed in your work plan. If any gaps exist in your experience or organizational structure to carry out the program, describe how you will fill those gaps including the hiring of consultants or other outside parties.

2. *Organizational Structure (5 points).* The structure of your organization (include an organizational chart), management structure, including reporting relationships of key staff, a system for coordinating with outside contractors or third party service providers, a mechanism for an internal and external auditing relationship, and an accounting system which meets federal accounting system requirements. You should provide a clear description of how your organizational structure will operate to carry out your work plan.

3. *Achievement of Performance Outcomes (10 points).* The objectives and accomplishments of your past experience in conducting similar activities. You must describe your past project objectives and accomplishments that are similar to those of your proposed work plan to show your effectiveness and timeliness in managing similar projects. If you have received similar grants including previous Youthbuild grants, you must describe the effectiveness of your administration, including timeliness and meeting performance results from performance reports. In addressing timeliness of reports, you must compare when your reports were due with when they were actually submitted. You must describe your achievements, including specific measurable outcome objectives: number of youths recruited, trained, and received GEDs; number of youths obtaining jobs (*i.e.,* those that are a part of a career path or apprenticeship program); number of youths participating in apprenticeships and number of housing units rehabilitated or constructed and made available for low- and very low-income persons (1) percent entered employment or enrolled in education and/or training first quarter after program exit, (2) percent of participants that earned a diploma, GED, or certificate, (3) percent that have attained literacy and numeracy skills by

participants, (4) annual cost per participant.

Also, you must describe the extent to which you or participating partners 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.

The more recent, relevant, and successful the experience of the proposed team members, organization and other participating entities in relation to the work plan, the greater the number of points that you will receive. For previous and existing Youthbuild grantees, applicants that can demonstrate a closer and greater linkage between the expected outcomes and the previously generated outcomes will receive a higher amount of points for this Factor. Previous and existing Youthbuild grantees' semi-annual reports will also be used to evaluate and score this subfactor.

Rating Factor 2: Need/Extent of the Problem (23 Points)

This Factor addresses the extent to which there is need for funding the proposed activities based on levels of distress and an indication of the urgency of meeting the need/distress in the applicant's target area. In responding to this Factor, applications will be evaluated on the extent to which the level of need for the proposed activity and the urgency in meeting the need are documented and compared to the target area and national data.

1. In applying this Factor, HUD will consider current levels of distress for the area (*i.e.*, Census Tract(s) or Block Groups) immediately surrounding the project site or the target area to be served by the proposed project, and in the nation. This means that an application that provides data that show levels of distress in the target area expressed as a percent greater than the national average will be rated higher under this Factor.

Notwithstanding the above, an applicant proposing a project to be located outside the target area could still receive points under the Distress Factor if a clear rationale and linkage is provided linking the proposed project location and the benefits to be derived by persons living in more distressed area(s) of the applicant's target area.

2. Applicants should provide data that address indicators of distress, as follows:

a. Poverty (5 points)—data should be provided in both absolute and percentage form (*i.e.,* whole numbers and percentages) for the target area(s); an application that compares the local poverty rate in the following manner to the national average at the time of submission will receive points under this section as follows:

(1) Less than the national average—0 points.

(2) Equal to but less than twice the national average—1 points.

(3) Twice but less than three times the national average—3 points.

(4) Three or more times the national average—5 points.

b. Unemployment (5 points)—for the project area;

(1) Less than the national average—0 points.

(2) Equal to but less than twice the national average —1 point.

(3) Twice but less than three times the national average— 2 points.

(4) Three but less than four times the national average—3 points.

(5) Four but less than five times the national average—4 points.

(6) Five or more times the national average—5 points.

c. High School Dropouts (10 points)—for the project area;

(1) Less than the national average—0 points.

(2) Equal to but less than twice the national average—2 points.

(3) Twice but less than three times the national average—4 points.

(4) Three but less than four times the national average—6 points.

(5) Four but less than five times the national average— 8 points.

(6) Five or more times the national average—10 points.

d. Concrete examples of social and/or economic decline that best capture the applicant's local situation (3 points). Examples that could be provided under this section are information on the community's stagnant or falling tax base, including recent commercial or industrial closings, housing conditions, such as the number and percentage of substandard and/or overcrowded units, rent burden (defined as average housing cost divided by average income) for the target area and urgency in addressing problems facing youth, local crime statistics, etc.

3. In rating applications under this Factor, HUD reserves the right to consider sources of available objective data, such as the U.S. Census, other than, or in addition to, those provided by applicants, and to compare such data to those provided by applicants and local crime statistics for the project site.

HUD requires use of sound and reliable data (*e.g.,* U.S. Census data, state statistical reports, university studies/reports that are verifiable) to support distress levels cited in each application. A source for all information along with the publication or origination date must also be provided. Updated Census data are available as follows for the listed indicators:

a. Unemployment rate—estimated monthly, with a two-month lag;

b. High School Dropout rate;

c. Poverty rate—2001—data being the most recent available.

Rating Factor 3: Soundness of Approach (35 Points)

This factor addresses the extent to which your proposed program is coordinated with other ongoing and related activities in the area you propose to serve and how well your program outcomes result in increased independence and empowerment to your beneficiaries at the conclusion of the grant period. HUD will evaluate the extent to which your application meets the following three elements:

A. Coordination Elements—5 points as distributed below.

1. *Coordination of activities* (2 points). The extent to which you have coordinated your activities with other known organizations that are not directly in your proposed work activities, but with which you share common goals and objectives and are working toward meeting these objectives in a holistic and comprehensive manner. The goal of coordination is to ensure that programs do not operate in isolation. The more your activities are coordinated with other agencies in your service area, the more points you will receive. HUD will consider your signed Certification of Consistency with the Consolidated Plan in evaluating this subfactor. An example of coordination of activities would be the applicant's partnership with an existing child day care facility (which is not funded by program) that provides day care services to the Youthbuild participants during the hours they are being trained or receiving education.

2. *Self-Sufficiency* (1 point). The extent to which your application implements practical solutions within the grant term that result in assisting beneficiaries of grant program funds in achieving independent living, economic empowerment, educational opportunities, housing choice or improved environments which are free from environmental hazards such as lead hazards, brownfields, overcrowded

housing, etc. Applicants that clearly describe the extent to which proposed activities result in increased independence and empowerment for their beneficiaries will receive higher points in this sub-factor.

3. *Sustainability* (2 points). The extent to which your program exhibits the potential to be financially self-sustaining by decreasing dependence on Youthbuild funding and relying more on state, local, and private funding so your activities can be continued after your grant award is complete. Applicants that demonstrate a reduced dependence on Youthbuild funds over the life of their award will receive a greater number of points for this sub-factor.

B. Youthbuild Program Work Plan. *For each component,* HUD will consider the overall quality and feasibility of your proposed work plan and budget that must be consistent with the Youthbuild program as measured by your specific activities and outcomes. *You will receive a greater number of points if the program components are consistent with the purpose of the Youthbuild program and your project goals and the resources provided. Letters describing specific resources or services to be contributed by non-applicant organizations must be included in your application.*

Specifically, HUD will consider the following categories when assessing your proposed work plan:

1. *Program Components.* (15 points)

a. Outreach strategy, recruitment strategy and selection activities. Points will be awarded based upon overall quality and feasibility of the outreach, recruitment and selection activities, the number and types of outreach activities, number of youths to be recruited including eligible participants who are harder to reach and comprehensiveness of the local selection process.

In evaluating this category, HUD will consider your selection strategies and your specific outreach efforts to recruit or contact:

(1) (Potential eligible participants who are unlikely to be aware of this program (because of race, color, national origin, religion, ethnicity, sex or disability);

(2) Young women, young women with dependent children, and persons receiving public assistance; and

(3) Public agencies, courts, homeless shelters, local school systems, local workforce development systems, one-stop centers and community-based organizations, etc.

b. Educational and job training services and activities.

Points will be awarded based upon the qualifications of instructors and proposed wages and stipends for youth participants. In evaluating this category, HUD will consider:

(1) The types of in-class academic and vocational instruction you will provide;

(2) The number and qualifications of program instructors and ratio of instructors to participants;

(3) Scheduling plan for classroom and on-the-job training needed to meet program requirements and ensure timely completion of your program; and

(4) Reasonable payments of participants' wages, stipends, and incentives. Amounts must be at least federal minimum wage.

c. Leadership development. Points will be awarded based upon your proposed leadership curriculum, qualifications of instructors, and the impact of the proposed leadership activities on the target area. You must describe 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 assess the need for counseling and referral services during each stage of program implementation: Outreach strategy, recruitment strategy, youths interviewed and not selected for the program, program participants, youths who drop out of the program, and graduates of the program. Describe how the participant needs will be addressed, document counseling and referral services to be offered to participants, the type of counseling, social services, and/or need-based stipends you will provide.

e. Follow-up assistance and support activities to program graduates. You must describe the type of proposed assistance and support which should be based upon an assessment of the needs of the program graduates and should include continued linkage to the local Youthbuild program, counseling and social service referral services.

f. On-site training. Points will be awarded based upon the experience of proposed instructors, number of youth to be trained and wages or stipends for participants. HUD will consider:

(1) 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 as provided in the training curriculum and methodology for carrying out on-site training;

(2) The qualification and number of on-site supervisors;

(3) The ratio of trainers to participants;

(4) The number of participants per site; and

(5) The amounts, wages, and/or stipends you will pay to participants during on-site work.

Amounts must be at least federal minimum wage.

2. *Strategy for Job Placement.* (2 points). HUD will evaluate the quality and feasibility of your proposed strategy to place youth participants in permanent jobs.

You will be rated on the following factors: (a) Proposed number of youth to obtain jobs that promote economic self-sufficiency (*i.e.,* those that are a part of career paths or apprenticeship programs); (b) proposed number of youths who will continue post-secondary or secondary education; and (c) proposed number of youths to receive entrepreneurship training. Two points of this factor will be awarded based upon the comprehensiveness and feasibility of your strategies and procedures to place youth participants in related apprenticeships and commitments from construction trade unions.

C. Housing Program Priority. (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 are available and firmly committed to cover all costs, *in full,* for the following housing activities for the proposed Youthbuild program: acquisition, architect and engineering fees, construction, and rehabilitation. 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. For all applicants to receive the housing program priority points, each letter of commitment to cover the costs of the above activities must include the organization's name, the applicant's name, the proposed program, and the proposed level of commitment. The commitment letter must also be signed by an official of the organization legally able to make commitments on behalf of the organization and not earlier than the date that this NOFA is published. In documenting a firm commitment the applicant, the applicant's partner(s) or contributing entity (if the contribution is cash) must:

1. Specify the authority by which the commitment is made, the amount of the commitment and the use of funds. If the committed activity is to be self-financed, the applicant's partner or

contributing entity must evidence its financial capability through a corporate or personal financial statement or other appropriate means. If any portion of the committed activity is to be financed through a lending institution, the participant must evidence the institution's commitment to fund the commitment.

2. State the amount and use of the commitment, and the relationship of the commitment to the proposed investment; and

3. Affirm that its investment is contingent only upon receipt of FY2004 Youthbuild funds and state a willingness on the part of the signatory to sign a legally binding commitment not earlier than the date this NOFA is published and (conditioned on HUD's environmental review and approval of a property, where applicable) upon award of the grant. Forms 2C, Housing Site Description, and 2C10, Youthbuild Grant Individual Housing Project Site Estimate, must be completed to receive the Housing Program Priority points.

D. Policy Priorities. (3 points). Policy Priorities are further defined in the General Section of the SuperNOFA. Applicants should document the extent HUD's policy priorities are enhanced by the proposed activities. Applicants that include activities that can result in the achievement of these departmental policy priorities, as described below and the General Section of this SuperNOFA, will receive higher rating points in evaluating their application for funding. Two departmental policy priorities are listed below. Policy Priorities include:

1. Ending chronic homelessness within ten years (1 point);

2. Removal of regulatory barriers to affordable housing (up to 2 points) (see the General Section of the SuperNOFA for further explanation);

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). Applicants submitting letters of commitment without the Exhibit 4 completed, will not receive points for this Rating Factor. This factor addresses the ability of the applicant to secure non-HUD resources. This factor measures the extent to which you have established partnerships with other entities to secure resources for your proposed program. Each commitment described on Exhibit 4B for this Factor must have a firm commitment letter. Grantees who leverage significant resources will receive a greater number of points.

HUD will evaluate the extent to which firm commitments of resources are obtained from federal, state, local, private and nonprofit sources. HUD will award a greater number of points based upon a comparison of the extent of leveraged funds and the requested Youthbuild grant. The greater the amount of resources leveraged, the higher the points that will be awarded. In assigning points for this criterion, HUD will consider the level of 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; and

4. Other commitments. Leveraging will only be counted if you have secured a current firm financial commitment. A firm commitment letter means an agreement by which an applicant, an applicant's partner or contributing entity agrees to perform an activity specified in the application and commits the resources to the activity either in cash, through in-kind services or contributions and is irrevocable, subject only to approval and receipt of a FY2004 Youthbuild grant.

For all applicants, each letter of commitment must include the organization's name, the applicant's name, the proposed program, the proposed total level of commitment, and responsibilities as they relate to the proposed program. The commitment letter must also be signed by an official of the organization legally able to make commitments on behalf of the organization and not earlier than the date that this NOFA is published.

5. Resources from other Federal, State, local governments or private entities. HUD encourages use of existing housing and homeless assistance programs administered by HUD or other Federal, State, local governments, or private and nonprofit housing programs as part of your Youthbuild program. In addition, HUD encourages use of other non-Youthbuild funds available for vocational, adult, and bilingual education programs, or for job training under the Workforce Investment Act and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (48 U.S.C. 1601 *et seq.*).

Rating Factor 5: Achieving Results and Program Evaluation (12 Points)

This factor emphasizes HUD's commitment to ensuring that applicants keep promises made in their application to rigorously assess their performance and ensure performance goals are met. Achieving results means you, the applicant, have clearly identified the benefits, or outcomes of your program. Outcomes are ultimate goals. Benchmarks or outputs are interim activities or products that lead to the ultimate achievement of your goals. Performance measurement requires that you, the applicant, identify program outcomes, interim products or benchmarks, and performance indicators that will allow you to assess your performance. Performance indicators must be quantified and measure actual achievements against anticipated achievements. You should identify what you are going to measure, how you are going to measure it, and the steps you have in place to make adjustments to your work plan if performance targets are not met within established timeframes. Applicants are required to address this factor as a narrative as well as complete the Logic Model form (*see* appendix to the General Section). This rating factor reflects HUD's goal to embrace high standards of ethics, management and accountability.

An applicant should agree to cooperate with any HUD-approved evaluation by making staff available for interview, providing lists of participants and their contact information, and making available files under appropriate assurance of confidentiality of records.

At a minimum, your Logic Model must include the following program outcomes:

(1) Number of participants enrolled in the program;

(2) Number of participants that graduate;

(3) Number of housing units constructed;

(4) Number of housing units rehabilitated;

(5) Number and percent of GED's or certificates attained by participants (for percentage calculation, numerator: the number of participants who attain a diploma, GED or certificate; denominator: those who are participating in the Youthbuild program).

(6) Number and percent of participants placed in employment or education (for percentage calculation, numerator: the number of participants who have entered employment or enrolled in post secondary education;

denominator: the number of graduates from the Youthbuild program); and

(7) Number and percentage of participants who made literacy and numeracy gains (measures the increase in literacy and numeracy skills of participants through a common assessment tool administered at program registration and regular intervals thereafter); for percentage calculation, numerator: the number of Youthbuild program participants who increase one or more education functioning levels; denominator: the number of Youthbuild program participants who have completed a year in the program).

(8) Efficiency or annual cost per participant (numerator: grant amount; denominator: number of Youthbuild participants.)

B. Reviews and Selection Process

1. *Rating and Ranking.* a. General. To review and rate applications, HUD may establish panels including officials from other Federal agencies and outside experts or consultants to obtain certain expertise and other outside points of view. In evaluating applications for funding, HUD will take into account an applicant's past performance in managing funds, including the ability to account for funds appropriately, timely use of funds received either from HUD or from other Federal, State or local programs and meeting performance targets for completion of activities and number of persons served or targeted for assistance. HUD may use information relating to these items based on information at hand or available from public sources such as newspapers, Inspector General, or Government Accounting Office Reports or Findings, hotline complaints that have been proven to have merit, or other such sources of information.

b. Rating. All applications for funding will be evaluated against the rating factors described in Section V. of this NOFA.

c. Ranking. Applications will be ranked separately within each of the three funding categories. Applications will be selected for funding in accordance with their rank order in each category.

2. *Eligibility for Selection.* To be eligible for funding, an application must have an overall minimum score of 75 points, including a minimum score of 10 points in Factor 1. 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 (Soundness of Approach). If two or more applications 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 of the Applicant and Relevant Organization); Rating Factor 4 (Leveraging of Resources) and Rating Factor 2 (Need/Extent of the Problem).

3. *Adjustments to Funding.* HUD reserves the right to utilize this year's funding to fund previous years' errors prior to rating and ranking this year's applications. HUD reserves the right to reallocate funds between categories to achieve the maximum allocation of funds. Any available funds that remain after all applications within funding range have been selected or obligated will be reallocated between categories 1 and 2 by rank order between applications at the discretion of the selecting official or designee.

4. *Corrections to Deficient Applications.* The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

C. Anticipated Announcement and Award Dates

HUD anticipates making award announcements no later than four months after the application submission deadline date.

VI. Award Administration Information

A. Award Notices

1. *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 CONDITIONAL approval, subject to negotiation and execution of the grant agreement by HUD.

2. *Application Debriefing.* Applicants requesting to be debriefed must send a written or email request (*see* the General Section of the SuperNOFA) to: Mr. Marty Horwath, Director; Youthbuild Program; Office of Economic Development; Office of Community Planning and Development, 451 Seventh Street, SW., Room 7218, Washington, DC 20410–7000. Debriefing information can be found in the General Section of the SuperNOFA.

B. Administrative and National Policy Requirements

1. Applicable OMB Circulars. Please refer to the General Section of the SuperNOFA for information regarding applicable OMB Circulars.

2. Applicable Executive Orders. Please note that Executive Order 13202 may apply to your program (*see* the General Section of the SuperNOFA) and section 6002 of the Solid Waste Disposal Act covering the procurement of recovered materials may also be applicable (the General Section of the SuperNOFA. Also, refer to the General Section of the SuperNOFA for applicable Executive Orders.

VII. Agency Contact(s)

For information concerning the HUD Youthbuild program, contact Ms. Phyllis Williams, Community Planning and Development Specialist, Office of Economic Development, Office of Community Planning and Development, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7218, Washington, DC 20410–7000; telephone (202) 708–2290 (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 800–877–8339. *For Technical Assistance.* Prior to the application deadline, HUD's staff will be available to provide general guidance on the application submission process and location of information, but not guidance in preparing your application.

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 *http://www.hud.gov.*

Paperwork Reduction Act: The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2506.0142. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average 45 hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application, semi-annual reports, and final report. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

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 decision making in accordance with the environmental procedures and standards described 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;

(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. This course of action is recommended in view of the fact that most, if not all of 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 questions:

(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. Key terms used in these instructions are defined in the following section. 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. Please attach a letter supporting the information from each qualified data source to Exhibit 2C(15).

(b) Minor rehabilitation refers to proposed repairs and renovations to

(1) A building for residential use (with one to four units):

A. Where the density is not increased beyond four units;

B. Where the land use is not changed; and

C. Where the footprint of the building is not increased in a floodplain or in a wetland; or

(2) A multifamily residential building (with more than four units):

A. Where the unit density is not changed more than 20 percent;

B. Where the land use is not changed to non-residential; and

C. Where the estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation.

(c) Major rehabilitation refers to proposed repairs and renovations to an existing building:

(i) Where the estimated cost of the work is 75 percent or more of the property value after completion;

(ii) That involves changes in land use from residential to nonresidential, or from nonresidential to residential;

(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.

(f) 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.

(g) 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.

(h) 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 in order 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, 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. 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. 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 24 CFR 50.3 (i), HUD will not approve the provision of financial assistance to residential properties on sites where contamination could affect the health and safety of occupants or conflict with the intended utilization of the property. 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 hazardous 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: (a) Property that is located within a floodway or coastal high hazard area; and (b) substantial improvement. Substantial improvement for flood hazard purposes means any property rehabilitation which: (i) Increases the unit density of the property; or (ii) 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 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 an SFHA, you must provide HUD with estimates of: (1) The property value before rehabilitation, and (2) 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 that extends to future years, the grant agreement will require that the insured have 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 applicant's 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 Interior's 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 SHPO's 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: (a) Construction of a building; (b) conversion of a non-residential land use to a residential land use including making habitable a building condemned for habitation; or (c) 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 describes the condition of the property, and report the option selected in item 7 of section G.

A. The proposed project does not include: (1) Construction of a building; (2) conversion of a non-residential land use to a residential land use including making habitable a building condemned for habitation; or (3) rehabilitation that increases the density of a residential structure by increasing the number of dwelling or rooming units.

B. The proposed project includes: (1) Construction of a building; (2) conversion of a non-residential land use to a residential land use including making habitable a building condemned for habitation; or (3) 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: (1) Construction of a building; (2) conversion of a non-residential land use to a residential land use including making habitable a building condemned for habitation; or (3) rehabilitation that increases the density of a residential structure by increasing the number of dwelling or rooming units. 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 part 51, subpart C.

8. Site near high noise source:

Threshold: For new construction that 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: (1) 1,000 feet of a major noise source, road, or highway; (2) 3,000 feet of a railroad; or (3) 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: (1) 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; (2) stating whether the property is located within a ''Normally Unacceptable'' or ''Unacceptable'' noise zone; and (3) 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 that can affect the coastal zone must be carried out in a manner consistent with the approved state coastal zone management program under section 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 coastal zone management 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 that 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 that 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 the 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 or the Department of Commerce 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 effect, and/or a finding made by the Fish and Wildlife Service of the Department of the Interior or the National Marine Fisheries Service of the Department of Commerce 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 the Department of the Interior 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 either:

(1) Major rehabilitation of:

1. Multifamily residential buildings (with more than four units) that would: increase unit density by more than 20 percent, change the land use, or cost 75 percent or more of the total estimated cost of replacement after rehabilitation; or

2. Buildings for residential use (with one to four units) that would increase density beyond four units, change the land use, or increase the footprint of the building in a floodplain or in a wetland;

(2) New construction except for (A) and individual action on up to four dwelling units where there is a maximum of four units on any one site (the units can be four one-unit buildings or one four-unit building or any combination in between); and (B) an individual action on a project of five or more housing units developed on scattered sites, when the sites are more than 2,000 feet apart and there are not more than four housing units on any one site. It is the policy of the Department to reject proposals that 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 regulations 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 these 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.

Appendix B

The non-standard forms which follow are required for your Youthbuild application. The Youthbuild forms were approved under OMB Approval No. 2506–0142 (expiration 12/31/06).

BILLING CODE 4210–32–P

Exhibit 2 C. Housing Site Description. (Complete all sections.)

Public reporting burden for the collection of information is estimated to average 2 hours per response. This includes the time for collecting, reviewing, and reporting the data. The information will be used for the Youthbuild grant. Response to this request for information is required in order to receive the benefits to be derived. 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.

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

8. Name of the current owner of the property:

(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 of 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.

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 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.

form **HUD-40211** (03/2004)

Exhibit 2 C 10. 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	$	$	$	$	$	$ 0.00
2. Architecture and Engineering						0.00
3. Housing Construction						0.00
4. Housing Rehabilitation						0.00
5. Total Housing Project Costs for Site						0.00

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 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.

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		$ 0.00		

form **HUD-40211** (03/2004)

Exhibit 2 C 13a. Housing Project Certifications For Residential Rental Units

Applicants requesting Youthbuild Grant funds to fund any part of the acquisition, construction, rehabilitation, operating costs or replacement reserves for a housing project that will be used for residential rental units, must make the following certification. 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 income 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.

F. Will, if it is a nonprofit organization, adopt and follow a plan for tenant participation in management decisions.

G. Will not require tenants to pay rent in excess of the amount provided under section 3(a) of the United States Housing Act of 1937.

H. Will ensure that the aggregate monthly rental for each eligible 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.

I. 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.

J. Will not convey ownership of the property unless the instrument of conveyance requires a subsequent owner to comply with the above certifications for the remainder of the ten year period.

Signature of Authorized Certifying Official of:

____ Applicant ____ Rightful Property Owner

Title: _____

Organization: _____

Date: _____

Address of Property: _____

_____

_____

form **HUD-40211** (03/2004)

Exhibit 2 C 13b. Housing Project Certifications For Transitional Housing

Applicants requesting Youthbuild Grant funds to fund any part of the acquisition, 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, then 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 residential rental 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 ____ Rightful Property Owner

Title: _____

Organization: _____

Date: _____

Address of Property: _____

_____

_____

Exhibit 2C 13c. Housing Project Certifications for Homeownership

Applicants requesting Youthbuild Grant funds to fund any part of the acquisition, 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: _____

_____

_____

Exhibit 2 C 15. Environmental Threshold Information for a Property Proposed for Youthbuild Funding

(See Instructions for completing this exhibit)

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 (ie., 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,B, or C___
9. Site affecting coastal zone management: Indicate A or B ___
10. Site affecting a sole source: 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 any adverse environmental impacts that affect the property or that the project would create?

Yes ___ if yes, document on separate sheets (s).

No ___

Exhibit 4A. TOTAL YOUTHBUILD GRANT BUDGET

	Sources of Funds					
Grant Activities	Youthbuild	Other Federal	State	Local	Private	Total
1.Acquisition	$	$	$	$	$	$ 0.00
2. Architecture and Engineering						0.00
3. Housing Construction						0.00
4. Housing Rehabilitation						0.00
5. Relocation						0.00
6. Outreach and Recruitment Activities						0.00
7. Education and job training (includes on-site training						0.00
8. Trainee wage, etc.*						0.00
9. Leadership development, counseling, support services						0.00
10. Job placement and follow-up						0.00
11. Subtotal (sum of lines 1 through 10)	0.00	0.00	0.00	0.00	0.00	0.00
12. Costs of administering Grant**						0.00
13. Total Costs (sum of lines 11 and 12)	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00

*Include need-based stipends/benefits/incentives/tools/clothing, etc.

** Cannot exceed 10% of total Youthbuild grant amount.

form **HUD-40211** (03/2004)

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		$ 0.00		

APPENDIX C

Field Offices to receive one copy of your Youthbuild application

If your Youthbuild project is located in the following States,	Submit one copy of your application to:
Maine, New Hampshire, Vermont, Massachusetts, Rhode Island or Connecticut	CPD Economic Development Specialist Boston Regional Office 10 Causeway Street Boston, MA 02222-1092
New York or New Jersey	CPD Field Office Director New York Regional Office 26 Federal Plaza Suite 3541 New York, NY 10278-0068
Pennsylvania, Delaware, Maryland, West Virginia, Virginia or Washington, DC	CPD Economic Development Specialist Philadelphia Regional Office The Wanamaker Bldg. 100 Penn Square, East Philadelphia, PA 19107-3380
Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Florida or the Caribbean	CPD Economic Development Specialist Atlanta Regional Office 40 Marietta Street Five Points Plaza Atlanta, GA 30303-2806
Minnesota, Wisconsin, Michigan, Ohio, Indiana, or Illinois	CPD Economic Development Specialist Chicago Regional Office Ralph Metcalfe Federal Bldg. 77 W. Jackson Blvd. Chicago, IL 60604-3507
Arkansas, Louisiana, Oklahoma, Texas or New Mexico	CPD Field Office Director Fort Worth Regional Office 801 Cherry Street P.O. Box 2905 Fort Worth, TX 76113-2905
Iowa, Missouri, Kansas or Nebraska	No regional specialist – send to Headquarters only
North Dakota, South Dakota, Montana, Wyoming, Utah or Colorado	CPD Economic Development Specialist Denver Regional Office 1670 Broadway Denver, CO 80202-3607
Northern California, Arizona , Nevada or Hawaii	CPD Economic Development Specialist San Francisco Regional Office 450 Golden Gate Avenue San Francisco, CA 94102-3448
Southern California	CPD Economic Development Specialist Los Angeles Field Office 611 W. 6th Street, Suite 800 Los Angeles, CA 90017
Idaho, Oregon, Washington or Alaska	CPD Economic Development Specialist Seattle Regional Office 909 First Ave., Suite 200 Seattle, WA 98104-1000

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING CHOICE VOUCHER FAMILY SELF-SUFFICIENCY (FSS) PROGRAM COORDINATORS

Billing Code 4210-32-C

HOUSING CHOICE VOUCHER FAMILY SELF-SUFFICIENCY PROGRAM COORDINATORS

Overview Information

A. *Federal Agency Name:* Department of Housing and Urban Development, Office of Public and Indian Housing, Office of Public Housing and Voucher Programs.

B. *Funding Opportunity Title:* Housing Choice Voucher Family Self-Sufficiency (FSS) Program Coordinators.

C. *Announcement Type:* Initial announcement.

D. *Funding Opportunity Number:* The **Federal Register** number for this NOFA is FR–4900–N–30. The OMB approval number for this program is 2577–0178.

E. *Catalog of Federal Domestic Assistance (CFDA) Number:* 14.871, Section 8 Housing Choice Vouchers.

F. *Dates:* Application Deadline: The application due date is June 22, 2004. Please *see* the General Section of the SuperNOFA for application submission, delivery, and timely receipt requirements.

G. *Optional, Additional Overview Content Information:* The purpose of the Housing Choice Voucher FSS program is to promote the development of local strategies to coordinate the use of assistance under the Housing Choice Voucher program with public and private resources to enable participating families to achieve economic independence and self-sufficiency. The FSS program and this FSS NOFA support the Department's strategic goals of increasing homeownership activities and helping HUD-assisted renters make progress toward self-sufficiency. The FSS program provides critical tools that can be used by communities to support welfare reform and help families develop new skills that will lead to economic self-sufficiency. As a result of their participation in the FSS program, many families have achieved stable, well-paid employment, which has made it possible for them to become homeowners. An FSS program coordinator assures that program participants are linked to the supportive services they need to achieve self-sufficiency.

FULL TEXT OF ANNOUNCEMENT

I. Funding Opportunity Description

A. Authority and Program Description

Title II of Division G of the Consolidated Appropriations Act 2004, (Pub. L. 108–199, approved January 23, 2004) allows funding for program coordinators under the Housing Choice Voucher FSS program. Through annual NOFAs, HUD has provided funding to public housing agencies (PHAs) that are operating Housing Choice Voucher FSS programs to enable those PHAs to employ program coordinators to support their Housing Choice Voucher FSS programs. In the Fiscal Year (FY) 2004 Housing Choice Voucher FSS Program Coordinator NOFA, HUD is again making funding available to PHAs to employ FSS program coordinators and FSS homeownership program coordinators for one year. Funding priority under this NOFA will be provided to applicants that demonstrate that their FSS families have participated in homeownership programs. HUD will accept applications from both new and renewal PHAs that have HUD approval to administer a Housing Choice Voucher FSS program. PHAs funded under an FSS NOFA in FY2002, or FY2003 are considered ''renewal'' PHAs in this NOFA. These renewal PHAs are invited to apply for funds to continue previously funded FSS program coordinator and FSS homeownership coordinator positions that they have filled. In addition, any renewal PHA that did not receive funding for a Housing Choice Voucher FSS homeownership coordinator under a previous FSS NOFA is invited to apply for funding for a coordinator position to support FSS homeownership activities. The maximum number of positions a renewal PHA may receive would be equal to the highest number of filled positions funded under the FY 2002 or FY2003 FSS NOFA, plus funding for an FSS homeownership coordinator if the PHA did not receive funding for a homeownership coordinator under a previous FSS NOFA.

Because of the importance of the FSS program in helping families increase earned income and develop assets, HUD will also accept applications from ''new'' PHAs; PHAs that do not qualify as renewal PHAs under this FSS NOFA. The maximum number of positions that a new applicant PHA, including new PHA joint applicants, may receive is one full-time FSS program coordinator. Preference in funding these ''new'' applicant PHAs will be given to applicants with qualifying existing homeownership programs serving FSS program participants and graduates. A definition of qualifying homeownership programs is listed below.

To support the Department's initiatives on Colonias, a selection preference is again included in this NOFA for ''new'' applicant PHAs that provide services and support to rural under-served communities in the Southwest Border regions of Arizona, California, New Mexico, and Texas. *See* section III.D.3.b. of this NOFA for requirements that must be met to qualify for the Colonias preference.

PHAs are encouraged to outreach to disabled Housing Choice Voucher program participants who might be interested in participating in the FSS program and to include agencies on their FSS Program Coordinating Committee (PCC) that work with and provide services for disabled families.

Applicants must administer the FSS program in accordance with HUD regulations and requirements in 24 CFR Part 984 which govern the Housing Choice Voucher FSS Program and must comply with the existing Section 8 Housing Choice Voucher program requirements, Notices and guidebooks.

B. Number of Positions for Which Eligible PHAs May Apply

Eligible PHAs may apply for funding for Housing Choice Voucher FSS program coordinator positions under this NOFA as follows:

1. *Renewal PHAs.* PHAs that qualify as eligible renewal PHAs under this NOFA, may apply for: (a) Continuation of each FSS coordinator position, including homeownership coordinator positions, most recently funded under an FSS NOFA in FY2002 or FY2003 that has been filled by the PHA. (b) New Position. Up to one initial full-time FSS homeownership program coordinator for renewal PHAs with qualifying homeownership programs that did not receive funding for an FSS homeownership coordinator under an earlier FSS NOFA.

2. *New PHAs.* A PHA that meets the requirements for a new PHA under this FSS NOFA, may apply for Housing Choice Voucher FSS program coordinator positions as follows: (a) Up to one full-time FSS coordinator position for a PHA with HUD approval to administer an FSS program of 25 or more FSS slots. (b) Up to one full-time position per application for joint PHA applicants that together have HUD approval to administer a total of at least 25 Housing Choice Voucher FSS slots.

C. Definitions

The following definitions apply to the funding available under this NOFA.

1. *Renewal PHA Applicant.* A PHA or PHAs that received funding under an FSS NOFA in FY2002 or FY2003.

2. *New PHA Applicant.* PHAs that did not receive funding under an FSS NOFA in FY 2002 or FY2003 that have HUD approval to administer a Housing Choice Voucher FSS program of at least 25 slots or that fulfill the 25 slot minimum by applying jointly with one or more other PHAs.

3. *FSS Program Size.* The total number of Housing Choice Voucher FSS program slots identified in the PHA's HUD-approved FSS Action Plan. The total may include both voluntary and mandatory Housing Choice Voucher FSS program slots.

4. *Qualifying Homeownership Program.* Qualifying programs include the Housing Choice Voucher program homeownership option or other programs that prepare Housing Choice Voucher program FSS participants for making the transition from renting to homeownership.

5. *FSS Homeownership Percentage.* A percentage that will be computed by HUD for the purpose of establishing the order of funding of eligible applicants under this NOFA. It is the total number of an applicant's Housing Choice Voucher FSS homeownership families as a percentage of the PHA's Housing Choice Voucher FSS program participants.

6. *Total Number of FSS Homeownership Families.* The total number of Housing Choice Voucher FSS homeownership families enrolled in the applicant's Qualifying Homeownership Program as of September 30, 2003, plus the number of its Housing Choice Voucher FSS graduates that moved to homeownership between October 1, 2000, and September 30, 2003. Homeownership participation of families is reported to HUD on the FSS program coordinator application and these numbers are subject to post audit.

7. *The Number of Housing Choice Voucher FSS Program Participants.* A number that is used to calculate the FSS Homeownership Percentage of the applicant. It is the total number of families shown in HUD's PIC data system as enrolled in the applicant's Housing Choice Voucher FSS program on September 30, 2003, plus the number of families that successfully completed their Housing Choice Voucher FSS contracts in the applicant's program between October 1, 2002, and September 30, 2003.

8. *Percentage of Families with Positive FSS Escrow Balances.* A percentage that will be computed by HUD and used to determine funding order under this NOFA. It is the number of Housing Choice Voucher FSS families with positive escrow balances as a percentage of Housing Choice Voucher FSS families with FSS progress reports submitted to HUD on the Form HUD–50058 FSS addendum. The data source is HUD's PIC data system records of Form HUD–50058 Housing Choice Voucher FSS program progress reports that were effective between October 1, 2002, and September 30, 2003.

9. *Housing Choice Voucher Program Size.* The number of Housing Choice Vouchers in a PHA's voucher program as determined by HUD using baseline data.

10. *Local HUD Field Office.* In this announcement, this means the local HUD field office Hub, not the local HUD field office Program Center. A listing of HUD field offices is included as an appendix to the General Section of the SuperNOFA.

II. Award Information

A. Available Funds

This NOFA announces the availability of up to $47.7 million in FY2004 to employ FSS program and FSS homeownership coordinators for the Housing Choice Voucher FSS program. If additional funding becomes available during FY2004, HUD may increase the amount available for Housing Choice Voucher FSS Program coordinators and FSS homeownership coordinators under this NOFA. A maximum of $63,000 is available for each full-time coordinator position funded. Salaries are to be based on local comparables.

III. Eligibility Information

A. Eligible Applicants

PHAs eligible to apply for funding under this NOFA are:

1. *Renewal PHAs.* Those PHAs that received funding under an FSS NOFA in FY2002 or FY2003. To continue to qualify as renewal PHAs, the FY2004 application of joint applicants must include at least one PHA applicant that meets this standard. Joint applicants can change the lead PHA in their FY2004 application. A PHA that was originally funded as part of a joint application, that wishes to now apply separately would continue to be considered a renewal PHA applicant for funding purposes, but must be able to meet the FSS minimum program size requirement of a HUD-approved Housing Choice Voucher program of at least 25 slots that applies to new applicant PHAs.

2. *New PHAs.* PHAs that were not funded under an FSS NOFA in FY2002 or FY2003. The new applicant PHA must be authorized through its HUD-approved FSS Action Plan to administer a Housing Choice Voucher FSS program of at least 25 slots, or be a PHA with HUD approval to administer Housing Choice Voucher FSS programs of fewer than 25 slots that applies jointly with one or more other PHAs so that together they have HUD approval to administer at least 25 Housing Choice Voucher FSS slots. Joint applicants must specify a lead co-applicant that will receive and administer the FSS program coordinator funding.

3. *Moving to Work (MTW) PHAs.* New and renewal PHAs that are under the MTW demonstration may qualify for funding under this NOFA if the PHA administers an FSS program. When determining the size of a MTW PHA's HUD-approved FSS program, the PHA may request that the number of FSS slots reflected in the PHA's MTW agreement be used instead of the number in the PHA's FSS Action Plan.

4. *Troubled PHAs.*

a. A PHA that has been designated by HUD as a troubled PHA under the Section 8 Management Assessment Program (SEMAP), or that has serious program management findings from Inspector General audits or serious outstanding HUD management review or Independent Public Accountant (IPA) audit findings for the PHA's Housing Choice Voucher or Moderate Rehabilitation programs that are resolved prior to application due date is eligible to apply under this NOFA. Serious program management findings are those that would cast doubt on the capacity of the PHA to administer its Housing Choice Voucher FSS program in accordance with applicable HUD regulatory and statutory requirements.

b. The requirements that apply to a PHA whose SEMAP troubled designation has not been removed by HUD or the major program management findings or other significant program compliance problems resolved by the due date are stated in Section III.C.3.e. of this NOFA.

B. Cost Sharing or Matching

None required.

C. Other

1. Eligible Activities

Funds awarded to PHAs under this FSS NOFA may only be used to pay salaries and fringe benefits of Housing Choice Voucher FSS program staff. Funding may be used to employ or otherwise retain for one year the services of Housing Choice Voucher FSS program coordinators and FSS homeownership coordinators. FSS Coordinator support positions funded under previous FSS NOFAs that made funding available for such FSS positions may be continued. A part-time program coordinator may be retained where appropriate.

2. Threshold Requirements

a. All Applicants.

(1) Each applicant must qualify as an eligible PHA under Section III.A. of this NOFA and must have submitted their

FSS application by the application due date and in the format required in Section IV. of this NOFA.

(2) All applications must include a Dun and Bradstreet Universal Numbering System (DUNS) number. (*See* Section III.C.2.b. of the General Section of this SuperNOFA for further information about the DUNS number requirement.)

(3) Civil Rights Threshold, Non-discrimination, Affirmatively Furthering Fair Housing, and Economic Opportunities for Low- and Very Low-Income Persons (Section 3) requirements. For detail on these requirements, please see the General Section of the SuperNOFA, Section III.C.2.c. and C.4.a, b. and c.

(4) The PHA must have a financial management system that meets federal standards. *See* Section III.C.2.f. of the General Section of the SuperNOFA regarding those applicants that may be subject to HUD's arranging for a pre-award survey of an applicant's financial management system.

(5) Applicants must comply with the requirements for funding competitions established by the HUD Reform Act of 1989 (42 U.S.C. 3531 *et seq.*) and other requirements as defined in the General Section of the SuperNOFA.

b. *Renewal Applicants.*

(1) *Continued funding for existing coordinator positions.* In addition to meeting the requirements of Section III.A.of this FSS NOFA, renewal PHA applicants must continue to operate a Housing Choice Voucher FSS program, have filled eligible FSS program coordinator positions for which they are seeking renewal funding, executed FSS contracts of participation with Housing Choice Voucher FSS program families and submitted reports on participant families to HUD via the form HUD–50058 FSS/WtW Voucher Addendum.

(2) *New position.* Renewal PHAs applying for a Housing Choice Voucher FSS Homeownership Coordinator must meet all requirements in Section III.A. and III.C.2.a and b. above, must not have received funding for an FSS homeownership coordinator under an earlier Housing Choice Voucher FSS Program Coordinator NOFA and must administer or participate in a qualifying homeownership program that serves Housing Choice Voucher FSS program participants or graduates. Qualifying homeownership programs include the Housing Choice Voucher program homeownership option and other programs that prepare Housing Choice Voucher program FSS participants for making the transition from rental to homeownership.

c. *New Applicants.* New applicants must meet the requirements of Section III.A. and Section III C.2.a of this FSS NOFA.

3. Program Requirements

a. Salary Comparables. For all positions requested under this NOFA, evidence of salary comparability to similar positions in the local jurisdiction must be kept on file in the PHA office

b. FSS Action Plan. The requirements for the FSS Action Plan are stated in 24 CFR 984.201. For a new PHA applicant to qualify for funding under this NOFA, the PHA's initial FSS Action Plan or amendment to change the number of Housing Choice Voucher FSS slots in the PHA's previously HUD-approved FSS Action Plan must be submitted to and approved by the PHA's local HUD field office prior to the application due date of this FSS NOFA. An FSS Action Plan can be updated by means of a simple one-page addendum that reflects the total number of FSS slots (voluntary and /or mandatory slots) the PHA intends to fill. New PHA applicants with previously approved Housing Choice Voucher FSS Action Plans may wish to confirm the number of HUD-approved slots their local HUD field office has on record for the PHA. A MTW PHA may request that the number of FSS slots reflected in its MTW agreement be used instead of the number of slots in the PHA's FSS Action Plan.

c. Colonias Preference. New applicant PHAs claiming the Colonias preference must meet the requirements of Section III.A. and Section III.C.2.a and III.C.2.c. of this FSS NOFA and must operate in a Southwest border area that contains Colonia communities and administer programs that include outreach to members of those Colonia communities. Attachment A of this NOFA provides a listing of PHAs in Arizona, California, New Mexico, and Texas that HUD has identified as operating in areas containing Colonia communities. PHAs not listed in Attachment A that are claiming the Colonias preference will be required to include in their application submission a written request that HUD determine their eligibility for the preference.

d. Homeownership Preference. To qualify for preference, a PHA must administer or participate in a Qualifying Homeownership Program. See definition at Section I.C.4.

e. Troubled PHAs. A PHA whose SEMAP troubled designation has not been removed by HUD or the major program management findings or other significant program compliance problems resolved by the application due date, may apply if the PHA submits an application that designates another organization or entity that is acceptable to HUD that:

(1) Includes an agreement by the other organization or entity to administer the FSS program on behalf of the PHA; and

(2) In the instance of a PHA with unresolved major program management findings, includes a statement that outlines the steps the PHA is taking to resolve the program findings.

Immediately after the publication of this NOFA, the Office of Public Housing in the local HUD field office will notify, in writing, those PHAs that have been designated by HUD as troubled under SEMAP, and those PHAs with unresolved major program management findings or other significant program compliance problems 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 Director of the Grants Management Center.

f. Conducting Business in Accordance with Core Values and Ethical Standards. To reflect core values, all PHAs shall develop and maintain a written code of conduct in the PHA administrative plan that:

(1) Requires compliance with the conflict of interest requirements of the Housing Choice Voucher Program at 24 CFR 982.161; and

(2) Prohibits the solicitation or acceptance of gifts or gratuities, in excess of a nominal value, by any officer or employee of the PHA, or any contractor, subcontractor, or agent of the PHA. The PHA's administrative plan shall state PHA policies concerning PHA administrative and disciplinary remedies for violation of the PHA code of conduct. The PHA shall inform all officers, employees, and agents of its organization of the PHA's code of conduct.

IV. Application and Submission Information

A. Addresses to Request Application Package

1. *Web site.* A copy of this funding announcement for the Housing Choice Voucher FSS Program may be downloaded from the following HUD Web site: *http://www.hud.gov/offices/adm/grants/fundsavail.cfm.*

2. *Application Kit.* There is no application kit for this NOFA. This announcement contains all the information necessary for the submission of your application for Housing Choice Voucher FSS program coordinator funding.

3. *Further Information.* You may request general information, copies of the General Section and of a Program NOFA or NOFAs, from the NOFA Information Center (800–HUD–8929) or 800–HUD–2209 (TTY) between the hours of 9 a.m. and 8 p.m. (eastern time) Monday through Friday, except on Federal holidays. When requesting information, please refer to the name of the program you are interested in. 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 copies of this NOFA can be made immediately following publication of the SuperNOFA. The NOFA Information Center opens for business simultaneously with the publication of the SuperNOFA. You can also obtain information on this SuperNOFA and download application information for this NOFA through the HUD Web site, *www.hud.gov.*

4. *Technical Assistance. See* Section VII. of this FSS funding announcement.

B. Content and Form of Application Submission

1. *Content of Application.* Each new and renewal PHA must complete the form SF–424, HUD–424B, the SF–LLL, if appropriate, and the Form HUD–52651, the new FSS application form. A copy of the HUD–52651 follows immediately after Attachment A of this NOFA. In completing the SF–424, renewal PHAs should select the continuation box on question 8, type of application. Both new and renewal PHA applicants should enter the proposed ACC amendment effective and ending dates for the FSS coordinator funding in 13 of the HUD–424. In section 15 of SF–424, estimated funding, complete only 15.a., which will be the amount requested from HUD in the FY2004 FSS application.

2. *Forms, Certifications, and Assurances.* Each applicant is required to submit signed copies of Assurances and Certifications. The Assurances and Certifications required for this FSS NOFA are on the Form HUD–424B, the new FSS application Form HUD–52651, and, if applicable, the SF–LLL, Disclosure of Lobbying Activities.

C. Submission Date and Time

Your completed application (an original and two copies) is due on or before June 22, 2004. *See* the paragraph titled ''Addresses and Application Submission Procedures'' in the General Section of the SuperNOFA regarding HUD's mailing, delivery and receipt procedures pertinent to the submission of your application.

D. Intergovernmental Review

Applicants submitting applications under this funding announcement are not subject to intergovernmental review; *i.e.,* Executive Order (EO) 12372, Intergovernmental Review of Federal Program.

E. Funding Restrictions

1. *Salary Cap.* Awards under this NOFA are subject to a cap of $63,000 per year per full time coordinator position funded. Under this NOFA, if PHAs apply jointly, the $63,000 maximum amount that may be requested per position applies to up to one full time coordinator position for the application as a whole, not to each PHA separately.

2. *Limitation on Renewal Funding Increases.* For renewal coordinator positions, PHAs will be limited to a one percent increase above the amount of the most recent award for the position unless a higher increase is approved by the local HUD field office after review of the PHA's written justification and at least three comparables that must be submitted to the field office by the PHA with a copy of its FY2004 Housing Choice Voucher FSS Program Coordinator application. Examples of acceptable reasons for increases above one percent would be need for a coordinator with higher level of skills or to increase the hours of a part time coordinator to full time. Total positions funded cannot exceed the maximum number of positions for which the PHA is eligible under this NOFA.

3. *Ineligible Activities.*

a. Funds under this NOFA may not be used to pay the salary of an FSS coordinator for a public housing FSS program. In FY2004, funding for public housing FSS program coordinators is being made available through the Public Housing Resident Opportunities and Self-Sufficiency (ROSS) NOFA for Public Housing FSS Program Coordinators that is included in the FY2004 SuperNOFA.

b. Funds under this FSS NOFA may not be used to pay for services for FSS program participants.

F. Other Submission Requirements

1. *Submission to the GMC.* Submit your original application and one copy with an Acknowledgement of Receipt Form to: HUD Grants Management Center, 2001 Jefferson Davis Highway, Suite 703, Arlington, VA 22202, Attention: Housing Choice Voucher Family Self-Sufficiency Program Coordinators. The Grants Management Center is the official place of receipt for all applications in response to this announcement of funding availability. Applications not submitted to the Grants Management Center will not be considered.

2. *Submission to Field Office.* A copy of the application shall also be submitted to your local HUD field office by the application due date. Failure of the field office to receive the application by the due date will not automatically disqualify the application from further consideration. For ease of reference, the term ''local HUD field office'' as used in this announcement means the local HUD field office Hub, not the local HUD field office Program Center. A listing of HUD field office Hubs is in the General Section of the SuperNOFA.

V. Application Review Information

A. Criteria

The funds available under this NOFA are not being awarded on a competitive basis. Applications are reviewed by the local HUD field office and GMC to determine whether or not they are technically adequate based on the NOFA requirements. Field offices will provide to the GMC in a timely manner, as requested, information needed by the GMC to make its determination, such as the HUD-approved Housing Choice Voucher FSS program size of new PHA applicants and information on the administrative capabilities of PHAs. Categories of applications that will not be funded are stated in Section V.B.6. of this FSS NOFA.

B. Reviews and Selection Process

1. *Technically Acceptable Applications.* All technically adequate applications will be funded to the extent funds are available.

2. *Funding Priority Categories.* If HUD receives applications for funding greater than the amount made available under this NOFA, HUD will divide eligible applications into priority categories as follows:

Funding Category 1—Applications from eligible renewal PHAs with qualifying homeownership programs for continuation of eligible positions where the PHA has hired a coordinator.

Funding Category 2—Eligible new applicant PHAs with qualifying homeownership programs.

Funding Category 3—Applications from eligible renewal PHAs for an initial coordinator position to support FSS homeownership activities.

Funding Category 4—Applications from renewal PHAs without qualifying homeownership programs.

Funding Category 5—Applications from new applicant PHAs without qualifying homeownership programs.

3. *Order of Funding.* Starting with Funding Category 1, HUD will first determine whether there are sufficient monies to fund all eligible positions requested in the funding category. If available funding is not sufficient to fund all positions requested in the category, HUD will fund applications in the following order:

(a) Funding Category 1. HUD will calculate for each eligible applicant, the PHA's FSS Homeownership Percentage and Positive Escrow Percentage and will use these percentages in making funding decisions. Definitions and a description of the calculation of the FSS Homeownership Percentage and the Positive Escrow Percentage are included in Section I.C. of this NOFA.

HUD will begin funding eligible renewal applicants with Qualifying Homeownership Programs starting with the PHAs with the highest FSS Homeownership Percentage first. If monies are not sufficient to fund all applicants with the same FSS Homeownership Percentage, HUD will fund eligible applicants in order starting with those that have the highest Positive Escrow Percentage first. If funding is not sufficient to fund all applicants with the same FSS Homeownership Percentage and/or Positive Escrow Percentage, HUD will select among eligible applicants by Housing Choice Voucher program size starting with eligible applicants with the smallest Housing Choice Voucher program size first.

(b) Funding Category 2. If funding remains after funding all Funding Category 1 applications, HUD will then process eligible Funding Category 2 applications. HUD will calculate the FSS Homeownership Percentage and Positive Escrow Percentage for Funding Category 2 applicants as it did for Funding Category 1 applicants. If there are not sufficient monies to fund all Funding Category 2 applications, HUD will first fund applications from Category 2 PHAs eligible for the Colonias preference, starting with PHAs with the smallest Housing Choice Voucher program size first. If monies are still available, HUD will begin funding Funding Category 2 applications from PHAs with Qualifying Homeownership programs starting with applicants with the highest FSS Homeownership Percentage first. If there is not enough funding for all applicants with the same FSS Homeownership Percentage, HUD will use Positive Escrow Percentage to determine selection order, starting with applicants with the highest Positive Escrow Percentage. If monies are not sufficient to fund all applicants with the same FSS Homeownership Percentage and Positive Escrow Percentage, HUD will select eligible applicants by Housing Choice Voucher program size starting with eligible applicants with the smallest Housing Choice Voucher program size first.

(c) Funding Category 3. If funding remains after funding all Funding Category 1 and 2 applications, HUD will then process requests of eligible renewal PHAs for an initial coordinator position to support FSS homeownership activities. If there are not sufficient monies to fund all eligible positions requested, HUD will begin funding positions starting with PHAs with the highest FSS Homeownership Percentage first. If there are not sufficient monies to fund all applications with the same FSS Homeownership Percentage, HUD will fund those eligible applicants with the highest Positive Escrow Percentage first. If monies are not sufficient to fund all eligible applicants with the same FSS Homeownership Percentage and Positive Escrow Percentage, HUD will select eligible applicants in order by Housing Choice Voucher program size starting with eligible applicants with the smallest Housing Choice Voucher program size first.

(d) Funding Category 4. If funding remains, HUD will calculate the Positive Escrow Percentage of PHAs in Category 4 and will begin funding eligible applications starting with applicants with the highest Positive Escrow Percentage first. If monies are not sufficient to fund all applicants with the same Positive Escrow Percentage, HUD will select eligible applicants by Housing Choice Voucher program size starting with eligible applicants with the smallest Housing Choice Voucher program size first.

(e) Funding Category 5. If funding remains after funding all Category 1 through 4 applicants, HUD will then process applications from eligible Category 5 applicants for an initial coordinator position. If there are not sufficient monies to fund all eligible Category 5 applicants, HUD will first fund applications from eligible Category 5 applicants qualifying for the Colonias preference. If monies are still available, HUD will calculate the Positive Escrow Percentage for the remaining Category 5 applications and will begin funding Category 5 applications starting with applicants with the highest Positive Escrow Percentage first. If monies are not sufficient to fund all applicants with the same Positive Escrow Percentage, HUD will select eligible applicants by Housing Choice Voucher program size starting with eligible applicants with the smallest Housing Choice Voucher program size first.

4. Based on the number of applications submitted, the GMC may elect not to process applications for a funding priority category where it is apparent that there are insufficient funds available to fund *any* applications within the priority category.

5. *Corrections to Deficient Applications.*

a. The General Section of the NOFA provides the procedures for corrections to deficient applications. Examples of correctable technical deficiencies include, but are not limited to: submission of a Form SF–424 or FSS application Form HUD–52651 with missing information or that lacks an original signature by an authorized official or an application package that is not received by the HUD field office Hub by the due date.

6. *Unacceptable Applications.* After the technical deficiency correction period (as provided in the General Section), the GMC will disapprove PHA applications that it determines are not acceptable for processing. Applications from PHAs that fall into any of the following categories are ineligible for funding under this NOFA and will not be processed:

a. An application submitted by an entity that is not an eligible PHA as defined under Section III.A. and Section III.C. of this FSS NOFA or an application that does not comply with the requirements of Section IV.B., IV.C. and IV.F. of this FSS NOFA.

b. An application from a PHA that does not meet the fair housing and civil rights compliance requirements of the General Section of the NOFA.

c. An application from a PHA that does not comply with the prohibition against lobbying activities of this NOFA.

d. An application from a PHA that as of the application due date has not made progress satisfactory to HUD in resolving serious outstanding Inspector General audit findings, or serious outstanding HUD management review or IPA audit findings for the Housing Choice Voucher program and/or Moderate Rehabilitation program or a ''troubled'' rating under SEMAP, and has not designated another contractor acceptable to HUD to administer the FSS program on behalf of the PHA as required in Section III.C.3.e. of this FSS NOFA.

e. An application from a PHA that has been debarred or otherwise disqualified from providing assistance under the program.

f. An application that did not meet the application due date and timely receipt requirements as specified in this NOFA

and the General Section of the SuperNOFA.

g. Applications will not be funded which do not meet the Threshold requirements identified in this NOFA and the General Section of the SuperNOFA.

C. Anticipated Announcement and Award Dates

It is anticipated the announcement of Housing Choice Voucher FSS program coordinator awards will take place during either the month of September or October 2004.

VI. Award Administration Information

A. Award Notices

Successful applicants will receive an award letter from HUD. Funding will be provided to successful applicants as an amendment to the Annual Contributions Contract (ACC) of the applicant PHA. In the case of awards to joint applicants, the funding will be provided as an amendment to the ACC of the lead PHA that was identified in the application.

Unsuccessful applicants will receive a notification of rejection letter from that GMC that will state the basis for the decision. The applicant may request an applicant debriefing. Beginning not less than 30 days after the awards for assistance are publicly announced in the **Federal Register** and for at least 120 days after awards for assistance are announced publicly, HUD will, upon receiving a written request, provide a debriefing to the requesting applicant. (*See* Section VI.A.3. of the General Section of the SuperNOFA for additional information regarding a debriefing.) Applicants requesting to be debriefed must send a written request to: Iredia Hutchinson, Director; Grants Management Center; U. S. Department of Housing and Urban Development, 501 School Street, SW., Suite 800, Washington, DC 20024.

B. Administrative and National Policy Requirements

1. *Environmental Impact.* 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 from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and not subject to compliance actions for related environmental authorities under 24 CFR 50.19(b)(4) and (12).

2. *HUD's Strategic Goals.* HUD is committed to ensuring that programs result in the achievement of HUD's strategic mission. The FSS program and this FSS NOFA support the Department's strategic goals of increasing homeownership activities and helping HUD-assisted renters make progress toward self-sufficiency by giving funding preference to PHAs whose FSS programs show success in moving families to self-sufficiency and homeownership. You can find out about HUD's Strategic Framework and Annual Performance Plan at *http://www.hud.gov/offices/cfo/reports/cforept.cfm.*

3. *HUD Policy Priorities.* This NOFA supports the HUD policy priority of providing increased homeownership opportunities to program participants. In this NOFA, funding priority is given to those PHA applicants that demonstrate that their FSS families have participated in homeownership programs. *See* Section V.B.2. of the General Section of the SuperNOFA for a full discussion of HUD's policy priorities.

C. Reporting

Successful applicants must report activities of their FSS program participants through required submissions of the Form HUD–50058 FSS Addendum. HUD's assessment of the accomplishments of the FSS programs of PHAs funded under this NOFA will be based primarily on Public Housing Information Center (PIC) system data obtained from the Form HUD–50058. MTW PHAs that do not report to HUD on the Form HUD–50058 will be asked to submit an annual report to HUD with the same information on FSS program activities that is provided to HUD by non-MTW PHAs via the Form HUD–50058 FSS Addendum. In addition, HUD requires that funded recipients collect racial and ethnic beneficiary data. It has adopted the Office of Management and Budget's Standards for the Collection of Racial and Ethnic Data. In view of these requirements, funded recipients should use Form HUD–27061, Racial and Ethnic Data Reporting Form (found on *http://www.HUDclips.org*), a comparable program form, or a comparable electronic data system for this purpose.

VII. Agency Contacts

A. For Technical Assistance

For answers to your questions, you may contact the Public and Indian Housing Resource Center at 800–955–2232. Persons with hearing or speech impairments may access this number via TTY (text telephone) by calling the Federal Information Relay Service at 800–877–8339. (These are toll-free numbers). 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.

B. Satellite Broadcast

HUD will hold an information broadcast via satellite for potential applicants to learn more about the Housing Choice Voucher FSS program and preparation of an application. For more information about the date and time of this broadcast, you should consult the HUD website at *www.hud.gov.*

VIII. Other Information

A. Electronic Application System

It is HUD's intention to move to a fully electronic application system in FY2005. Further information on this initiative can be found in the General Section of the SuperNOFA.

B. Paperwork Reduction Act

The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2577–0178. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average one hour per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application and other required reporting. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

C. Public Access, Documentation, and Disclosure

See Section VIII. F. of the General Section of the SuperNOFA.

BILLING CODE 4210–32–P

ATTACHMENT A
PHAs THAT OPERATE IN AREAS CONTAINING COLONIA COMMUNITIES:

ARIZONA PHAs:

City of Douglas Housing Authority	City of Nogales Housing Authority
City of Eloy Housing Authority	City of Yuma Housing Authority
Cochise County Housing Authority	Yuma County Housing Authority
Pinal County Housing Authority	Section 8 Housing for Graham County, Arizona Department of Housing

CALIFORNIA PHAs:

City of Calexico Housing Authority	Housing Authority of the County of Riverside
Imperial Valley Housing Authority	

NEW MEXICO PHAs:

City of Alamogordo Housing Authority	City of Las Cruces/Dona Ana County Housing Authority
City of Truth or Consequences Housing Authority	City of Socorro Housing Authority
Eddy County – Region VI	Housing Authority of the Village of Santa Clara
Lordsburg Housing Authority	Otero County – Region VI
Silver City Housing Authority – Region V	Sunland Park Housing Authority
Town of Baynard Housing Authority	

TEXAS PHAs:

Alamo Housing Authority	Asherton Housing Authority
Bracketville Housing Authority	Brownsville Housing Authority
Cameron County Housing Authority	Carrizo Housing Authority
Del Rio Housing Authority	Dona Housing Authority
Eagle Pass Housing Authority	Ed Couch Housing Authority
Edinburg Housing Authority	Elsa Housing Authority
Harlingen Housing Authority	Hidalgo County Housing Authority
Laredo Housing Authority	La Joya Housing Authority
Los Fresnos Housing Authority	McAllen Housing Authority
Mercedes Housing Authority	Mission Housing Authority
Pharr Housing Authority	Port Isabel Housing Authority
San Benito Housing Authority	San Juan Housing Authority
Starr County Housing Authority	Weslaco Housing Authority
Willacy County Housing Authority	Uvalde Housing Authority
Zapata County Housing Authority	

Housing Choice Voucher (HCV) Family Self-Sufficiency (FSS) Program Coordinator Funding

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0178
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Public reporting burden for this collection of information is estimated to average 0.75 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 of information unless that collection displays a valid OMB control number.

PART I: General Information. (To be completed by all applicants.)

Applicant Category: ☐ Renewal ☐ New	DUNS Number of Applicant:	Funding Request for Fiscal Year:

A. PHA Name, Mailing Address & PHA Number of applicant: (For joint PHA applicants, PHA Name, Mailing Address & PHA Number of lead PHA applicant):

B. PHA Name & PHA Number for Each Joint Applicant (if Applicable). Note: Use Additional pages if necessary.

C. Evidence demonstrating salary comparability to similar positions in the local jurisdiction for each position requested is on file at the PHA.	☐ Yes ☐ No

D. The applicant qualifies for the following preference categories under this NOFA:

Homeownership:	Colonias:	Other - Specify Category (If applicable under this NOFA):
☐ Yes ☐ No	☐ Yes ☐ No	☐

E. Name and telephone number of person most familiar with application:

Name	Telephone Number

Signature Block	Title	Telephone #	Fax #	Date (dd/mm/yyyy)

form HUD-52651
(4/2004)

PART II: Homeownership Information. (To be completed by all applicants.)

The PHA applicant currently administers or participants in a HCV Homeownership program or another homeownership program that serves HCV FSS families. ☐ Yes ☐ No

If yes, provide information requested in A – C below:

A. Name of qualifying homeownership program or programs:

B. The total number of HCV FSS families enrolled in the qualifying homeownership program/programs identified above as of September 30 of the last calendar year:

1.		HCV homeownership program
2.		Other qualifying homeownership programs

C. Number of HCV FSS graduates that have moved to homeownership between October 1, 2000 and September 30, ____ (Use the last calendar year):

1.		HCV homeownership program
2.		Other qualifying homeownership programs

PART III: PHA Applicant Program Status and Accomplishments. (Renewal PHAs Only)

B. Program Status:

1. The applicant qualifies as an eligible renewal PHA under the NOFA. ☐ Yes ☐ No
2. The PHA has filled each position for which it is seeking renewal funding. ☐ Yes ☐ No
3. The applicant has submitted reports on participating families to HUD via the form HUD-50058, Family Self-Sufficiency/Welfare-to-Work Voucher Addendum. ☐ Yes ☐ No

C. Program accomplishments as of September 30, ____. (Use last calendar year):

1.		Total HCV FSS families under FSS Contract.
2.		The number of HCV FSS program participants with an escrow account balance greater than zero.

D. Program accomplishments for the last full Federal Fiscal Year, October 1, ___ through September 30, ____ (e.g., FY 2003 would be October 1, 2002 through September 30, 2003):

1.		The number of HCV families that successfully completed their FSS contracts.
2.		The number of those graduates that no longer needed rental subsidy.
3.		The average escrow account distribution paid to families.

PART IV: Funding/Positions Requested. (Renewal PHAs Applicants Only)

For both renewal of currently funded positions and requests for new positions, provide the Information below for each position requested. Use additional pages as needed.

A. **Renewal Positions** - Funding requested to continue currently funded positions: (List FSS homeownership coordinators and regular FSS coordinators separately.)

FY Last Funded	Position Type 'H' or 'R' *	Salary Requested Per Position **	Number of Positions	Requesting an increase above percent allowed in the NOFA? 'Y' or 'N' ***

B. **New Positions** - Funding requested by coordinator type and salary level (If applicable. Refer to most recent FSS NOFA for maximum new positions that can be funded in the current year.) If more than one position, list each separately.

Position Type 'H' or 'R' *	Salary Requested, including Fringe Benefits**

C. **Total Requested**

1.		Total number of new and renewal positions requested in this application.
2.		Total $ Requested.

* Type: R= Regular, H=Homeownership
** Salary awards will not exceed the cap per position stated in the most recent NOFA.
*** For any renewal position, where the applicant is requesting a percentage increase above the amount provided for in the current NOFA, the applicant must comply with justification requirements in the current FSS NOFA.

PART V: Application Information. (New PHA Applicants Only.)

A. **FSS Action Plan Information:**

	HCV FSS program size in the HUD-approved Action Plan. (For Joint applications, provide total approved slots for all participating PHAs.)

B. **Position/Salary Requested:**

Number of Positions	Salary Requested, including Fringe Benefits**

C. **Total Requested.**

1.		Total number of positions requested.
2.		Total $ Requested.

** Salary awards will not exceed the cap per position stated in the most recent NOFA.

form HUD-52651
(4/2004)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC HOUSING NEIGHBORHOOD NETWORKS

Billing Code 4210-32-C

Public Housing Neighborhood Networks Program

Overview Information

A. *Federal Agency Name:* Department of Housing and Urban Development, Office of Public and Indian Housing.

B. *Funding Opportunity Title:* Public Housing Neighborhood Networks Program.

C. *Announcement Type:* Initial announcement.

D. *Funding Opportunity Number:* The **Federal Register** number for this NOFA is: FR–4900–N–32. The OMB approval number for this program is 2577–0229.

E. *Catalog of Federal Domestic Assistance (CFDA) Number(s):* 14.870.

F. *Dates:* The application due date is June 17, 2004. Please see the General Section of the SuperNOFA for application submission, delivery, and timely receipt requirements.

G. *Optional, Additional Overview Content Information:*

1. *Purpose of Program:* The purpose of the Public Housing Neighborhood Networks program is to provide grants to public housing agencies (PHAs) to (a) update and expand existing Neighborhood Networks/community technology centers; or (b) establish new Neighborhood Networks (NN) community technology centers. Neighborhood Networks centers offer comprehensive services which are designed to help residents of public housing achieve long-term economic self-sufficiency.

2. *Funding Available:* The Department expects to award approximately $21.4 million under the Neighborhood Networks program in Fiscal Year 2004. This includes $14.9 million in Fiscal Year 2004 funds and approximately $6.5 million in carryover funds.

3. *Award Amounts:* Awards will range from $150,000 to $500,000.

4. *Eligible Applicants.* Eligible applicants are Public Housing Authorities (PHAs) only.

Tribes and tribally designated housing entities (TDHEs), nonprofit organizations, and resident associations are not eligible to apply for funding under the Public Housing Neighborhood Networks program.

5. *Cost Sharing/Match Requirement:* At least 25 percent of the requested grant amount is required as a match.

6. *Grant term.* The grant term for this funding category is three years from the execution date of the grant agreement.

Grant program	Total funding	Eligible applicants	Maximum grant amount
Neighborhood Networks.	$21.4 million which includes $6.5 million in carryover funds.	PHAs—existing centers	$150,000 for PHAs with 1–780 units. $200,000 for PHAs with 781–2,500 units. $300,000 for PHAs with 2,501–7,300 units. $400,000 for PHAs with 7,301 units or more.
		PHAs—new centers	$250,000 for PHAs with 1–780 units. $300,000 for PHAs with 781–2,500 units. $400,000 for PHAs with 2,501–7,300 units. $500,000 for PHAs with 7,301 units or more.

Full Text of Announcement

I. Funding Opportunity Description

A. Program Description

The Public Housing Neighborhood Networks program provides grants to PHAs to (1) update and expand existing Neighborhood Networks/community technology centers; or (2) establish new Neighborhood Networks (NN) community technology centers.

An *existing computer center* is: (1) A computer lab, or community technology center already owned and operated by a PHA which serves residents of public housing and which has not received prior Neighborhood Networks funding and therefore is not officially designated a HUD Public & Indian Housing (PIH) Neighborhood Networks center; (2) a computer lab officially designated a HUD PIH Neighborhood Networks center by virtue of prior funding received under this grant program, which seeks to expand its services; or (3) a computer lab in development which needs funding under this grant program to become fully operational and serve residents of public housing.

A *new computer center* is one that will be newly established (*i.e.*, there is no infrastructure, space, or equipment currently in use for this purpose) with Neighborhood Networks grant funds.

Note: An applicant previously funded under Neighborhood Networks may apply under the ''New Computer Center'' category only if it will develop a new center in a development which cannot be served by the applicant's existing NN center(s).

Neighborhood Networks centers should be located within a public housing development, on PHA land, or within reasonable walking distance to the PHA development(s) being served by the center.

HUD is looking for applications that implement comprehensive programs within the three year grant term which will result in improved economic self-sufficiency for public housing residents. HUD is looking for proposals that involve partnerships with organizations that will help supplement and enhance the services grantees offer to residents.

NN centers provide computer and Internet access to public housing residents and offer a full range of computer and job training services. Applicants should submit proposals that will incorporate computer and Internet use to: Provide job training for youth, adults and seniors; expand educational opportunities for residents; promote economic self-sufficiency and help residents transition from welfare to work; increase residents' use of the Internet and computer technology; assist school-age children and youth with homework; provide guidance and preparatory programming to high school students (or other interested residents) for post-secondary education (college or trade schools); and other services as deemed necessary by results obtained from resident surveys.

All applicants must complete a business plan (see sample HUD–52766 provided in the Appendix) covering the three-year grant term. Applicants' business plan and narrative must indicate how the centers will become self-sustaining after the grant term expires. Proposed grant activities should build on the foundation created by previous NN grants, Resident Opportunity and Self-Sufficiency (ROSS) grants, or other Federal, State and local self-sufficiency efforts.

Note Any applicant that proposes one or more ineligible activity will not be funded.

B. Eligible Activities

1. *Hiring of a Qualified Project Coordinator to Administer Grant Program.* A qualified Project Coordinator must have two years of experience running a community technology center. The Project Coordinator should be hired for the entire term of your grant. The project coordinator should be responsible for

ensuring that the center's programs achieve the proposal's goals and objectives. In addition, the project coordinator should be responsible for the following activities:

a. Marketing the program to residents;

b. Assessing participating residents' needs, interests, skills, and job-readiness;

c. Assessing participating residents' needs for supportive services, *e.g.* childcare, transportation;

d. Designing and coordinating grant activities based on residents' needs and interests; and

e. Monitoring the progress of program participants and evaluating the overall success of the program. For more information on how to measure performance, please see Rating Factor 5 in the ''Application Review Information'' section of this NOFA.

2. *Literacy training and GED preparation;*

3. *Computer training, from basic to advanced;*

4. *College preparatory courses and information;*

5. *Job Training:* Oral and written communication skills; work ethic; interpersonal and teamwork skills; resume writing; interviewing techniques, creating job training and placement programs with local employers and placement agencies; and post-employment follow-up to assist residents who are new to the workplace.

6. *Physical improvements.* Physical improvements must directly relate to providing space for a Neighborhood Networks center. Renovation, conversion, wiring, 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 of implementing physical improvements.

a. Modifications to create a space that is accessible to persons with disabilities is an eligible use of funds. Refer to Office of Management and Budget (OMB) Circular A–87, ''Cost Principles for State, Local and Indian Tribal Governments.''

b. The renovation, conversion, or joining of vacant dwelling units in a PHA development to create appropriate space for the equipment needs and activities of a NN center (computers, printers, and office space) are eligible activities for physical improvement.

c. The renovation, conversion of existing common areas in a PHA development to accommodate a NN center are eligible.

d. If renovation, conversion, or repair is done off-site, the PHA must provide documentation with its application that it has control of the proposed property for at least five years. Control can be demonstrated through a lease agreement, ownership documentation, or other appropriate documentation.

7. *Maintenance and insurance costs.* Includes installing and maintaining the hardware and software as well as insurance coverage for the space and equipment.

8. *Purchase of computers, printers, software, and other peripheral equipment.* Costs of computer hardware and software necessary to accommodate the needs of persons with disabilities are an eligible cost for this funding category;

9. *Distance Learning Equipment.* Distance learning equipment (including the costs for video casting and purchase/lease/rental of distance learning equipment) is an eligible use of funds provided your proposal indicates that the center will be working in a virtual setting with a college, university or other educational organization. If you operate more than one center, distance learning equipment can be used to link one or more centers so that residents using the different centers can benefit from courses being offered at only one site.

10. *Security and related costs.* Includes space and minor refitting, locks, and other equipment for safeguarding the center.

11. *Hiring Residents.* Grantees may hire residents to help with the implementation of this grant program.

12. *Administrative costs.* Administrative costs may include, but are not limited to, purchase of furniture, office equipment and supplies, local travel, and utilities. Administrative costs may not be used to pay for salaries of any kind. For both new and existing NN centers, administrative costs must not exceed 10 percent of the total grant amount requested from HUD. Administrative costs must adhere to OMB Circular A–87. Please use HUD–424–CBW to itemize your administrative costs. You may attach an additional sheet of paper to the HUD–424–CBW form if necessary in order to fully itemize your administrative costs.

C. Definition of Terms

1. *Contract Administrator* means an overall grant administrator or a financial management agent (or both) that oversees the implementation of the grant and/or the financial aspects of the grant. *See* the ''Program Requirements'' and ''Threshold Requirements'' sections for more information.

2. *Senior person* means a person who is at least 62 years of age.

3. *Past Performance* is a threshold requirement. Using Rating Factor 1, HUD's field offices will evaluate applicants for past performance to determine whether an applicant has the capacity to manage the grant for which they are applying. Field offices will evaluate the past performance of contract administrators for applicants required to have a contract administrator.

4. *Person with disabilities* means a person who:

a. Has a condition defined as a disability in section 223 of the Social Security Act;

b. Has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance Bill of Rights Act; or

c. Is determined to have a physical, mental, or emotional impairment which:

(1) Is expected to be of long-continued and indefinite duration;

(2) Substantially impedes his or her ability to live independently; and

(3) 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 acquired immunodeficiency syndrome (HIV/AIDS) or any conditions arising from the etiologic agent for AIDS. 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.

5. *Project Coordinator* is a person who is responsible for coordinating the grantee's approved activities to ensure that grant goals and objectives are met. A qualified project coordinator is someone with at least two years of experience working on supportive services designed specifically for typically underserved populations. The project coordinator and grantee are both responsible for ensuring that all federal requirements are followed.

6. *Secretary* means the Secretary of Housing and Urban Development.

D. Regulations Governing the Neighborhood Networks Grant

The Neighborhood Networks program is governed by regulations in 24 CFR parts 905 and 968.

II. Award Information

A. Total Funding

The Department expects to award approximately $21.4 million under the Neighborhood Networks program in Fiscal Year 2004. Awards will be made as follows:

1. Fifty percent of available funding for Neighborhood Networks will provide grants for updating and expanding existing computer technology centers. The other 50 percent will provide grants to establish and operate new Neighborhood Networks centers.

2. PHAs must use the number of occupied conventional family public housing units as of September 30, 2003 per their budget to determine the maximum grant amount they are eligible for in accordance with the categories listed below. PHAs should clearly indicate on the Fact Sheet (HUD–52751) the number of units under management.

a. *Funding Levels For Existing Centers:*

Number of conventional units	Maximum funding
1–780 units	$150,000
781–2,500 units	$200,000
2,501–7,300 units	$300,000
7,301 or more units	$400,000

b. *Funding Levels For New Centers:*

Number of conventional units	Maximum funding
1–780 units	$250,000
781–2,500 units	$300,000
2,501–7,300 units	$400,000
7,301 or more units	$500,000

B. Grant Period

Three years. The grant period shall begin the day the grant agreement and the form HUD–1044, ''Assistance Award/Amendment'' are signed by both the grantee and HUD.

C. Grant Extensions

Requests to extend the grant term beyond the originally established grant term must be submitted in writing by the grantee to the local HUD field office. Such requests must be done prior to grant termination and with enough notice to give the field office a reasonable amount of time to fully evaluate the request. Requests must explain why the extension is necessary, what work remains to be completed, and what work and progress was accomplished to date.

D. Type of Award

Grant agreement.

E. Subcontracting

Subcontracting is permitted. Grantees must follow the HUD federal procurement regulations found at 24 CFR 85.36.

III. Eligibility Information

A. Eligible Applicants

Public Housing Authorities are eligible to apply for this funding category. Tribes/TDHEs, nonprofit organizations, and resident associations are not eligible to apply for this funding category.

B. Cost Sharing or Matching

All applicants are required to obtain a 25 percent cash or in-kind match. The match is a threshold requirement. Applicants who do not demonstrate the minimum 25 percent match will fail the threshold requirement and will not receive further consideration for funding. Please see the section below on threshold requirements for more information on what is required for the match.

C. Other

1. *Threshold Requirements:* Applicants must respond to each threshold requirement clearly and thoroughly by following the instructions below. If your application fails one threshold requirement (regardless of the type of threshold) it will be considered a failed application and will not receive consideration for funding.

a. *Match.* All applicants are required to have in place a firmly committed 25 percent match in cash or in-kind donations as defined in this paragraph. Joint applicants must together have at least a 25 percent match. Applicants who do not demonstrate the minimum 25 percent match will fail this threshold requirement and will not receive further consideration for funding. If you are also applying for funding under the ROSS grant program, you must use different sources of match donations for each grant application and you must indicate which additional ROSS grant(s) you are applying for by attaching an additional page to HUD budget Form 424-CBW stating the sources and amounts of each of your match contributions for this application as well as any other HUD grant program to which you are applying. Match donations must be firmly committed. Firmly committed means that the amount of match resources and their dedication to Neighborhood Networks-funded activities must be explicit, in writing and signed by a person authorized to make the commitment. Letters of commitment and Memoranda of Understanding (MOU) must be on organization letterhead, and signed by a person authorized to make the stated commitment whether it be in cash or in-kind services. The letters of commitment/MOUs must indicate the total dollar value of the commitment, be dated within two months of the application deadline, and indicate how the commitment will relate to the proposed program. The commitment should be available at time of award. Applicants proposing to use their own, non-HUD grant funds to meet the match requirement in whole or in part, must also include a letter of commitment indicating the type of match (cash or in-kind) and how the match will be used. Grant awards shall be contingent upon letters of commitment being submitted with your application.

Leveraging in excess of the 25 percent of the grant amount will receive a higher point value.

(1) Volunteer time and services shall be computed by using the normal professional rate for the local area or the national minimum wage rate of $5.15 per hour. (**Note:** applicants may not count their staff time towards the match.) If grantees propose to use volunteers for development or operations work that would otherwise be subject to payment of Davis-Bacon or HUD-determined prevailing wage rates (including construction, rehabilitation or maintenance) their services must be computed using the appropriate Davis-Bacon or HUD-determined wage rates. More information on these wage rates can be found at: *http://www.hud.gov,* by contacting HUD Field Office Labor Relations staff, or from the PHA. Such volunteers must also meet the requirements of section 12(b) of the United States Housing Act of 1937 and 24 CFR part 70;

(2) In order for HUD to determine the value of any donated material, equipment, staff time, building, or lease, your application must provide a letter from the organization making the donation stating the value of the contribution.

(3) Other resources/services that can be committed include: in-kind services such as contributions of administrative services provided to the applicant; funds from federal sources as allowed

by statute, including for example Community Development Block Grant (CDBG); funds from any state or local government sources; and funds from private contributions. Applicants may also partner with other program funding recipients to coordinate the use of resources in the target area.

b. *Past Performance.* HUD's field offices will evaluate data provided by applicants as well as applicants' past performance to determine whether applicants have the capacity to manage the grant for which they are applying. Field offices will evaluate the contract administrators' past performance for applicants required to have a contract administrator. Using Rating Factor 1, the field office will evaluate applicants' past performance. Applicants should carefully review Rating Factor 1 to ensure their application addresses each of the criteria requested therein. If applicants fail to address what is requested in Rating Factor 1, their application will fail this threshold and will not receive further consideration.

c. *Contract Administrator Partnership Agreement.* PHAs that are troubled at time of application are required to submit a signed Contract Administrator Partnership Agreement. The agreement must be for the entire grant term. Grant awards shall be contingent upon having a signed Contract Administrator Partnership Agreement included in the application. Applicants required to have a Contract Administrator Partnership Agreement that fail to submit one will fail this threshold requirement and will not receive further consideration for funding.

Troubled PHAs are not eligible to be contract administrators. Grant writers who assist applicants prepare their Neighborhood Networks applications are also ineligible to be contract administrators

For more information on contract administrators, see the section ''Program Requirements.''

d. *Minimum Score for All Fundable Applications.* Applications that pass all threshold requirements and go through the ranking and rating process, must receive a minimum score of 75 in order to be considered for funding.

e. *The Dun and Bradstreet Universal Numbering System (DUNS) Number Requirement.* Refer to the General Section of the SuperNOFA for information regarding the DUNS requirement. You will need to obtain a DUNS number to receive an award from HUD. This threshold requirement is curable.

f. *Ineligible Activities.* Any application that proposes an ineligible activity will be disqualified and not considered for funding.

g. Applicants that request funding in excess of the maximum grant which they are eligible to receive will not receive funding consideration.

2. *Program Requirements:*

a. *Program Evaluations.* A portion of grant funds should be reserved to ensure that evaluations can be completed for all participants who received training through this program. Applicants may, for example, propose to reserve one percent of grant funds for every 10 students they train for the purpose of evaluating students' success in the program.

b. *Physical Improvements.* All renovations must meet appropriate accessibility requirements, including the requirements of Section 504 of the Rehabilitation Act of 1973 at 24 CFR part 8, Architectural Barriers Act at 24 CFR part 40, the Americans with Disabilities Act and the Fair Housing Act. Compliance with the Uniform Federal Accessibility Standards shall be deemed to comply with the requirements of 24 CFR 8.21, 8.22, 8.232, and 8.25 with respect to buildings.

c. *Contract Administrator.* The contract administrator must assure that the financial management system and procurement procedures that will be in place during the grant term will fully comply with 24 CFR 85. CAs are expressly forbidden from accessing HUD's Line of Credit Control System (LOCCS) and submitting vouchers on behalf of grantees. Contract administrators must also assist PHAs meet HUD's reporting requirements, *see* Section VI.(C) ''Reporting'' for more information. Contract administrators may be: Local housing agencies; community-based organizations such as community development corporations (CDCs), churches, temples, synagogues, mosques; nonprofit organizations; state/regional associations and organizations. Troubled PHAs are not eligible to be contract administrators. Grant writers who assist applicants prepare their Neighborhood Networks applications are also ineligible to be contract administrators. Organizations that the applicant proposes to use as the contract administrator must not violate or be in violation of other conflicts of interest as defined in 24 CFR part 84 and 24 CFR part 85.

3. *Number of Applications Permitted:*

a. *General.* Applicants may submit only one application for a NN grant.

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. Both lead and non-lead applicants are subject to threshold requirements. Applicants who submit joint applications may not also submit separate applications as sole applicants under this NOFA. NOTE: The lead applicant will determine the maximum funding amount the applicants are eligible to receive.

4. *Eligible Participants:* All program participants must be residents of conventional public housing. Participants in the Public Housing Family Self-Sufficiency (FSS) program (non Housing Choice Voucher FSS Program) are also eligible to participate in activities funded under Neighborhood Networks.

5. *Eligible Developments:* Only conventional public housing developments may be served by Neighborhood Networks grant funds. Other housing/developments, including, but not limited to: private housing, federally-insured housing, federally subsidized or assisted (*i.e.*, assisted under Section 8, Section 202, Section 811, Section 236), and others are not eligible to participate in Neighborhood Networks.

6. *Energy Star.* HUD has adopted a wide-ranging energy action plan for improving energy efficiency in all program areas. As a first step toward implementing the energy plan, HUD, the Environmental Protection Agency (EPA) and the Department of Energy (DoE) have signed a joint partnership to promote energy efficiency in HUD's affordable housing efforts and programs. The purpose of the Energy Star partnership is to promote energy efficiency of the affordable housing stock, but also to help protect the environment. Applicants constructing, rehabilitating, or maintaining housing or community facilities are encouraged to promote energy efficiency in design and operations. They are urged especially to purchase and use Energy Star labeled products. Applicants providing housing assistance or counseling services are encouraged to promote Energy Star building by homebuyers and renters. Program activities can include developing Energy Star promotional and information materials, outreach to low- and moderate-income renters and buyers on the benefits and savings when using Energy Star products and appliances, and promoting the designation of community buildings and homes as Energy Star compliant. For further information about Energy Star, *see http://www.energystar.gov* or call 888–STAR–YES (888–782–7937) or for the hearing-impaired, 888–588–9920 TTY.

7. *Environmental Impact.* Some activities under this Neighborhood Networks program section will be categorically excluded and not subject to environmental review under 24 CFR 58.34(a)(3), (a)(8) or (a)(9), 58.35(b)(2) or (b)(3), 50.19(b)(3), (b)(8), (b)(9), (b)(12), or (b)(13) but some will be subject to environmental review. Any applicant proposing any long-term leasing or physical development activities, and its partners, are prohibited from constructing, 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:

a. If the grantee is not a PHA or tribe/TDHE, HUD has completed an environmental review to the extent required by 24 CFR part 50, prior to grant award.

b. If the grantee is a PHA or tribe/TDHE, 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.

8. *Wage Rates.* Laborers and mechanics employed in the development and operation of Neighborhood Networks facilities on property that is subject to an Annual Contributions Contract must be paid Davis-Bacon or HUD-determined prevailing wage rates, respectively, unless they meet the qualifications of a volunteer (*see* section III.C.1.a of this program section).

9. *Compliance with Program Requirements.* All applicants and grantees must comply with the program requirements contained in Section III (C) of the General Section of the SuperNOFA.

IV. Application and Submission Information

A. Addresses to Request Application Package

There is no application kit this year. All forms and necessary information for applying are contained within this NOFA. Please refer to the General Section of the SuperNOFA for information on how to obtain hard copies of this NOFA. You may also visit *http://www.hud.gov* for this information.

B. Content and Form of Application Submission

1. *Application Preparation:* Before preparing an application for Neighborhood Networks funding, applicants should carefully review the program description, program requirements, ineligible activities, and threshold requirements, which are contained in this NOFA. Applicants should also review each rating factor found in the ''Application Review Information'' section before writing a narrative response. Applicants' narratives should be as descriptive as possible, ensuring that every requested item is addressed. Applicants should make sure to include all requested information, according to the instructions found in this NOFA and where applicable, in the General Section of the SuperNOFA. This will help ensure a fair and accurate review of your application.

2. *Content and Format for Submission:* In order to be funded, applicants must propose programs which meet all the requirements and objectives of the Neighborhood Networks program as described in this NOFA. Applicants are reminded that any application proposing ineligible activities will not be funded. Finally, applicants must submit their applications according to the ''Format'' section below.

a. *Content of Application:*

Applicants must write narrative responses to each of the rating factors which follow this section. Applicants will be evaluated on whether their responses demonstrate that they have the necessary capacity to successfully manage this grant program. Applicants should ensure that their narratives are written clearly and concisely so that HUD reviewers, who may not be familiar with the Neighborhood Networks program, may fully understand your proposal. HUD encourages applicants to carefully review each rating factor, the regulations governing the Neighborhood Networks program, 24 CFR parts 905 and 968, and the General Section of the SuperNOFA prior to responding to the rating factors.

b. *Format of Application:*

(1) Applications may not exceed 35 narrative pages. Narrative pages must be typed, double-spaced, numbered, use Times New Roman font style, and font size 12. Applications should be submitted in a three-ring binder with materials organized behind tabs according to the outline provided below. Supporting documentation, required forms, and certificates will not be counted toward the 35 narrative page limit. However, applicants should make every effort to submit only what is necessary in terms of supporting documentation.

(2) Format for submission of SuperNOFA forms, NN forms and narrative responses.

TAB 1: Required Forms from the General Section of the SuperNOFA and other NN forms:

1. Application for Federal Assistance (SF–424);
2. Supplement to SF–424—Survey on Ensuring Equal Opportunity for Applicants (SF–23004);
3. Questionnaire for HUD's Initiative on Removal of Regulatory Barriers (HUD–27300);
4. Fact Sheet (HUD–52751);
5. Applicant Assurances and Certifications (HUD–424B);
6. Grant Application Detailed Budget (HUD–424–CB);
7. Grant Application Detailed Budget Worksheet (HUD–424–CBW);
8. Applicant/Recipient Disclosure/Update Report (HUD–2880);
9. Certification of Consistency with RC/EZ/EC Strategic Plan (HUD–2990) if applicable;
10. Certification of Consistency with the Consolidated Plan (HUD–2991) if applicable;
11. Disclosure of Lobbying Activities (HUD–SF–LLL)—if applicable;
12. Disclosure of Lobbying Activities Continuation Sheet (HUD–SF–LLL–A)—if applicable;
13. Acknowledgment of Application Receipt (HUD–2993); and,
14. Client Comments and Suggestions (HUD–2994). (Optional)

TAB 2: Threshold Requirements:

1. Letters from Partners attesting to match;
2. Letter from Applicant's organization attesting to match (if applicant is contributing to match); and
3. Contract Administrator Partnership Agreement (required for troubled PHAs) (HUD–52755).

TAB 3: Narrative for Rating Factor 1 and NN Program Forms

1. Narrative
2. Chart A: Program Staffing (HUD–52756)
3. Chart B: Applicant/Administrator Track Record (HUD–52757)
4. Resumes/Position Descriptions

TAB 4: Narrative for Rating Factor 2

TAB 5: Rating Factor 3

1. Narrative
2. Business Plan (see sample) (HUD–52766)

TAB 6: Narrative for Rating Factor 4

TAB 7: Narrative for Rating Factor 5 and NN Program Forms

1. Narrative

2. Logic Model (HUD–96010);

3. Sample Performance measures/ outcomes are attached for applicants' information

C. Submission Dates and Times

1. *Due Dates:* Applications are due on June 17, 2004. Please see the General Section of the SuperNOFA for application submission, delivery, and timely receipt requirements.

2. *Proof of Timely Submission.* Please see the General Section of the SuperNOFA for more information about how to mail in your application to HUD and how HUD will determine whether your application is received by the deadline. Applicants that fail to meet the deadline for application receipt will not receive funding consideration.

D. Intergovernmental Review

Not applicable.

E. Funding Restrictions

1. *Reimbursement for Grant Application Costs:* Applicants who receive an award under NN are prohibited from using NN grant funds to reimburse any costs incurred in conjunction with preparation of their NN grant application.

2. *Covered Salaries:*

a. Project Coordinator: All applicants may propose to hire a qualified project coordinator to run the grant program. The Neighborhood Networks program will fund up to $ 63,000 in combined annual salary and fringe benefits for a full-time project coordinator. The project coordinator's salary and fringe benefits may not exceed more than 30 percent of the total grant amount. For audit purposes, applicants must have documentation on file demonstrating that the salary they pay the project coordinator is comparable to similar professions in their local area.

b. Hiring Residents: Grantees may hire residents to help with the implementation of this grant program. No more than five percent of grant funds can be used for this purpose.

c. NN funds may only be used for the types of salaries described in this section according to the restrictions described herein. NN funds may not be used to pay for salaries of any other kind.

3. *Administrative Costs.* Administrative costs may include, but are not limited to, purchase of furniture, office equipment and supplies, local travel, and utilities. Administrative costs may not be used to pay for salaries of any kind. Administrative costs must not exceed 10 percent of the total grant amount requested from HUD. Administrative costs must adhere to OMB Circular A–87. Please use HUD–424–CBW to itemize your administrative costs.

4. *Ineligible Activities/Costs.* Grant funds may not be used for ineligible activities:

a. Payment of wages and/or salaries to participants for receiving supportive services and/or training programs;

b. Purchase, lease, or rental of land;

c. Purchase, lease, or rental of vehicles;

d. Entertainment costs;

e. Purchasing food;

f. Service Coordinator salary and fringe benefits;

g. Stipends;

h. Cost of application preparation;

i. Costs which exceed limits identified in the NOFA for the following: Project Coordinator, resident salaries, physical improvements (see below) and administrative expenses; and

j. Costs not eligible under section 9(d)(1)(E) of the U.S. Housing Act of 1937.

5. *Physical Improvements.* For new centers, expenses for physical improvements may not exceed 20 percent of the total grant amount requested from HUD. For existing centers, expenses for physical improvements may not exceed 10 percent of the total grant amount.

F. Other Submission Requirements

1. *Mailing Applications.* Applicants to the NN program should send their applications to: HUD Grants Management Center, Mail Stop: Neighborhood Networks, 2001 Jefferson Davis Hwy, Suite 703; Arlington, VA 22202. Please *see* the General Section of the SuperNOFA for detailed mailing and delivery instructions.

2. *Number of Copies.* Applications must be submitted in triplicate (one original and two identical copies). The original and one identical copy must be sent to the Grants Management Center by the deadline. The other identical copy must be submitted to your local HUD field office by the deadline.

V. Application Review Information

A. Criteria

1. *Factors for Award Used to Evaluate and Rate Applications to the Neighborhood Networks program:* 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 RC/EZ/EC bonus points. The SuperNOFA contains a certification that must be completed in order for the applicant to be considered for RC/EZ/EC bonus points. A listing of federally designated RCs, EZs, ECs, and EECs is included as an appendix to the General Section of the SuperNOFA and is also available from the NOFA Information Center, and the HUD Web site, *http://www.hud.gov.* The agency certifying to RC/EZ/EC status must be listed in the appendix of the SuperNOFA or on the *http://www.hud.gov* Web site.

Note: Applicants should carefully review each rating factor before writing a response. Applicants' narratives should be as descriptive as possible, ensuring that every requested item is addressed. Applicants should make sure their narratives thoroughly address the Rating Factors below and include all requested information, according to the instructions found in this NOFA. This will help ensure a fair and accurate application review.

a. Rating Factor 1: Capacity of the Applicant and Relevant Organizational Staff (25 Points)

This factor addresses whether the applicant has the organizational resources necessary to successfully implement the proposed activities within the grant period. In rating this factor HUD will consider the extent to which the proposal demonstrates that the applicant will have qualified and experienced staff dedicated to administering the program.

(1) *Proposed Program Staffing* (12 Points).

(a) *Staff Experience* (4 Points). The knowledge and experience of the proposed project coordinator, staff, and partners in planning and managing programs for which funding is being requested. Experience will be judged in terms of recent, relevant and successful experience of proposed 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 proposed staff members who work on the project have in successfully conducting and completing similar activities, the greater the number of points applicants will receive for this rating factor. If proposed staff has experience both in providing community technology services and in delivering social service programs to typically underserved populations, applicants will receive a maximum score. If proposed staff has experience in only one area, applicants will receive two points. If proposed staff has experience in neither area, applicants

will receive a score of 0 for this subfactor.

The following information should be provided in order to provide HUD an understanding of the proposed staff's experience and capacity:

(i) The number of staff years (one staff year = 2080 hours) to be allocated to the program by each employee or expert as well as each of their roles in the program;

(ii) The staff's relevant educational background and/or work experience;

(iii) Relevant and successful experience running programs whose activities include social services and computer programs that are similar to the eligible program activities described in this NOFA;

(b) *Hiring Residents* (3 points). Three points will be awarded if applicants commit to hiring one to three residents. Small PHAs should hire one person, medium PHAs should hire one to two people, and large PHAs should hire three people in order to get the maximum score.

(c) *Organizational Capacity* (5 Points). Applicants will be evaluated based on whether they have, and/or whether their partners have sufficient qualified personnel to deliver the proposed activities in a timely and effective fashion. In order to enhance or supplement capacity, applicants should provide evidence of partnerships with nonprofit organizations or other organizations that have experience providing community technology services to typically underserved populations. Applicants' narrative must describe their ability to immediately begin the proposed work program. Attach resumes and position descriptions (where staff is not yet hired) for all key applicant and partner personnel. (Resumes/position descriptions do not count toward the 35-page limit.)

(2) *Past Performance of Applicant/ Contract Administrator* (6 Points) Applicants' narrative must describe how they (or their Contract Administrator) successfully implemented grant programs (including those listed below) designed to promote resident self-sufficiency or moving from welfare to work. Applicants' past experience may include, but is not limited to, running programs aimed at assisting residents of low-income housing achieve economic self-sufficiency; *i.e.* ROSS grants and Youthbuild. Applicants' narrative must indicate the grants they received and managed, the grant amounts, and grant terms (years) of the grants which they are counting towards past experience. Applicants will be evaluated according to the following criteria:

(a) Achievement of specific measurable outcomes and objectives in terms of benefits gained by participating residents. Applicants should describe results their programs have obtained, (*e.g.* higher incomes, improved grades, higher rates of employment, increased savings, improved literacy, etc.);

(b) Description of timely grant expenditure throughout the term of past grants. Timely means regular drawdowns throughout the life of the grant, *i.e.* quarterly drawdowns, with all funds expended by the end of the grant term;

(c) Description of past leveraging. Applicants must describe how they have leveraged funding or in-kind services beyond that which was originally proposed to be used for past projects;

(3) *Program Administration and Fiscal Management.* (7 Points)

(a) *Program Administration.* (4 Points). Applicants should describe how they will manage the program; how HUD can be sure that there is program accountability; and provide a description of proposed staff's roles and responsibilities. Applicants should also describe how grant staff, and partners will report to the project coordinator and other senior staff.

(b) *Fiscal Management.* (3 Points) In rating this factor, applicants' skills and experience in fiscal management will be evaluated. If applicants have had any audit or material weakness findings in the past five years, they will be evaluated on how well they have addressed them. Applicants must provide the following:

(i) A complete description of their fiscal management structure, including fiscal controls currently in place including those of a Contract Administrator for applicants required to have a Contract Administrator (*i.e.*, troubled PHAs);

(ii) Applicants must list any audit findings in the past five years (HUD Inspector General, management review, fiscal, etc.), material weaknesses and what has been done to address them;

(iii) For applicants who are required to have a Contract Administrator, describe the skills and experience the Contract Administrator has in managing federal funds.

b. Rating Factor 2: Need/Extent of the Problem (20 Points)

This factor addresses the extent to which there is a need for funding an applicant's proposed program. In responding to this factor, applicants will be evaluated on the extent to which they describe and document the level of need for their proposed activities and the urgency for meeting the need.

Applicants should use statistics and analyses contained in data source(s) that are sound and reliable. Data that describes socioeconomic conditions at the local level can be found by going to the following Web sites: *http://www.bls.gov* (Bureau of Labor Statistics) or *http://www.census.gov* (US Census). Other types of sources include socioeconomic studies or reports conducted by academic, State, and local organizations. To the extent possible, the data applicants use should be specific to the area where the proposed activities will be carried out. Applicants should document needs as they apply to the area where activities will be targeted, and not the entire region or state.

In responding to this factor, applicants must include:

(1) *Socioeconomic Profile* (5 points). A thorough socioeconomic profile of the eligible residents to be served by an applicant's program, including education levels, income levels, the number of single-parent families, economic statistics for the local area, etc.

(2) *Local Training Program Information* (5 points). Information on training programs currently available and easily accessible to residents either through the PHA or other local or state community organizations.

(3) *Local Social Services Information* (5 points). Information on social service programs currently available and easily accessible to residents either through the PHA or other local or state community organizations.

(4) *Demonstrated Link Between Proposed Activities and Local Need* (5 points). Applicants' narrative must demonstrate a clear relationship between proposed activities, community needs and the purpose of the program funding in order for points to be awarded for this factor.

c. Rating Factor 3: Soundness of Approach (25 Points)

This factor addresses both the quality and cost-effectiveness of applicants' proposed business plan. The business plan must indicate a clear relationship between proposed activities, the targeted population's needs, and the purpose of the program funding. Applicants' activities must address HUD's policy priorities outlined in this Rating Factor.

In rating this factor HUD will consider:

(1) *Quality of the Business Plan* (13 points). This factor evaluates both the applicants' business plan and budget

which will be evaluated based on the following criteria:

(a) *Specific Services and/or Activities* (5 points). Applicants' narrative must describe the specific services, course curriculum, and activities they plan to offer and who will be responsible for each. In addition to the narrative, applicants must also provide a business plan which must list the specific services, activities, and outcomes they expect. The business plan must show a logical order of activities and progress and must tie to the outcomes and outputs applicants identify in the Logic Model (*see* Rating Factor 5). Please see a sample business plan in the Appendix (HUD–52766). Applicants' narrative must explain how their proposed activities will:

(i) Involve community partners in the delivery of services; and

(ii) Offer comprehensive services versus a small range of services geared toward enhancing economic opportunities for residents.

(b) *Feasibility and Demonstrable Benefits* (4 points). This factor examines whether applicants' business plan is logical, feasible and likely to achieve its stated purpose during the term of the grant. HUD's desire is to fund applications that will quickly produce demonstrable results and advance the purposes of the Neighborhood Networks program.

(i) *Timeliness.* This subfactor evaluates whether applicants' business plan demonstrates that their project is ready to be implemented shortly after grant award, but not to exceed three months following the execution of the grant agreement. The business plan must indicate timeframes and deadlines for accomplishing major activities.

(ii) *Description of the problem and solution.* The business plan will be evaluated based on how well applicants' proposed activities address the needs described in Rating Factor 2.

(c) *Budget Appropriateness/Efficient Use of Grant.* (4 Points) The score in this factor will be based on the following:

(i) *Justification of expenses.* Applicants will be evaluated based on whether their expenses are reasonable, well-explained, and support the objectives of their proposal.

(ii) *Budget Efficiency.* Applicants will be evaluated based on whether their application requests funds commensurate with the level of effort necessary to accomplish their goals and anticipated results.

(2) *Addressing HUD's Policy Priorities* (12 points). HUD wants to improve the quality of life for those living in distressed communities. HUD's grant programs are a vehicle through which long-term, positive change can be achieved at the community level. Applicants' narrative and business plan will be evaluated based on how well they meet the following HUD policy priorities:

(a) *Improving the Quality of Life in Our Nation's Communities* (5 points). In order to receive points in this category, applicants' narrative and business plan must indicate the types of activities, services, and training programs applicants will offer which can help residents successfully transition from welfare to work and earn higher wages, or for elderly/disabled residents, to continue to live independently.

(b) *Providing Full and Equal Access to Grassroots Faith-Based and Other Community-Based Organizations in HUD Program Implementation* (5 points). HUD encourages applicants to partner with grassroots organizations, *e.g.*, civic organizations, grassroots faith-based and other community-based organizations that are not usually effectively utilized. These grassroots organizations have a strong history of providing vital community services such as developing first-time homeownership programs, creating economic development programs, providing job training and other supportive services. In order to receive points under this factor, applicants' narrative and business plan must describe how applicants will work with these organizations and what types of services they will provide.

(c) *Policy Priority for Increasing the Supply of Affordable Housing Through the Removal of Regulatory Barriers to Affordable Housing.* (up to 2 points)

Under this policy priority, higher rating points are available to (1) governmental applicants that are able to demonstrate successful efforts in removing regulatory barriers to affordable housing, and (2) nongovernmental applicants that are associated with jurisdictions that have undertaken successful efforts in removing barriers. For applicants to obtain the policy priority points for efforts to successfully remove regulatory barriers, applicants should complete Form HUD–27300, ''Questionnaire for HUD's Initiative on Removal of Regulatory Barriers.'' A copy of HUD's Notice entitled America's Affordable Communities Initiative, HUD's Initiative on Removal of Regulatory Barriers: Announcement of Incentive Criteria on Barrier Removal in HUD's 2004 Competitive Funding Allocations'' can be found on HUD's Web site at *http://www.hud.gov/grants/index.cfm.* A description of the policy priority and a copy of Form HUD–27300 can be found in the General Section to the SuperNOFA. Applicants are encouraged to read the Notice as well as the general section of the SuperNOFA to obtain an understanding of this policy priority and how it can impact their score. A limited number of questions expressly request the applicant to provide brief documentation with their response. Other questions require that for each affirmative statement made, the applicant must supply a reference, URL, or a brief statement indicating where the back-up information may be found, and a point of contact, including a telephone number or email address.

d. Rating Factor 4: Leveraging Resources (20 Points)

This factor addresses the applicant's ability to secure community resources that can be combined with HUD's grant resources to achieve program purposes. Applicants are required to create partnerships with organizations that can help achieve their program's goals. PHAs are required by section 12(d)(7) of the U.S. Housing Act of 1937 (entitled ''Cooperation Agreements for Economic Self-Sufficiency Activities'') to make best efforts to enter into such agreements with relevant state or local agencies. In rating this factor, HUD will look at the extent to which applicants partner, coordinate and leverage their services and resources with other organizations serving the same or similar populations.

Additionally, applicants must have at least a 25 percent cash or in-kind match. The match is a threshold requirement. Joint applicants must together have at least a 25 percent match. Applicants who do not demonstrate the minimum 25 percent match will fail the threshold requirement and will not receive further consideration for funding. Leveraging in excess of the 25 percent of the grant amount will receive a higher point value. In evaluating this factor HUD will consider the extent to which applicants have partnered with other entities to secure additional resources which will increase the effectiveness of the proposed program activities. The additional resources and services must be firmly committed, must support the proposed grant activities and must, in combined amount (including in-kind contributions of personnel, space and/or equipment, and monetary contributions) equal at least 25 percent of the grant amount requested in this application. ''Firmly committed'' means that the amount of resources and their dedication to Neighborhood Networks-funded activities must be explicit, in writing, and signed by a person authorized to make the commitment.

Please see the section on Threshold Requirements for more information.

Points for this factor will be awarded based on the documented evidence of partnerships and firm commitments and the ratio of requested Neighborhood Networks funds to the total proposed grant budget.

Points will be assigned based on the following scale:

Percentage of match	Points awarded
25	5 points (with partnerships) 3 points (without partnerships).
26–50	10 points (with partnerships) 8 points (without partnerships).
51–75	15 points (with partnerships) 13 points (without partnerships).
76–99 or above.	20 points (with partnerships) 18 points (without partnerships).

e. Rating Factor 5: Achieving Results and Program Evaluation (10 Points)

An important element in this year's NOFA is the development and reporting of performance measures and outcomes. This factor emphasizes HUD's determination to ensure that applicants meet commitments made in their applications and grant agreements and that they assess their performance so that they realize performance goals. Applicants must demonstrate how they propose to measure their success and outcomes as they relate to the Department's Strategic Plan. HUD requires NN applicants to develop an effective, quantifiable, outcome-oriented plan for measuring performance and determining that goals have been met. Applicants must use the Logic Model Form (HUD–96010) for this purpose.

Applicants must establish interim benchmarks, or outputs, for their proposed program that lead to the ultimate achievement of outcomes. ''Outputs'' are the direct products of a program's activities. Examples of outputs are: the number of eligible families that participate in supportive services, the number of new services provided, the number of residents receiving counseling, or the number of households using a technology center. *Outputs should produce outcomes for your program.*

''Outcomes'' are benefits accruing to the residents, families and/or communities during or after participation in the NN program. Applicants must clearly identify the outcomes to be achieved and measured. Examples of outcomes are: increasing the homeownership rates among residents of a development or from a particular housing authority, increasing residents' financial stability (*e.g.* increasing assets of a household through savings), or increasing employment stability (*e.g.,* whether persons assisted obtain or retain employment for one or two years after job training completion). *Outcomes are not the actual development or delivery of services or program activities.*

This rating factor requires that applicants identify program outputs, outcomes, and performance indicators that will allow applicants to measure their performance. Performance indicators should be objectively quantifiable and measure actual achievements against anticipated achievements. Applicants' narrative, business plan, and Logic Model should identify what applicants are going to measure, how they are going to measure it, and the steps they have in place to make adjustments to their business plan and management practices if performance targets begin to fall short of established benchmarks and timeframes. Applicants' proposal must also show how they will measure the performance of partners and affiliates. Applicants must include the standards, data sources, and measurement methods they will use to measure performance.

In order to respond to this factor, applicants should use the sample performance measures located in the Appendix (HUD–52758) as a guide. Applicants will be evaluated based on how comprehensively they propose to measure their program's outcomes.

B. Review and Selection Process

1. *Review Process.* Four types of reviews will be conducted: a screening to determine if you are eligible to apply for funding under the Neighborhood Networks category; whether your application submission is complete, on time and meets threshold; a review by the field office to evaluate past performance; and a technical review to rate your application based on the five rating factors provided in this NOFA.

2. *Selection Process:* 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. 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 (by score) regardless of region and will fully fund as many as possible with remaining funds. If remaining funds are too small to make an award, they will be applied to funding the Fiscal Year 2005 Neighborhood Networks program, assuming new funding is made available.

3. *Tie Scores.* In the event of a tie between two applications, HUD will select the application that was received first.

4. *Deficiency Period.* Applicants will have fourteen calendar days in which to provide missing information requested from HUD. For other information on correcting deficient applications, please see the General Section of the SuperNOFA.

VI. Award Administration Information

A. Award Notices

HUD will make announcements of grant awards after the rating and ranking process is completed. Grantees will be notified by letter and will receive instructions for what steps they must take to access funding and begin implementing grant activities.

Applicants who are not funded will also receive letters via U.S. postal mail. Applicants who are not funded may request a debriefing. Applicants requesting to be debriefed must send a written request to: Iredia Hutchinson, Director, Grants Management Center, 501 School Street, SW., Suite 800, Washington, DC 20024. Please refer to the General Section of the SuperNOFA for additional information on debriefings.

B. Administrative and National Policy Requirements

1. *Applicable Requirements.* Grantees are subject to regulations and other requirements found in:

a. 24 CFR part 85 ''Administrative Requirements for Grants and Cooperative Agreements to State, Local, and Federally Recognized Indian Tribal Governments''.

b. 24 CFR part 905 ''The Public Housing Capital Fund Program''.

c. 24 CFR part 968 ''Public Housing Modernization''.

d. OMB Circular A–87 ''Cost Principles for State, Local, and Indian Tribal Governments''.

e. OMB Circular A–133 ''Audits of States, Local Governments, and Non-Profit Organizations''.

2. *Economic Opportunities for Low- and Very Low-Income Persons (Section 3).* Section 3 of the Housing and Urban

Development Act of 1968 applies to the Neighborhood Networks Program. For further information *see* the General Section of the SuperNOFA.

3. *Executive Order 13202, Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects.* For further information *see* the General Section of the SuperNOFA.

4. *Fair Housing and Civil Rights Laws.* 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), as applicable. Please *see* the General Section of the SuperNOFA for more information.

5. *Procurement of Recovered Materials.* State agencies and agencies of a political subdivision of a state that are using assistance under a HUD program NOFA for procurement, and any person contracting with such an agency with respect to work performed under an assisted contract, must comply with the requirements of Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act.

6. *Requirements Applicable to All Programs.* Applicants should refer to ''Requirements and Procedures Applicable to All Programs'' of the General Section of the SuperNOFA for other requirements to which they may be subject.

C. Reporting

1. *Semi-Annual Performance Reports.* Grantees shall submit semi-annual performance reports to the local HUD field office. These progress reports shall include financial reports (SF–269A) and a narrative describing milestones, business plan progress, and problems encountered and methods used to address these problems. HUD anticipates that some of the reporting of financial status and grant performance will be through electronic or Internet-based submissions. Grantees shall use quantifiable data to measure performance against goals and objectives outlined in their business plan. Applicants that receive awards from HUD should be prepared to report on additional measures that HUD may designate at time of award. Performance reports are due to the field office on July 30 and January 31 of each year. If reports are not received by the due date, grant funds will not be advanced until reports are received.

2. *Final Report.* All grantees shall submit a final report to their local field office, which will include a financial report (SF–269A) and a narrative evaluating overall performance against their business plan. Grantees shall use quantifiable data to measure performance against goals and objectives outlined in their business plan. The financial report shall contain a summary of all expenditures made from the beginning of the grant agreement to the end of the grant agreement and shall include any unexpended balances. The final narrative and financial report shall be due to the field office 90 days after the termination of the grant agreement.

3. *Racial and Ethnic Data.* HUD requires that funded recipients collect racial and ethnic beneficiary data. It has adopted the Office of Management and Budget's Standards for the Collection of Racial and Ethnic Data. In view of these requirements, applicants should use HUD–27061, the Racial and Ethnic Data Reporting Form (instructions are included), which can be found at *http://www.HUDclips.org;* a comparable form; or a comparable electronic data system for this purpose.

4. *Logic Model.* For each reporting period, as part of your required report to HUD, you must include a completed Logic Model (Form HUD–96010), which identifies output and outcome achievements.

VII. Agency Contact(s)

For questions and technical assistance, applicants may call the Public and Indian Housing Information and Resource Center at 800–955–2232. For the hearing or speech impaired, please call the Federal Relay Service at 800–877–8339.

VIII. Other Information

A. Code of Conduct

See the General Section of the SuperNOFA for more information.

B. Transfer of Funds

HUD does not have the discretion to transfer funds for the Neighborhood Networks category to or from any other grant program.

C. Paperwork Reduction Act

The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2577–0229. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average ten hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application, semi-annual reports and final report. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

D. Appendix of Forms

The forms specific to the Neighborhood Networks Program follow.

BILLING CODE 4210–32–P

ROSS FUNDING
FACT SHEET

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF PUBLIC AND INDIAN HOUSING

OMB Approval No. 2577-0229
Expiration Date 02/28/2007

Public reporting burden for the collection of information is estimated to average 2 hours per response. This includes the time for collecting, reviewing, and reporting the data. The information will be used for the ROSS grant. Response to this request for information is required in order to receive the benefits to be derived. 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.

Instructions for completing this form: All applicants must complete sections A, B, C, D, and E. Resident Associations (RAs) must also complete section F. This form must be signed by an authorized official of the applicant's organization.

A. Applicant Information

Applicant Name:_____

Applicant Type: _____

___ PHA PHA Code: _____

___ RA ___ NONPROFIT ___TRIBE/TDHE

B. Assistance for which the applicant is applying:

_____ Resident Service Delivery Models-Family
_____ Resident Service Delivery Models-Elderly and Persons with Disabilities
_____ Family Self-Sufficiency for Public Housing
_____ Homeownership Supportive Services
_____ Neighborhood Networks-new center
_____ Neighborhood Networks-existing center

C. Unit Count

_____ Total number of conventional public housing units under management** (excluding any Section 8)

_____ Total number of family-occupied conventional public housing units.

_____ Total number of elderly/disabled-occupied conventional public housing units.

D. Please list any previous HUD grants, including ROSS grants you have received. Indicate grant name, (e.g. ROSS Homeownership), Year, and Award Amount.

_____

_____

_____

OMB Approval No. 2577-0229
Expiration Date 02/28/2007

ROSS FUNDING

FACT SHEET (continued)

E. Name(s) of public housing development(s) targeted for ROSS Activities (Use additional pages if necessary.)

Name of Public Housing Development	PIH Project #

OMB Approval No. 2577-0229
Expiration Date 02/28/2007

ROSS FUNDING

FACT SHEET (continued)

RESIDENT ASSOCIATIONS MUST COMPLETE THE FOLLOWING SECTION:

F. RESIDENT ASSOCIATION BOARD INFORMATION (not applicable to FSS applicants)

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____

The above information is true and correct to the best of my knowledge.

Signed this _____ day of _____, ____.

By: _____
Applicant Executive Director or Other Authorized Representative

For: _____
Applicant Name

ROSS FUNDING
Certification of Election of Resident Council Board

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF PUBLIC AND INDIAN HOUSING

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

Public reporting burden for the collection of information is estimated to average one hour per response. This includes the time for collecting, reviewing, and reporting the data. The information will be used for the ROSS grant. Response to this request for information is required in order to receive the benefits to be derived. 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.

Instructions for completing this form: Resident associations applying to the ROSS program must certify that the Board of their Resident Council has been duly elected as required by HUD (24 CFR Part 964). All resident associations applying to the ROSS program **must** complete this form and have it signed by an authorized official from the local PHA.

Applicant Name: _____

Grant to which you are applying: _____ RSDM-Family _____ RSDM-Elderly
_____ Homeownership Supportive Services _____ Neighborhood Networks

Certification of Election of Resident Council Board

I CERTIFY _____
(name of organization)

located in _____ has duly elected all
(city & state)

of our 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 Most Recent Resident Council Board Election: _____

Name and Position of Resident Council officers:

_____

_____

_____

_____

_____

_____

The above information is true and correct to the best of my knowledge.

Signed this _____ day of _____, _____.

By: _____
Housing Auhority Executive Director or Other Authorized Representative

For: _____
(Housing Authority Name, Address, and Telephone)

Form **HUD-52753** (3/2004)

ROSS - LIST OF RESIDENT ORGANIZATIONS SUPPORTING NONPROFIT APPLICANTS

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF PUBLIC AND INDIAN HOUSING

OMB Approval No. 2577-0229
Expiration date: 02/28/2007

Instructions for completing this form: All nonprofit applicants to the ROSS program must complete this form by listing contact information for each resident association supporting your application. Nonprofit applicants must have support from at least one resident association in order to receive funding. Nonprofit applicants can receive funding for working on behalf of one but no more than three resident associations. Attach letters of support to this form.

Grant to which the applicant is applying:

_____ RSDM-Family _____ RSDM-Elderly _____ Homeownership Supportive Services _____ Neighborhood Networks

List of Resident Organization(s)			
Name of the Resident Organization/tribe/TDHE	Contact Person, Title, and Telephone Number	Address, City, & State	Housing Authority/Tribe
1.			
2.			
3.			

The above information is true and correct to the best of my knowledge.

Signed this _____ day of _____, _____.

By: _____
Applicant Executive Director or Other Authorized Representative

For: _____
Applicant Name

Public reporting burden for the collection of information is estimated to average fifteen minutes per response. This includes the time for collecting, reviewing, and reporting the data. The information will be used for the ROSS grant. Response to this request for information is required in order to receive the benefits to be derived. 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.

form **HUD-52754** (3/2004)

SAMPLE CONTRACT ADMINISTRATOR PARTNERSHIP AGREEMENT

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF PUBLIC AND INDIAN HOUSING

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

Instructions for completing this form: *This form is provided to applicants as a sample to use for formalizing agreements with the organization that will serve as the applicant's Contract Administrator. Nonprofits, troubled PHAs, and resident associations must submit a Contract Administrator Partnership agreement with their application and the agreement must be for the full term of the grant. Applicants may elect to use this form, a modification thereof, or their own form provided that the same information is contained therein.*

Grant to which you are applying:

_____ RSDM-Family _____ RSDM-Elderly _____ Homeownership Supportive Services

_____ Neighborhood Networks _____ PH Family Self Sufficiency

I. General Terms

This partnership agreement is made and entered into by and between the **applicant**, _____ (name of applicant's organization) and _____ (name of Contract Administrator's organization) the **Contract Administrator (CA)**, (e.g., the local public housing authority (PHA) or other non-profit organization), hereinafter referred to as "CA".

WHEREAS, the applicant is submitting the proposal for a Resident Opportunity and Self-Sufficiency (ROSS) or Neighborhood Networks (NN).

WHEREAS, the applicant agrees to comply with all terms and conditions expressed in HUD's NOFA, applicable provisions of 24 CFR 964 or 24 CFR 984 (for FSS applicants), provisions of the grant agreement entered into with HUD, and provisions contained in this Partnership Agreement.

WHEREAS, the CA supports the applicant's ROSS/NN application and agrees to provide technical assistance to the applicant in accordance with HUD's NOFA, HUD regulations and provisions contained in this agreement.

WHEREAS, pursuant to the commitment made by the CA, this agreement is executed outlining the type, scope and extent of services that the CA will provide to the applicant if the grant is funded. If HUD does not fund the grant, this agreement shall be null and void.

II. Roles and Responsibilities

A. Grant Oversight

Under the direction of the applicant, the CA agrees to oversee the administration of the ROSS or NN grant. This includes financial management, procurement, completing the semi-annual reports, and ensuring that all grant activities are completed successfully within the grant period. In meeting these commitments, the CA agrees to abide by the provisions of 24 CFR Parts 964/984, 45, 84, and 85 and the following OMB Circulars as applicable:

form **HUD-52755** (3/2004)

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

- A-87 "Cost Principles for State, Local, and Indian Tribal Governments";
- A-122 "Cost Principles for Nonprofit Organizations";
- A-110 "Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations"; and
- A-133 "Audits of States, Local Governments, and Non-Profit Organizations".

B. Grant Coordination

The CA and the applicant will meet weekly to discuss progress, problems incurred, strategies to overcome them, specific areas of responsibility, future activities, and any other issues as necessary.

C. Financial Responsibility

The applicant retains ultimate responsibility for all grant activities, including drawing down funds from HUD, grant expenditures, and reporting to HUD. The CA will have authority to draw down funds only with the written authorization of the applicant and approval of the local HUD field office.

All checks and other expenditures in an amount higher than $_____ must be signed and/or approved by the applicant.

D. Performance Measurement

The CA will work with the applicant to ensure that results agreed to by the applicant and HUD are achieved. All semi-annual financial and performance reports prepared by the CA must be reviewed and approved by the applicant prior to submission to HUD.

E. Coordinating and Building Partnerships

The CA agrees to coordinate the provision of assistance from grant partners. The CA also agrees to work with the applicant in pursuing additional partnerships/assistance from community organizations, government, and other organizations whose services would benefit residents and the overall grant program. Following are suggested resources:

- Area enrichment programs
- Local Banks
- Chamber of Commerce
- Community Development Agencies
- Private Industry Council
- Local/State Health & Human Services Agencies
- Local Higher Education and Continuing Education Facilities
- Local Independent School Districts
- Social Service Organizations

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F. Program Assessment and Reporting

The CA agrees to conduct or otherwise assist the applicant in assessing grant activities based on 1) the performance measures in the applicant's grant proposal submitted to HUD and 2) any revisions to the assessment methodology made by the local HUD field office. For Public Housing FSS applicants, the CA will ensure that the PHA meets its PIC reporting requirements by reporting on the enrollment, progress, and exit of individual families using the HUD-50058 addendum. The CA will ensure that reports to HUD are made as required. All semi-annual financial and performance reports prepared by the CA must be reviewed and approved by the applicant prior to submission to HUD.

III. Contracted Amount

No funds will be paid to the CA for services rendered prior to HUD's selection of the applicant for funding or for services rendered prior to the execution of a grant agreement between the applicant and HUD. This partnership agreement will be valid only if/when HUD selects the applicant for funding. If an applicant is selected and enters into a grant agreement with HUD, remuneration of the CA will not exceed 10% of the amount granted by HUD to the grantee, unless specifically authorized by law.

The total contracted amount $_____ for all services defined within this contract is based on a period of time beginning _____ and ending _____. **(NOTE: CAs must be retained for the full term of the grant.)**

The CA will be paid $_____for year one, beginning on _____ (date); $_____ for year two beginning on _____ (date); and $_____for year three beginning on _____ (date).

IV. Termination

Each party may terminate this agreement provided 60 calendar days of written notice is given to the local HUD field office and the other party to this agreement. Applicants may terminate this agreement based on non-compliance or non-cooperation by the CA. Termination may only occur when all channels of resolution have been exhausted, including mediation between the two parties. If all avenues for resolution have been exhausted, termination by the applicant will require a two-thirds majority vote of the applicant's Board of Directors/Resident Council.

WITNESS OUR HANDS EFFECTIVE _____

_____	_____
Applicant Organization	Contract Administrator
_____	_____
Applicant Executive Director/ Other Authorized Representative	Executive Director
_____	_____
Date	Date

form **HUD-52755** (3/2004)

ROSS
Chart A: PROGRAM STAFFING

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF PUBLIC AND INDIAN HOUSING

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

Applicant Name: _____

Instructions for completing this form: Space is provided below for applicants to provide information about key staff, residents you plan to hire, the roles contractors will play, and the activities and responsibilities of the applicant's contract administrator. All applicants must complete this form. Applicants that are not required to have a contract administrator do not need to complete Section IV of this form.

Grant to which the applicant is applying:

_____ RSDM-Family _____ RSDM-Elderly _____ Homeownership Supportive Services _____ Neighborhood Networks _____ PH Family Self Sufficiency

I. APPLICANT STAFF

Name of Staff Person	Organization and Position	Activity in Grant Program	Percent of Time on Grant	Cost to Grant

form **HUD-52756** (3/2004)

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

II. RESIDENT STAFF (NOT APPLICABLE TO FSS APPLICANTS)

Name of Staff Person	Organization and Position	Activity in Grant Program	Percent of Time on Grant	Cost to Grant

form **HUD-52756** (3/2004)

III.CONTRACTOR/CONSULTANT ROLE (Not applicable to FSS applicants)		
Type of Contractor to be Solicited*	Activity in Grant Program	Estimated Cost to Grant Program

*NOTE: Contractors must be procured according to 24 CFR parts 84.41-84.48 or 24 CFR part 85.36

IV.CONTRACT ADMINISTRATOR		
Name of Organization	Areas of Responsibility/Oversight	Estimated Cost to Grant Program

Public reporting burden for the collection of information is estimated to average two hours per response. This includes the time for collecting, reviewing, and reporting the data. The information will be used for the ROSS grant. Response to this request for information is required in order to receive the benefits to be derived. 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.

ROSS
Chart B: Applicant/Contract Administrator Track Record (Past Performance)

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF PUBLIC AND INDIAN HOUSING

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

Applicant: _____

Instructions for completing this form: Applicants must use this form to provide information about previous HUD grants/FSS programs you have administered over the most recent five-year period. Applicants with few or no HUD grants/FSS programs should provide information about other federal grants you have received. Applicants should list state, local, or private grants should you have no HUD or federal grant experience. Applicants should clearly indicate the organization from which you received grants and indicate whether you were the grantee or whether your contract administrator was the grantee. Applicants should list grants starting with the most recent HUD grants, proceeding next with federal, state, local, and/or private grants. Applicants should not list grants that are 10 years old or older.

Public reporting burden for the collection of information is estimated to average two hours per response. This includes the time for collecting, reviewing, and reporting the data. The information will be used for the ROSS grant. Response to this request for information is required in order to receive the benefits to be derived. 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.

Grant to which the applicant is applying:

_____ **RSDM-Family** _____ **RSDM-Elderly** _____ **Homeownership Supportive Services** _____ **Neighborhood Networks** _____ **PH Family Self Sufficiency**

Grant Program and Grantor Agency	Grantee (Applicant or CA)	Project No.	% of Funds Draw Down	Major Goal #1	% Complete	Major Goal #2	% Complete

form **HUD-52757** (3/2004)

SAMPLE BUSINESS PLAN FOR APPLICANTS OF THE ROSS NEIGHBORHOOD NETWORKS FUNDING CATEGORY

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF PUBLIC AND INDIAN HOUSING

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Public reporting burden for the collection of information is estimated to average six hours per response. This includes the time for collecting, reviewing, and reporting the data. The information will be used for the ROSS grant. Response to this request for information is required in order to receive the benefits to be derived. 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.

A good business plan is one of the best ways developers of Neighborhood Networks Computer Technology Centers can ensure success. It is more than just a marketing tool; its fleshes out the mission and structure of the center. This plan is the first step in identifying the purpose, goals and objectives of the center. It is a tool that allows Neighborhood Network planners to think through their ideas, solidify their intentions and objectives, and work efficiently with a plan towards specific goals. Fewer errors are made because actions will be based upon research and analysis.

There is no single best format for a business plan. This one incorporates items and concepts from the U.S. Small Business Administration's (SBA) Business Plan, which has been used successfully by thousands of small businesses.

KEY POINTS WHEN DEVELOPING THIS PLAN:

The objective of this sample Neighborhood Network Business Plan is to provide guidance to those who are developing the computer learning centers so they may plan for sustainability beyond the 3-year term of the grant. It also provides a framework and means for evaluating results, best practices, and successful operations.

Individual center planners may find that this format needs to be modified to suit the needs of the center, PHA, and residents. This plan serves as only the minimum information needed. Your narrative will act as a supplement to this business plan. To begin your business plan, some good rules of thumb to follow when preparing the plan are:

1) Plan from the start to be self sufficient. Many centers, from the beginning, will rely on the HUD grant as well as the minimum 25% match requirement. The goal should be to progress from substantial reliance on federal grants and to self sustaining status within three years. HUD strongly encourages all centers to incorporate this goal into their NN Business Plan. The Business Plan is a road map to follow with goals and action steps to guide decision making. It also provides a way to communicate the center's operations, goals, and philosophy to personnel, residents, community partners, foundations, and other financial and business contacts.

2) Are the residents involved in the planning, implementation, and maintenance of the computer learning center?
Resident involvement and "ownership" of the process is a necessity and key to the center's success. All plans should include a section describing resident involvement either as designers or operators as well as customers.

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3) Evaluate the successes. All plans should include how the center will record their results and successes. Please see the NOFA's Rating Factor 5 for guidance. Evaluating success can also be very useful in attracting other potential funding resources and partners. NOTE: Where significant federal funds are involved, a methodology to measure results and successes is required by the Government Performance and Results Act of 1993.

4) Access to the Internet: HUD encourages all NN Computer Technology Centers to have at least one computer with Internet capability. The Internet can be used as a tool to connect with services, information, and people as well as the opportunity for the "world" to connect with the center. It can also be used to market the successes of your program. Monthly charges for an Internet account for the center (normally $19.95/month per account) are an approvable expense.

5) Continue to build local partnerships. Local partners are a necessity in sustaining the NN Computer Technology Center. It is important to include in the Business Plan ways for the center to continue to build local partners.

7) Remain sensitive to possible federal/national partnerships. There are numerous benefits in combining efforts with other programs both on the local and national levels. Collective efforts will gain increasing national recognition and thereby help in obtaining self-sufficiency. It is important to include in the plan ways for the center to continue to build federal/national partnerships.

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Our Neighborhood Networks (NN) Business Plan

PHA/Nonprofit Name: _____

Address: _____

Contact Name/Role: _____

Address: _____

Phone Number: _____

Email: _____

Fax Number: _____

DESCRIPTION OF COMPUTER LEARNING CENTER

I. General Computer Learning Center Description: Description of the computer learning center's purpose and its intended customers/clients.

Mission:

Intended Clients:

II. Please identify other PHA locations involved in this proposal, if any.

Name:_____
Address:_____
ContactPerson:_____
Phone:_____ Email:_____
Fax:_____

III. Focus of Computer Learning Center (Please check all that apply)

_____ Job Skills Training/Employment
_____ Introduction to/Familiarization with Computers
_____ Internet Access and Access to Local Services
_____ Basic Adult Education, Literacy, ESL, GED

form **HUD-52766** (3/2004)

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_____ Youth Education
_____ Senior Services
_____ Continuing Education
_____ Recreation
_____ Other (please describe)

IV. Projects work best when everyone benefits (Win-Win). It is helpful to think in terms of benefits for all players. Please indicate how your center will result in:

Benefits to the PHA (i.e lower maintenance costs, less vandalism, lower vacancy rate)

Benefits to the Residents (i.e. employability, access to information & services, fellowship, sense of community)

Benefits to the Local Community and Employers (i.e safer neighborhoods, positive environment, skilled employees, large market share access/potential customers)

PHA DATA AND DEMOGRAPHICS
Total Number of Conventional Family Public Housing Units
Total Number of Residents:_____
Resident Overview:
Number of Adults 21 - 61 years old: _____
Number of Adults 62 and older: _____
Number of Children 0 - 6 years old: _____
Number of Children 7 - 13 years old: _____
Number of Children 14 - 17 years old: _____
Number of Young Adults 18 - 20 years old: _____

Please provide the following information on the residents. The % refers to the % of the total number of residents, unless otherwise specified.

ESL (English as Second Language) Needs? _____ Yes_____No
Single Parent Household % _____ Female _____ Male
Disabled Residents % _____Physical _____Learning _____Other
Public Assistance Recipients %_____

OBJECTIVES: (Please check and insert appropriate number to all objectives that apply. THIS LIST IS NEITHER TOTALLY MANDATORY NOR TOTALLY INCLUSIVE)

Providing _____ residents with access to technology and the Internet per year.

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_____ Providing an opportunity for _____ residents to be involved in the Planning, Implementation, and Daily Maintenance of the Center on a yearly basis.

_____ Reducing Welfare Dependency by enabling at least 51% of the adult residents on welfare to participate in the program to get off welfare into decently paying jobs within _____ years, by _____ (date). This is in conjunction with other/similar Welfare to Work Programs.

_____ Expanding Community Based Job Training to at least ____ of the adult residents who participate in the program each year.

_____ Provide opportunities to telecommute for _____ residents each year.

_____ Teaching Basic Skills and Increasing Adult Education Level, including Literacy, ESL, GED courses, by making educational programs available to _____ adult residents who participate in the program each year.

_____ Improving Academic Achievement of School Aged Children by attempting to raise and maintain the educational level on standardized test of _____ children who participate in the program, to the appropriate grade level each year.

_____ Building Partnerships in the Local Community by creating useful ongoing linkages with at least _____ other community groups each year.

_____ Creating a self-sustaining computer learning center by the _____ year of operation.

_____ Other Objectives: (Please specify below):

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TIME LINE FOR PROPOSED CENTER: Please indicate proposed beginning and end dates for the following items that apply to your center. Further details are requested below the timeline.

	START DATE	COMPLETION DATE
Retrofitting or Construction of Facility		
Equipment (Hardware, software, etc.) Procurement and Testing		
Staffing of Center (trained and on board)		
Grand Opening of Center		
Third Party/Voluntary Organizations Participation and Funding for initial set-up and ongoing programs/costs.		
Training Program and Classes Beginning		
Other Milestones: (Please list in this box) * * * * * * *		

Retrofitting or Construction of Facility (Including Space Accessibility/Security/Monitoring)
(Please include what will be done and a sketch of the facility. Note if there is any retrofitting services or costs which will be donated and by whom.)

Equipment (hardware, software, etc.) Procurement/Testing
(Please indicate how many computers, what type of computers and software will be included based on resident surveys, and other equipment that will be used in the center such as printers, etc.)

Computers: Distance learning equipment:

Printers: Scanners & Other Equipment:

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DETAIL ON TIMELINE ACTIVITIES (continued)

Staffing of Center/Training Program and Classes Offered (Weekly Schedule for the Center)
(Please indicate how the computer learning center will be staffed, include hours per week.)

Staffing:

Project Coordinator:

Resident Paid Staff:

Other Paid Staff:

Resident or Other Volunteers:

Outside Agencies Providing Instructions:

Weekly Schedule for the Center (including days/hours open, classes, and open lab/free time on the computers.

Classes/Training Programs to be Offered:

Partnerships: Third Party/Voluntary Organization Funding and Participation
(Please list those partners involved in the initial set-up and what they brought to the center. Also indicate targeted partners or other partners that will be assisting in the daily operation of the center.)

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INITIAL SET-UP AND FIRST YEAR OF OPERATIONS

FINANCIAL PLAN/WBUDGET: SOURCES AND USES OF FUNDS

Time period: From _____ to _____

SOURCES _____ USES	Private Donations	Grants (Please note grant sources below)	PHA funds	In-kind Donations/ Services	HUD ROSS Funds	Other (Please Identify)	TOTALS
Computer Hardware (Please List): **Other Equipment**	$	$	$	$	$	$	$ 0.00 0.00 0.00 0.00 0.00
Computer Software (All programs will be site-licensed and run through the server.)	$	$	$	$	$	$	$ 0.00
Staffing	$	$	$	$	$	$	$ 0.00
Maintenance, Insurance, Miscellaneous	$	$	$	$	$	$	$ 0.00
Retrofitting/ Security	$	$	$	$	$	$	$ 0.00
Other	$	$	$	$	$	$	$ 0.00
TOTALS	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	**GRAND TOTAL FOR INITIAL SET-UP** $ 0.00

Grant Sources and Donations Listed Below (if any)

form **HUD-52766** (3/2004)

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YEAR 2 OF OPERATIONS

FINANCIAL PLAN/WBUDGET: SOURCES AND USES OF FUNDS

Time period: From _____ to _____

SOURCES _____ USES	Private Donations	Grants (Please note grant sources below)	PHA funds	In-kind Donations/ Services	HUD ROSS Funds	Other (Please Identify)	TOTALS
Computer Hardware (Please List): **Other Equipment**	$	$	$	$	$	$	$ 0.00 0.00 0.00 0.00 0.00
Computer Software (All programs will be site-licensed and run through the server.)	$	$	$	$	$	$	$ 0.00
Staffing	$	$	$	$	$	$	$ 0.00
Maintenance, Insurance, Miscellaneous	$	$	$	$	$	$	$ 0.00
Retrofitting/ Security	$	$	$	$	$	$	$ 0.00
Other	$	$	$	$	$	$	$ 0.00
TOTALS	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	**GRAND TOTAL FOR SECOND YEAR OF OPERATION** $ 0.00

Grant Sources and Donations Listed Below (if any)

form **HUD-52766** (3/2004)

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

YEAR 3 OF OPERATIONS

FINANCIAL PLAN/WBUDGET: SOURCES AND USES OF FUNDS

Time period: From _____ to _____

SOURCES _____ USES	Private Donations	Grants (Please note grant sources below)	PHA funds	In-kind Donations/ Services	HUD ROSS Funds	Other (Please Identify)	TOTALS
Computer Hardware (Please List): **Other Equipment**	$	$	$	$	$	$	$ 0.00 0.00 0.00 0.00 0.00
Computer Software (All programs will be site-licensed and run through the server.)	$	$	$	$	$	$	$ 0.00
Staffing	$	$	$	$	$	$	$ 0.00
Maintenance, Insurance, Miscellaneous	$	$	$	$	$	$	$ 0.00
Retrofitting/ Security	$	$	$	$	$	$	$ 0.00
Other	$	$	$	$	$	$	$ 0.00
TOTALS	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	**GRAND TOTAL FOR THIRD YEAR OF OPERATION** $ 0.00

Grant Sources and Donations Listed Below (if any)

form **HUD-52766** (3/2004)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC HOUSING RESIDENT OPPORTUNITIES AND SELF-SUFFICIENCY (ROSS) PROGRAM

RESIDENT SERVICES DELIVERY MODELS--ELDERLY AND PERSONS WITH DISABILITIES

RESIDENT SERVICES DELOVERY MODELS--FAMILY

HOMEOWNERSHIP SUPPORTIVE SERVICES

Billing Code 4210-32-C

Resident Service Delivery Models-Family, Resident Service Delivery Models-Elderly/Persons with Disabilities, and Homeownership Supportive Services Under the Resident Opportunity and Self-Sufficiency (ROSS) Program; Overview Information

A. *Federal Agency Name:* Department of Housing and Urban Development, Office of Public and Indian Housing.

B. *Funding Opportunity Title:* Resident Service Delivery Models-Family, Resident Service Delivery Models-Elderly/Persons with Disabilities, and Homeownership Supportive Services under the Resident Opportunity and Self-Sufficiency (ROSS) Program.

C. *Announcement Type:* Initial announcement.

D. *Funding Opportunity Number:* The **Federal Register** number for this NOFA is: FR–4900-N–31. The OMB approval number is: 2577–0229.

E. *Catalog of Federal Domestic Assistance (CFDA) Number(s):* Resident Opportunity and Self Sufficiency, 14.870.

F. *Dates: Resident Service Delivery Models-Elderly/Persons with Disabilities:* The application due date is July 1, 2004. Please *see* the General Section of the SuperNOFA for application submission, delivery, and timely receipt requirements.

Resident Service Delivery Models-Family: The application due date is July 16, 2004. Please see the General Section of the SuperNOFA for application submission, delivery, and timely receipt requirements.

Homeownership Supportive Services: The application due date is August 10, 2004. Please see the General Section of the SuperNOFA for application submission, delivery, and timely receipt requirements.

G. *Optional, Additional Overview Content Information:*

1. *Purpose of Program:* The purpose of the Public and Indian Housing Resident Opportunity and Self Sufficiency (ROSS) program is to provide grants to public housing agencies (PHAs), tribes/tribally designated housing entities (TDHEs), Resident Associations (RAs), and nonprofit organizations, including grassroots, faith-based and other community-based organizations for the delivery and coordination of supportive services and other activities designed to help public and Indian housing residents attain economic self-sufficiency and elderly residents and residents with disabilities continue to live independently.

2. *Funding Available:* A total of approximately $56.6 million is available for ROSS in Fiscal Year 2004. This includes $54.6 million in FY2004 funding and approximately $2 million in carryover funding. Of this amount, approximately $16 million is available for the Public Housing Family Self-Sufficiency program, which is announced in a separate NOFA under this SuperNOFA.

3. *Award Amounts:* Awards, depending on the grant category, unit count and type of grantee, will range from $125,000 to $1,000,000. Please see each program description for more specific information about funding amounts.

4. *Eligible Applicants.* Eligible applicants are PHAs; tribes/TDHEs; nonprofit organizations including grassroots, faith-based and other community-based organizations that have resident support or the support of tribes; RAs; resident councils (RCs); resident organizations (ROs); City-Wide Resident Organizations (CWROs); Intermediary Resident Organizations (IROs); Jurisdiction-Wide Resident Organizations; Regional Resident Organizations; Resident Management Corporations (RMCs); Site-Based Resident Organizations; Statewide Resident Organizations (SRO); and Tribal/TDHE resident groups. The term ''resident association'' or ''RA'' will be used to refer to all types of eligible resident organizations. Please see the section on ''Definition of Terms'' for a complete definition of each type of eligible resident organization.

Resident Associations are not eligible for the Homeownership Supportive Services program.

See each program for more specific eligibility information.

5. *Cost Sharing/Match Requirement:* At least 25 percent of the requested grant amount is required as a match. The match may be in cash and/or in-kind donations. The match is a threshold requirement.

6. *Grant term.* The grant term for each funding category is three years from the execution date of the grant agreement.

Grant program	Total funding	Eligible applicants	Maximum grant amount
Resident Service Delivery Models—Family.	$16 million	PHAs	$250,000 for PHAs with 1–780 units.
			$350,000 for PHAs with 781–2,500 units.
			$500,000 for PHAs with 2,501–7,300 units.
			$1,000,000 for PHAs with more than 7,301 units.
		Resident Associations	$125,000.
		Non-profit entities	$125,000 per RA; Maximum award is $375,000.
		Tribes/TDHEs	$250,000 for Tribes with 1–780 units.
			$350,000 for Tribes with 781–2,500 units.
			$500,000 for Tribes with 2,501–7,300 units.
			$1,000,000 for Tribes with more than 7,301 units.
Resident Service Delivery Models—Elderly and Persons with Disabilities.	$11.4 million	PHAs	$200,000 for PHAs with 1–217 units.
			$300,000 for PHAs with 218–1,155 units.
			$400,000 for PHAs with over 1,156 units.
		Resident Associations	$125,000.
		Non-profit entities	$125,000 per RA; Maximum award is $375,000.
		Tribes/TDHEs	$200,000 for Tribes with 1–217 units.
			$300,000 for Tribes with 218–1,155 units.
			$400,000 for Tribes with over 1,156 units.
Homeownership Supportive Services.	$13.2 million	PHAs	$250,000 for PHAs with 1–780 units.
			$350,000 for PHAs with 781–2,500 units.
			$500,000 for PHAs with 2,501–7,300 units.
			$1,000,000 for PHAs with more than 7,301 units.
		Non-profit entities	$125,000 per RA; Maximum award is $375,000.
		Tribes/TDHEs	$250,000 for Tribes with 1–780 units.
			$350,000 for Tribes with 781–2,500 units.
			$500,000 for Tribes with 2,501–7,300 units.
			$1,000,000 for Tribes with more than 7,301 units.

Full Text of Announcement

I. Funding Opportunity Description

A. Resident Services Delivery Models-Family (RSDM-Family)

The purpose is to provide funding to assist PHAs, tribes/TDHEs, RAs, nonprofit organizations including grassroots, faith-based or other community-based organizations create programs which will help residents achieve economic self-sufficiency. Applicants must submit proposals that will: Provide job training; expand educational opportunities for residents; promote economic self-sufficiency; provide access to the Internet and computer technology, and meet other needs and interests of residents.

B. Resident Services Delivery Models-Elderly/Persons with Disabilities (RSDM-Elderly)

This category is intended to provide PHAs, Indian tribes/TDHEs, RAs, and nonprofit organizations with the resources to provide and coordinate supportive services that will help elderly and/or disabled Public and Indian Housing residents continue to live independently.

C. Homeownership Supportive Services (HSS)

The HSS category provides funds for PHAs, tribes/TDHEs, and qualified nonprofit organizations to deliver homeownership training, counseling and supportive services for residents of Public and Indian housing who are participating or have participated in self-sufficiency programs, such as ROSS, Public Housing Family Self-Sufficiency (FSS) or other Federal, State, or local self-sufficiency programs. HSS is designed to enhance other self-sufficiency efforts by providing public housing residents with the necessary preparation and supportive services they need in order to move from rental housing to homeownership. PHAs, tribes/TDHEs, and nonprofit organizations specializing in homeownership training and counseling are eligible to apply. Resident participants in any HSS funding activity cannot be public housing residents and section 8 voucher holders concurrently.

D. Definition of Terms

1. *City-Wide Resident Organization* consists of members from Resident Councils, Resident Management Corporations, and Resident Organizations who reside in public housing developments that are owned and operated by the same PHA within a city.

2. *Community Facility* means a non-dwelling structure that provides space for multiple supportive services for the benefit of public or Indian housing residents and others eligible for the services provided. Supportive services may include but are not limited to:

a. Job-training;

b. After-school activities for youth;

c. Neighborhood Networks (formerly Twenty/20 Education Communities (TECs), Campus of Learners activities);

d. English as a Second Language (ESL) classes; and

e. Child care.

3. *Contract Administrator* means an overall grant administrator or a financial management agent (or both) that oversees the implementation of the grant and/or the financial aspects of the grant. (*See* the ''Program Requirements'' and ''Threshold Requirements'' sections for more information.)

4. *Elderly person* means a person who is at least 62 years of age.

5. *Jurisdiction-Wide Resident Organization* means an incorporated nonprofit organization or association that meets the following requirements:

a. Most of its activities are conducted within the jurisdiction of a single housing authority;

b. There are no incorporated resident councils or resident management corporations within the jurisdiction of the single housing authority;

c. It has experience in providing start-up and capacity-building training to residents and resident organizations; and

d. Public housing residents representing unincorporated resident councils within the jurisdiction of the single housing authority must comprise a majority of the board of directors.

6. *Tribally Designated Housing Entity (TDHE)* is an entity authorized or established by one or more Indian tribe to act on behalf of each such tribe authorizing or establishing the housing entity.

7. *Indian Tribe* means any tribe, band, nation, or other organized group of a community of Indians, including any Alaska native village, regional, or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, and that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians pursuant to the Indian Self Determination and Education Act of 1975.

8. *Intermediary Resident Organizations* means jurisdiction-wide resident organizations, city-wide resident organizations, statewide resident organizations, regional resident organizations, and national resident organizations.

9. *NAHASDA-assisted resident* means a resident of a tribe (as defined above) who has been assisted by the Native American Housing Assistance and Self-Determination Act (NAHASDA) of 1996.

10. *National Resident Organization (NRO)* is an incorporated nonprofit organization or association for public housing that meets each of the following requirements:

a. It is national (*i.e.,* conducts activities or provides services in at least two HUD areas or two states);

b. It has the capacity to provide start-up and capacity-building training to residents and resident organizations; and

c. Public housing residents representing different geographical locations in the country are members of the board of directors.

11. *Nonprofit organization* is an organization that is exempt from federal taxation. A nonprofit organization can be organized for the following purposes: charitable, religious, educational, scientific, or other similar purposes in the public interest. In order to qualify, an organization must be a corporation, community chest, fund, or foundation. An individual or partnership will not qualify. To obtain nonprofit status, qualified organizations must file an application with the Internal Revenue Service (IRS) and receive designation as such by the IRS. For more information, go to *http://www.irs.gov.* Applicants who are in the process of applying for nonprofit status, but have not yet received nonprofit designation from the IRS, will not be considered nonprofit organizations. All nonprofit applicants must submit their IRS determination letter to prove their 501(c)(3) status. Please see the section on ''Threshold Requirements'' for more information. Nonprofit applicants must also provide letters of support as described in the ''Threshold Requirements'' section.

12. *National nonprofit organizations* work on a national basis and have the capacity to mobilize resources on both a national and local level. All nonprofit applicants must submit their IRS determination letter to prove their 501(c)(3) status. National nonprofit applicants must also provide letters of support as outlined in the ''Threshold Requirements'' section.

13. *Past Performance* is a threshold requirement. Using Rating Factor 1, HUD's field offices will evaluate applicants for past performance to determine whether an applicant has the capacity to manage the grant for which they are applying. The area Office of Native American Programs (ONAP) will

review past performance for tribal/TDHE submissions. Field offices will evaluate the past performance of contract administrators for applicants required to have a contract administrator.

14. *Person with disabilities* means a person who:

a. Has a condition defined as a disability in section 223 of the Social Security Act;

b. Has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance Bill of Rights Act; or

c. Is determined to have a physical, mental, or emotional impairment which:

(1) Is expected to be of long-continued and indefinite duration;

(2) Substantially impedes his or her ability to live independently; and

(3) 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 acquired immunodeficiency syndrome (HIV/AIDS) or any conditions arising from the etiologic agent for AIDS. 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.

15. *Project Coordinator* is a person who is responsible for coordinating the grantee's approved activities to ensure that grant goals and objectives are met. A qualified project coordinator is someone with at least two years of experience working on supportive services designed specifically for typically underserved populations. The project coordinator and grantees are responsible for ensuring that all federal requirements are followed.

16. *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). The NOFA will use ''Resident Association'' or ''RA'' to refer to all eligible types of resident organizations. *See* 24 CFR 964.115 for more information.

17. *Regional Resident Organization (RRO)* means an incorporated nonprofit organization or association for public housing that meets each of the following requirements:

a. The RRO is regional (*i.e.,* not limited by HUD Areas);

b. The RRO has experience in providing start-up and capacity-building training to residents and resident organizations; and

c. Public housing residents representing different geographical locations in the region must comprise the majority of the board of directors.

18. *Resident Management Corporation (RMC)* means an entity that proposes to enter into, or enters into a contract to conduct one or more management activities of a PHA and meets the requirements of 24 CFR 964.120.

19. *Resident Organization (RO) for tribal entities* means an incorporated or unincorporated nonprofit tribal organization or association that meets each of the following criteria:

a. It shall consist of residents only, and only residents may vote;

b. If it represents residents in more than one development or in all of the developments of the tribal/TDHE community, it shall fairly represent residents from each development that it represents;

c. It shall adopt written procedures providing for the election of specific officers on a regular basis; and

d. It shall have democratically elected governing board. The voting membership of the board shall consist solely of the residents of the development or developments that the tribal RO represents.

20. *Secretary* means the Secretary of Housing and Urban Development.

21. *Site-Based Resident Associations* means resident councils or resident management corporations representing a specific public housing development.

22. *Statewide Resident Organization (SRO)* is an incorporated nonprofit organization or association for public housing that meets the following requirements:

a. The SRO is statewide;

b. The SRO has experience in providing start-up and capacity-building training to residents and resident organizations; and

c. Public housing residents representing different geographical locations in the state must comprise the majority of the Board of Directors.

23. *Tribal/TDHE Resident Group* means tribal/TDHE resident groups that are democratically elected groups such as IHA-wide resident groups, area-wide resident groups, single development groups, or resident management corporations (RMCs).

E. Regulations Governing the ROSS Grant

Resident Service Delivery Models-Family, Resident Service Delivery Models-Elderly/Persons with Disabilities, and Homeownership Supportive Services are governed by 24 CFR part 964.

II. Award Information

A. Information for All Grant Categories and All Applicants

1. *Grant Period:* Three years. The grant period shall begin the day the grant agreement and the form HUD–1044, ''Assistance Award/Amendment'' are signed by both the grantee and HUD.

2. *Grant Extensions.* Requests to extend the grant term beyond the originally established grant term must be submitted in writing by the grantee to the local HUD field office or area ONAP. Such requests must be done prior to grant termination and with enough notice to give the field office or area ONAP a reasonable amount of time to fully evaluate the request. Requests must explain why the extension is necessary, what work remains to be completed, and what work and progress was accomplished to date.

3. *Type of Award:* Grant agreement.

4. *Subcontracting:* Subcontracting is permitted. Grantees must follow federal procurement regulations found in HUD regulations at 24 CFR 84.40–84.48 and 24 CFR 85.36.

B. Resident Services Delivery Models-Family

1. *Total Funding:* The Department expects to award $16 million under this category. Awards will be made as follows:

a. PHAs must use the number of occupied conventional family public housing units as of September 30, 2003, per their budget to determine the maximum grant amount they are eligible for in accordance with the categories listed below. PHAs should clearly indicate on the Fact Sheet the number of units under management.

Number of conventional units	Maximum funding
1–780 units	$250,000
781–2,500 units	350,000
2501–7,300 units	500,000
7,301 or more units	1,000,000

b. The maximum grant award is $125,000 for each RA.

c. Nonprofit organizations that have resident support or the support of tribes or RAs are limited to $125,000 for each RA. A nonprofit organization may submit a single application for no more than three different RAs from the same PHA for a maximum grant award of $375,000. Nonprofit organizations may submit more than one application provided they target residents of distinct PHAs or tribes/TDHEs. In cases where nonprofit applicants are not able to obtain support from RAs, they may alternatively obtain letters of support from PHAs, Resident Advisory Boards (RABs), local civic organizations, or units of local government.

Note: All nonprofit applicants that do not include letters of support from RAs must include a letter of support from PHAs or tribes/TDHEs (please *see* Threshold Requirements for more information).

Funding for nonprofit applicants that do not receive letters of support from RAs will be determined as follows (support letters from PHAs must indicate the developments to be served by the nonprofit organization as well as the number of occupied conventional family public housing units in those developments):

Number of conventional units	Maximum funding
1–2,500 units	$125,000
2501–7,300 units	250,000
7,301 or more units	375,000

d. Tribes/TDHEs should use the number of units counted as Formula Current Assisted Stock for Fiscal Year 2003 as defined in 24 CFR 1000.316. Tribes/TDHEs are eligible for the same amounts as PHAs within each category in (a) above. Tribes that have not previously received funds from the Department under the U.S. Housing Act of 1937 should count housing units under management that are owned and operated by the Tribe and are identified in their housing inventory as of September 30, 2003, for family units. Tribes should clearly indicate the number of units under management on the Fact Sheet.

C. Resident Services Delivery Models-Elderly/Persons with Disabilities

1. *Total Funding:* The Department expects to award $11,400,000 under this category. Awards will be made as follows:

a. PHAs must use the number of occupied elderly and disabled conventional public housing units as of September 30, 2003, per their budget to determine the maximum grant amount they are eligible for in accordance with the categories listed below. PHAs should clearly indicate the number of units under management on the Fact Sheet.

Number of conventional units	Maximum funding
1–217 units	$200,000
218–1,155 units	300,000
1,156 or more units	400,000

b. The maximum grant award is $125,000 for each RA.

c. Nonprofit organizations that have resident support or the support of tribes or RAs are limited to $125,000 for each RA. A nonprofit organization may submit a single application for no more than three different RAs from the same PHA for a maximum grant award of $375,000. Nonprofit organizations may submit more than one application provided they target residents of distinct PHAs or tribes/TDHEs. In cases where nonprofit applicants are not able to obtain support from RAs, they may alternatively obtain letters of support from PHAs, Resident Advisory Boards (RABs), local civic organizations, or units of local government.

Note: All nonprofit applicants that do not include letters of support from RAs must include a letter of support from PHAs or tribes/TDHEs (please see Threshold Requirements for more information).

Funding for nonprofit applicants that do not receive letters of support from RAs will be determined as follows (support letters from PHAs must indicate the developments to be served by the nonprofit organization as well as the number of occupied conventional elderly/disabled public housing units in those developments):

Number of conventional units	Maximum funding
1–217 units	$125,000
218–1,155 units	250,000
1,156 or more units	375,000

d. Tribes/TDHEs should use the number of units counted as Formula Current Assisted Stock for Fiscal Year 2003 as defined in 24 CFR 1000.316. Tribes/TDHEs are eligible for the same amounts as PHAs within each category in (a) above. Tribes that have not previously received funds from the Department under the 1937 Housing Act should count housing units under management that are owned and operated by the Tribe and are identified in their housing inventory as of September 30, 2003, for elderly/disabled units. Tribes should clearly indicate the number of units under management on the Fact Sheet.

D. Homeownership Supportive Services

1. *Total Funding:* The Department expects to award $13,200,000 under this category. Awards will be made as follows:

a. PHAs must use the number of occupied conventional family public housing units as of September 30, 2003, per their budget to determine the maximum grant amount they are eligible for in accordance with the categories listed below. PHAs should clearly indicate the number of units under management on the Fact Sheet.

Number of conventional units x	Maximum funding
1–780 units	$250,000
781–2,500 units	350,000
2,501–7,300 units	500,000
7,301 or more units	1,000,000

b. Nonprofit organizations that have resident support or the support of tribes or RAs are limited to $125,000 for each RA. A nonprofit organization may submit a single application for no more than three different RAs from the same PHA for a maximum grant award of $375,000. Nonprofit organizations may submit more than one application provided they target residents of distinct PHAs or tribes/TDHEs. In cases where nonprofit applicants are not able to obtain support from RAs, they may alternatively obtain letters of support from PHAs, Resident Advisory Boards (RABs), local civic organizations, or units of local government. NOTE: All nonprofit applicants that do not include letters of support from RAs must include a letter of support from PHAs or tribes/TDHEs (please *see* Threshold Requirements for more information).

Funding for nonprofit applicants that do not receive letters of support from RAs will be determined as follows (support letters from PHAs must indicate the developments to be served by the nonprofit as well as the number of occupied conventional family public housing units in those developments):

Number of conventional units	Maximum funding
1–2,500 units	$125,000
2,501–7,300 units	250,000
7,301 or more units	375,000

RAs are not eligible to apply for funding under the HSS category.

c. Tribes/TDHEs should use the number of units counted as Formula Current Assisted Stock for Fiscal Year 2003 as defined in 24 CFR 1000.316. Tribes/TDHEs are eligible for the same amounts as PHAs within each category in (a) above. Tribes that have not

previously received funds from the Department under the U.S. Housing Act of 1937 should count housing units under management that are owned and operated by the Tribe and are identified in their housing inventory as of September 30, 2003, for family units. Tribes should clearly indicate the number of units under management on the Fact Sheet.

III. Eligibility Information

A. Eligible Applicants

1. *RSDM-Family:* This funding category provides grants to PHAs, tribes/TDHEs, RAs, and nonprofit organizations supported by resident organizations or tribes/TDHEs.

2. *RSDM-Elderly/Persons with Disabilities:* This funding category provides grants to PHAs, tribes/TDHEs, RAs, and nonprofit organizations supported by resident organizations or tribes/TDHEs. PHAs that are recipients of the Elderly/Disabled renewal Service Coordinator grant are not eligible to apply for this ROSS funding category.

3. *Homeownership Supportive Services:* This funding category provides grants to PHAs, tribes/TDHEs and qualified nonprofit organizations that have resident support. Resident Associations are not eligible to apply for funding under this category.

B. Cost Sharing or Matching

Information for All Grant Categories and All Applicants: The match is a threshold requirement. Applicants who do not demonstrate the minimum 25 percent match will fail the threshold requirement and will not receive further consideration for funding. Please see the section below on threshold requirements for more information on what is required for the match.

C. Other

1. *Eligible Activities:* a. *RSDM-Family:* HUD is looking for applications that implement comprehensive programs within the three year grant term which will result in improved economic self-sufficiency for Public and Indian housing residents. HUD is looking for proposals that involve partnerships with organizations that will enhance grantees' ability to provide educational programs, housing counseling, including fair housing counseling, job training and other supportive services for residents. All applicants must complete a work plan (see sample, HUD–52764, provided in the Appendix ''ROSS Forms'') covering the three-year grant term.

The eligible activities are listed in four categories, from basic to advanced: Life-Skills Training, Job Training, Job Search and Placement Assistance; Post Employment Follow-up; and finally, Activities to Support Career Advancement and Long-term Economic Self-Sufficiency. Applicants are not limited to choosing one category of activity, but rather should design their programs to address the specific needs of the population they are targeting. Applicants are encouraged to pull from all categories and activities listed. Funds may be used for the activities described below.

(1) Hiring of a qualified project coordinator to run the grant program. A qualified project coordinator must have at least two years of experience working on supportive services programs designed for typically underserved populations. The project coordinator should be hired for the entire three-year term of the grant. The project coordinator should be responsible for:

(a) Marketing the program to residents;

(b) Assessing participating residents' skills and job-readiness;

(c) Assessing participating residents' needs for supportive services, *e.g.*, child care, transportation costs, etc.

(d) Assisting a tribe or TDHE to create a resident group to promote self-sufficiency efforts on the reservation;

(e) Designing and coordinating grant activities based on residents' needs and the local labor market; and

(f) Monitoring the progress of program participants and evaluating the overall success of the program. A portion of grant funds should be reserved to ensure that evaluations can be completed for all participants who received training through this program. For more information on how to measure performance, please see Rating Factor 5 in the ''Application Review Information'' section of this NOFA.

(2) Life-skills Training (for Youth and Adults). Applicants' proposals can cover the following types of activities:

(a) Credit. The importance of having good credit and how to maintain good credit.

(b) Banking and Money Management. How to open a bank account; balance a checkbook; create a weekly spending budget and establish contingency plans for child care and transportation, etc.

(c) Real Life Issues. Information on tax forms; voter registration; leases; car insurance; health insurance; long-term care insurance; etc.

(d) Literacy training and GED preparation.

(e) College preparatory courses and information.

(f) Goal setting.

(g) Mentoring

(h) Hiring residents to help with the implementation of this grant program. NOTE: Stipends and salaries serve different purposes. Resident salaries can only be used to hire residents to help grant program staff with the implementation of grant activities.

(3) Job Training, Job Search and Placement Assistance. Eligible activities include:

(a) Skills Assessment of participating residents.

(b) Applying for a job. How to complete employment forms; highlighting skills employers are looking for; researching job opportunities in the area; calculating net wages.

(c) Soft skills training including problem solving and other cognitive skills; oral and written communication skills; workplace norms (appropriate dress, punctuality, respectful communication, etc.), work ethic; interpersonal and teamwork skills.

(d) Creating job training and placement programs.

(e) Resume writing.

(f) Interviewing techniques.

(g) Employer linkage and job placement. Working with local employers and job placement providers to design and offer training that addresses local employers' needs, create a job placement program that refers trained residents to participating employers and other local area employers.

(h) Career advancement and planning programs. Such programs should be designed to:

(i) Help residents identify a career goal and a timeline for achieving it;

(ii) Provide strategies such as finding a strong professional mentor within an organization residents may be working for and focusing on the organization's priorities.

(iii) Reinforce welfare-to-work programs and focus efforts on increasing residents' earning capacity. Activities can include job counseling, helping residents secure better paying jobs or jobs in better work environments, preparing for work in a new job category, obtaining additional job skills and other job-related or educational training.

(iv) Working with local employers, to create opportunities that combine education and skills training with jobs. Strategies that promote work-based learning can offer the most effective method for giving new workers the tools they need to move on to a career ladder and achieve upward mobility.

(4) Post-employment follow-up. After placing residents in jobs, providing follow-up and ongoing support to newly

hired residents can have a significant positive impact on long-term job retention.

(5) Activities to Support Career Advancement and Long-term Economic Self-Sufficiency.

(a) Individual Savings Accounts (ISAs). Applicants may create programs that encourage residents to save and contribute to match savings accounts such as Individual Development Accounts (IDAs). The programs should include financial counseling and education activities. ISAs may only be used for three purposes: (1) To purchase a first home that is existing or under construction when the purchase contract is signed; (2) to receive post-secondary education or training; or (3) to start a local business (other than acquiring, leasing, constructing, or rehabilitating real property in connection with the business). Applicants are encouraged to leverage RSDM funds by working with local financial organizations, which can also contribute to residents' ISAs. FSS escrow accounts may not be used as a match for RSDM-funded ISAs. Grantees shall consult the Internal Revenue Service regarding possible tax consequences of the ISAs to participating residents.

(b) Housing Counseling. This can include information to help residents move to market rate rental housing and/or ''pre-purchase'' homeownership counseling and training. This may include training on such subjects as credit and financial management; credit repair; housing search; how to finance the purchase of a home; fair housing; Individual Savings Accounts, Real Estate Settlement Procedures Act (RESPA); and home maintenance.

(6) Stipends. Stipends are an eligible use of grant funds. Stipends may be used for reasonable out-of-pocket costs. Stipends may be used to reimburse such things as local transportation to and from job training and job interviews, supplemental educational materials, and child care expenses. Stipends must be tied to residents' successful performance and regular attendance.

(7) Hiring of Residents. Grant funds may also be used to hire a resident(s) as program staff.

(8) Supportive Services.

(a) After school programs for school-age children to include tutoring, remedial training, educational programming using computers.

(b) Provision of information on the Earned Income Tax Credit Program, Food Stamps, Child Tax Credit Program, Medicaid, the State Child Health Insurance Program (S–CHIP), Student Loan Interest Deduction, tribal welfare programs, and other benefit programs that can assist individuals and families make a successful transition from welfare to work.

(c) Transportation costs as necessary to enable participating families to receive services or commute to training or employment.

(d) Child-care provision for ROSS-RSDM-Family program participants.

(e) Parenting courses.

(f) Nutrition courses.

(g) Healthcare information and services including referrals to mental health providers, alcohol and other drug abuse treatment programs.

(h) English as a second language (ESL) classes.

(i) Creating and maintaining linkages to local social service agencies, such as employment agencies, health departments, transportation agencies, economic/community development agencies, community colleges, recreational and cultural services, and other community organizations such as Boys & Girls Clubs, 4H-Clubs, Boy Scouts, Girl Scouts, etc.

b. *RSDM-Elderly/Persons with Disabilities:* HUD is looking for applications that implement comprehensive programs within the three-year grant term, which will result in improved living conditions for the elderly/persons with disabilities population. HUD is also looking for proposals that involve partnerships with organizations that will help grantees provide enhanced services to the elderly/persons with disabilities they will serve. All applicants must complete a work plan (*see* sample provided in the Appendix ''ROSS Forms'') covering the three-year grant term.

Proposed grant activities should build on the foundation created by previous ROSS grants or other federal, state, and local efforts to assist this population. Eligible activities include the following:

(1) Hiring of a qualified project coordinator to run the grant program. A qualified project coordinator must have at least two years of experience working on supportive services programs designed for elderly and/or disabled people. The project coordinator will be responsible for:

(a) Assessing participating residents' needs for supportive services (*e.g.* Medicaid, Medicare, physician care, food stamps, rehabilitation services, veterans disability, state-funded programs such as nurse case management, housekeeping, Meals-on-Wheels; transportation etc.);

(b) Designing and coordinating grant activities based on residents' needs;

(c) Monitoring the progress of program participants and evaluating the overall success of the program. A portion of grant funds should be reserved to ensure that evaluations can be completed for all participants who received assistance through this program. For more information on how to measure performance, please see Rating Factor 5 in the ''Application Review Information'' section of this NOFA.

(2) Coordination and set up of meal services;

(3) Coordination and set-up of transportation services;

(4) Wellness programs including, health and nutrition programs, preventive health education, referral to rehabilitation services, and services for the disabled and other community resources;

(5) Personal emergency response;

(6) Congregate services—includes supportive services that are provided in a congregate setting at a conventional public housing development; and

(7) Case management.

c. *Homeownership Supportive Services:* HUD is looking for applications that implement comprehensive programs within the three year grant term which will result in increased rates of homeownership for residents of Public and Indian housing. Applicants should create linkages with HUD homeownership programs such as: the Housing Choice Voucher Homeownership Program, the PHA Homeownership Program also known as Section 32 (formerly the Section 5(h) Homeownership Program) and homeownership programs and resources offered by other organizations or state or local homeownership programs.

Tribes/TDHEs should create linkages with programs such as the Mutual Help Homeownership Opportunity Program, the Section 184 Program, and homeownership programs developed under the Indian Housing Block Grant Program such as mortgage assistance.

All applicants must complete a work plan (see sample provided in the Appendix ''ROSS Forms'') covering the three-year grant term.

HUD is also looking for proposals that involve partnerships with organizations that will enhance the services grantees will offer. Applicants are strongly encouraged to partner with HUD-approved housing counseling agencies. For a list of HUD-approved housing counseling agencies, go to: *http://www.hud.gov/offices/hsg/sfh/hcc/hccprof14.cfm.* Applicants' programs should build on the foundation created by previous ROSS grants, or other state and local self-sufficiency efforts in which their target population may have participated.

Under this funding category, applicants must develop homeownership training programs and supportive services based on needs assessments of the residents they intend to serve. NOTE: any applicant that proposes an ineligible activity will not be funded. Eligible activities include the following:

Eligible activities include, but are not limited to:

(1) Hiring of a qualified project coordinator to run the grant program. A qualified project coordinator must have at least two years of experience working on homeownership and supportive services programs designed for typically underserved populations. The project coordinator should be responsible for:

(a) Assessing participating residents' needs;

(b) Designing and coordinating grant activities based on residents' needs;

(c) Monitoring the progress of program participants and evaluating the overall success of the program. A portion of grant funds should be reserved to ensure that evaluations can be completed for all participants who received assistance through this program. For more information on how to measure performance, please see Rating Factor 5 in the ''Application Review Information'' section of this NOFA.

(2) Training to include:

(a) Asset building;

(b) Credit counseling and credit scoring;

(c) Financial literacy and management;

(d) Selecting a real estate broker;

(e) Choosing a lender;

(f) Appraisals;

(g) Home inspections;

(h) Avoiding delinquency and predatory lending;

(i) Foreclosure prevention;

(j) Home maintenance and financial management for first-time homeowners;

(k) Real Estate Settlement Procedures Act (RESPA); and

(l) Fair Housing Counseling.

(3) Individual Savings Accounts (ISAs). You may create programs that encourage residents to save and contribute to match savings accounts such as Individual Development Accounts (IDAs). ISAs may be used only for (a) escrow accounts, (b) down payment assistance and (c) closing costs to assist the resident to purchase an existing dwelling unit or a dwelling unit under construction. You are encouraged to leverage HSS funds by working with local financial organizations, which can also contribute to residents' ISAs. FSS escrow accounts may not be used as a match for HSS-funded ISAs. FSS residents are not eligible to participate in the ISA provision.

2. *Threshold Requirements.* The criteria below apply to all grant categories and all applicants unless otherwise indicated:

Applicants must respond to each threshold requirement clearly and thoroughly by following the instructions below. If your application fails one threshold requirement (regardless of the type of threshold) it will be considered a failed application and will not receive consideration for funding.

a. *Match.* All applicants are required to have in place a firmly committed 25 percent match in cash or in-kind donations as defined in this NOFA. Joint applicants must together have at least a 25 percent match. Applicants who do not demonstrate the minimum 25 percent match will fail this threshold requirement and will not receive further consideration for funding. If you are applying for more than one ROSS grant, you must use different sources of match donations for each grant application and you must indicate which additional ROSS grant(s) you are applying for by attaching an additional page to HUD budget form 424–CBW stating the sources and amounts of each of your match contributions for this application as well as any other HUD programs to which you are applying. Match donations must be firmly committed which means that the amount of match resources and their dedication to ROSS-funded activities must be explicit, in writing, and signed by a person authorized to make the commitment. Letters of commitment, memoranda of understanding (MOU), or tribal resolution must be on organization letterhead, and signed by a person authorized to make the stated commitment whether it be in cash or in-kind services. The letters of commitment/MOUs/tribal resolutions must indicate the total dollar value of the commitment and be dated within two months of the application deadline, and indicate how the commitment will relate to the proposed program. The commitment should be available at time of award. Applicants proposing to use their own, non-ROSS grant funds to meet the match requirement in whole or in part, must also include a letter of commitment indicating the type of match (cash or in-kind) and how the match will be used.

Leveraging in excess of the 25 percent of the grant amount will receive a higher point value.

(1) Volunteer time and services shall be computed by using the normal professional rate for the local area or the national minimum wage rate of $5.15 per hour (Note: applicants may not count their staff time toward the match);

(2) In order for HUD to determine the value of any donated material, equipment, staff time, building, or lease, your application must provide a letter from the organization making the donation stating the value of the contribution.

(3) Other resources/services that can be committed include: in-kind services such as contributions of administrative services provided to the applicant; funds from federal sources (not including ROSS funds) as allowed by statute, including for example Community Development Block Grant (CDBG); funds from any state or local government sources; and funds from private contributions. Applicants may also partner with other program funding recipients to coordinate the use of resources in the target area.

b. *Past Performance.* HUD's field offices will evaluate data provided by applicants as well as applicants' past performance to determine whether applicants have the capacity to manage the grant for which they are applying. The area Offices of Native American Programs (ONAP) will review past performance for tribal and TDHE submissions. Field offices will evaluate the contract administrators' past performance for applicants required to have a contract administrator. Using Rating Factor 1, the field office/area ONAP will evaluate applicants' past performance. Applicants should carefully review Rating Factor 1 to ensure their application addresses each of the criteria requested therein. If applicants fail to address what is requested in Rating Factor 1, their application will fail this threshold and will not receive further consideration.

c. *Contract Administrator Partnership Agreement.* All nonprofit applicants, all resident organizations, and PHAs that are troubled at time of application are required to submit a signed Contract Administrator Partnership Agreement. The agreement must be for the entire grant term. Grant awards shall be contingent upon having a signed partnership agreement included in your application. Applicants required to have a Contract Administrator Partnership Agreement that fail to submit one will fail this threshold requirement and will not receive further consideration for funding.

Troubled PHAs are not eligible to be contract administrators. Grant writers who assist applicants prepare their ROSS applications are also ineligible to be contract administrators. For more information on contract administrators,

see the section ''Program Requirements.''

d. *Letters of Support for Nonprofit Applicants.* All nonprofit applicants must include letters of support from resident associations (RAs), Resident Advisory Boards (RABs), local civic organizations, or units of local government. In the event that RAs are inactive, or that applicants submit letters of support from other organizations such as RABs, nonprofit applicants must also submit letters from PHAs indicating support for their application. All letters of support must be signed by an authorized representative of the supporting organization and dated within two months of the application deadline.

Nonprofit applicants that do receive support from resident associations must submit Form HUD–52754 ''List of Resident Associations Supporting Nonprofit Applicants.'' Submitting this form is not applicable where RAs are inactive or where applicants do not submit letters of support from RAs.

In cases where nonprofit organizations are applying to serve tribes/TDHEs, nonprofit applicants must submit letters of support from tribes/TDHEs. Nonprofit organizations must also use Form HUD–52754 to list which tribes/TDHEs support their application.

Letters of support from RAs must describe to what extent they are familiar with the nonprofit applicant and indicate their support and understanding of the nonprofit organization's proposal/application. Letters from RAs must include contact information and the name and title of the person authorized to sign for the organization and should, whenever possible, be on RA letterhead.

Letters of support from RABs must describe to what extent the RAB is familiar with the nonprofit applicant and indicate its support and understanding of the nonprofit organization's proposal/application. Letters from RABs must include contact information and the name and title of the person authorized to sign for the organization, and should be on RAB or PHA letterhead.

Letters of support from civic organizations or units of local government must describe to what extent they are familiar with the nonprofit applicant and which programs the nonprofit applicant has operated or managed in the community that are similar to the applicant's proposal. Such letters of support must include contact information and the name and title of the person authorized to sign for the organization. The letter should be on organization letterhead.

All nonprofit applicants that do not provide letters of support from resident associations must provide letters of support from PHAs or tribes/TDHEs with jurisdiction over the developments the applicant proposes to serve. Letters from PHAs or tribes/TDHEs must describe the extent to which the nonprofit applicant is familiar with the needs of the community to be served, which programs the nonprofit applicant has operated or managed in the community that are similar to the applicant's proposal, and whether the nonprofit organization has the capacity to implement its proposed program. Letters from PHAs or tribes/TDHEs must also list the names of the developments to be served, the number of occupied conventional family or elderly/disabled public housing units (depending on the grant category) in those developments, certify that the units are conventional public housing, and identify the ROSS grant category to which the nonprofit organization is applying. PHA or tribe/TDHE letters of support must be signed by the Executive Director, tribal leader, or authorized designee and must be on PHA or tribe/TDHE letterhead.

Applications from nonprofit organizations, which do not submit the information requested in this section will fail this threshold requirement and will not be considered for funding.

e. *Nonprofit status.* All nonprofit applicants must submit their IRS determination letter to prove their 501(c)(3) status. Applicants that fail to submit this letter will fail this threshold requirement and will not be considered for funding.

f. *Minimum Score for All Fundable Applications.* Applications that pass all threshold requirements and go through the ranking and rating process, must receive a minimum score of 75 in order to be considered for funding.

g. *Ineligible Activities.* Any application that proposes an ineligible activity will be disqualified and not considered for funding.

h. *Funding Requests in Excess of Maximum Grant Amount.* Applicants that request funding in excess of the maximum grant amount which they are eligible to receive will not receive funding consideration.

i. *PHA applicants to the Homeownership Supportive Services program.* PHA applicants to the Homeownership Supportive Services program that administer a Homeownership Voucher Program will be required to provide 10 Homeownership Vouchers per year to eligible families who successfully complete training under the Homeownership Supportive Services grant program. Those PHAs which administer a Housing Choice Voucher program but have not elected to provide assistance under the Homeownership Voucher option and receive funding under this category, will be required to implement the Homeownership Voucher Program and make 10 Homeownership Vouchers available on an annual basis to eligible families who successfully complete training under this ROSS activity. PHA applicants as described in this section must provide a letter certifying that they will comply with this requirement.

j. *Tribal/TDHE applicants.* Tribal/TDHE applicants to the HSS program must have a Low-income Homeownership Program outlined in their current Indian Housing Plan. Tribes/TDHEs will also be required to provide homeownership assistance to a minimum of 10 eligible families as described above.

k. *The Dunn and Bradstreet Universal Numbering System (DUNS) Number Requirement.* Refer to the General Section of the SuperNOFA for information regarding the DUNS requirement. You will need to obtain a DUNS number to receive an award from HUD. This threshold requirement is curable.

3. *Program Requirements:*

a. *Program Evaluations.* A portion of grant funds should be reserved to ensure that evaluations can be completed for all participants who received training through this program. Applicants may, for example, propose to reserve one percent of grant funds for every 10 students they train for the purpose of evaluating students' success in the program.

b. *Contract Administrator.* The contract administrator must assure that the financial management system and procurement procedures that will be in place during the grant term will fully comply with either 24 CFR part 84 or part 85, as appropriate. CAs are expressly forbidden from accessing HUD's Line of Credit Control System (LOCCS) and submitting vouchers on behalf of grantees. Contract administrators must also assist PHAs meet HUD's reporting requirements, *see* Section VI.C. ''Reporting'' for more information. Contract administrators may be: Local housing agencies; community-based organizations such as community development corporations (CDCs), churches, temples, synagogues, mosques; nonprofit organizations; state/regional associations and organizations. Troubled PHAs are not eligible to be contract administrators. Grant writers who assist applicants prepare their applications are also ineligible to be

contract administrators. Organizations that the applicant proposes to use as the contract administrator must not violate or be in violation of other conflicts of interest as defined in 24 CFR part 84 and 24 CFR part 85.

4. *Number of Applications Permitted.* Except as otherwise noted, the criteria below apply to all grant categories and all applicants.

a. *General.* Applicants including PHAs, tribes/TDHEs, RAs, and nonprofit organizations that have support from the resident associations they propose to serve or the support of tribes/TDHEs may submit one application for each ROSS funding category, however applicants must submit separate applications for each funding category. Nonprofit organizations may submit more than one application per funding category provided that they will be serving residents of distinct PHAs or Tribes/TDHEs.

b. *More than one application per development.* Applications from PHAs, tribes/TDHEs, RAs, and nonprofit organizations targeting the same public housing development/population will not all be funded. HUD suggests that in these cases, applicants work together to submit one application. Otherwise, the highest scoring application will be funded.

c. *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. Both lead and non-lead applicants are subject to threshold requirements. Joint applications may include PHAs, RAs, Tribes/TDHEs, and nonprofit organizations on behalf of resident organizations. Joint applications involving nonprofit organizations must also provide evidence of resident support or support from local civic organizations or from units of local government. PHAs, tribes/TDHEs, and resident organizations that are part of a joint application may not also submit separate applications as sole applicants under this NOFA.

Note: The lead applicant will determine the maximum funding amount the applicants are eligible to receive.

5. *Eligible Participants:* All program participants must be residents of conventional public housing or NAHASDA-assisted housing. Participants in the Public Housing Family Self-Sufficiency (FSS) program (non-Housing Choice Voucher FSS Program) are also eligible to participate in activities funded under ROSS.

6. *Eligible Developments:* Only conventional Public and Indian housing developments may be served by ROSS grant funds. Other housing/developments, including, but not limited to private housing, federally insured housing, federally subsidized or assisted (*i.e.*, assisted under Section 8, Section 202, Section 811, Section 236), and others are not eligible to participate in ROSS.

7. *Energy Star.* HUD has adopted a wide-ranging energy action plan for improving energy efficiency in all program areas. As a first step toward implementing the energy plan, HUD, the Environmental Protection Agency (EPA) and the Department of Energy (DoE) have signed a joint partnership to promote energy efficiency in HUD's affordable housing efforts and programs. The purpose of the Energy Star partnership is to promote energy efficiency of the affordable housing stock, but also to help protect the environment. Applicants constructing, rehabilitating, or maintaining housing or community facilities are encouraged to promote energy efficiency in design and operations. They are urged especially to purchase and use Energy Star labeled products. Applicants providing housing assistance or counseling services are encouraged to promote Energy Star building by homebuyers and renters. Program activities can include developing Energy Star promotional and information materials, outreach to low- and moderate-income renters and buyers on the benefits and savings when using Energy Star products and appliances, and promoting the designation of community buildings and homes as Energy Star compliant. For further information about Energy Star, *see http://www.energystar.gov* or call 888–STAR–YES (888–782–7937) or for the hearing-impaired, 888–588–9920 (TTY).

IV. Application and Submission Information

A. Addresses to Request Application Package

There is no application kit this year. All forms and necessary information are contained within this NOFA. Please refer to the General Section of the SuperNOFA for information on how to obtain hard copies of this NOFA, or visit *http://www.hud.gov* for this information.

B. Content and Form of Application Submission

1. *Application Format Information for All Grant Categories and All Applicants:* Before preparing an application to any ROSS funding program, applicants should carefully review the program description, ineligible activities, program and threshold requirements, and the General Section of the SuperNOFA. Applicants should also review each rating factor found in the ''Application Review Information'' section before writing a narrative response. Applicants' narratives should be as descriptive as possible, ensuring that every requested item is addressed. Applicants should make sure to include all requested information, according to the instructions found in this NOFA and where applicable, in the General Section of the SuperNOFA. This will help ensure a fair and accurate review of your application.

2. *Content and Format for Submission:* In order to be funded, applicants must propose programs which meet all the requirements and objectives of the ROSS program to which they are applying to, as described in this NOFA. Applicants are reminded that any application proposing ineligible activities will not be funded. Finally, applicants must submit their applications according to the format provided in the ''Format'' section below.

a. *Content of Application:* Applicants must write narrative responses to each of the rating factors, which follow this section. Applicants will be evaluated on whether their responses demonstrate that they have the necessary capacity to successfully manage this grant program. Applicants should ensure that their narratives are written clearly and concisely so that HUD reviewers, who may not be familiar with the ROSS program, may fully understand your proposal.

b. *Format of Application:* (1) Applications may not exceed 35 narrative pages. Narrative pages must be typed, double-spaced, numbered, use Times New Roman font style, and font size 12. Applications should be submitted in a three-ring binder with materials organized behind tabs according to the outline provided below. Supporting documentation, required forms, and certificates will not be counted toward the 35 narrative page limit. However, applicants should make every effort to submit only what is necessary in terms of supporting documentation.

(2) Format for submission of SuperNOFA forms, ROSS forms, and narrative responses.

TAB 1: Required Forms from the General Section of the SuperNOFA and other ROSS forms:

1. Application for Federal Assistance (SF–424);

2. Supplement to SF–424—Survey on Ensuring Equal Opportunity for Applicants (SF–23004);

3. Questionnaire for HUD's Initiative on Removal of Regulatory Barriers (HUD–27300);
4. Fact Sheet (HUD–52751);
5. Applicant Assurances and Certifications (HUD–424B);
6. Grant Application Detailed Budget (HUD–424–CB);
7. Grant Application Detailed Budget Worksheet (HUD–424–CBW);
8. Applicant/Recipient Disclosure/ Update Report (HUD–2880);
9. Certification of Consistency with RC/EZ/EC Strategic Plan (HUD–2990) if applicable;
10. Certification of Consistency with the Consolidated Plan (HUD–2991) if applicable;
11. Certification of Consistency with the Indian Housing Plan if applicable (HUD–52752);
12. Certification of Resident Council Board of Election (not required for tribes/nonprofit organizations working on behalf of tribes) (HUD–52753);
13. Disclosure of Lobbying Activities (HUD–SF–LLL)—if applicable;
14. Disclosure of Lobbying Activities Continuation Sheet (HUD–SF–LLL–A)—if applicable;
15. Acknowledgment of Application Receipt (HUD–2993); and,
16. Client Comments and Suggestions (HUD–2994). (Optional)

TAB 2: Threshold Requirements:
1. Letters from Partners attesting to match;
2. Letter from Applicant's organization attesting to match (if applicant is contributing to match);
3. Letters of Support from Resident Associations/ PHAs/tribes/TDHEs/ Resident Advisory Boards/local civic organizations and/or units of local government (Threshold requirement for all nonprofit applicants);
4. Chart of Resident Associations Participating (required for nonprofit applicants but not applicable to applications from tribes/TDHEs.) (HUD–52754);
5. IRS nonprofit determination letter proving 501(c)(3) status (Threshold requirement for all nonprofit applicants); and
6. Contract Administrator Partnership Agreement (required for nonprofit organizations, resident associations, and troubled PHAs) (HUD–52755).

TAB 3: Narrative for Rating Factor 1 and ROSS Program Forms:
1. Narrative
2. Chart A: Program Staffing (HUD–52756)
3.Chart B: Applicant/Administrator Track Record (HUD–52757)
4. Resumes/Position Descriptions

TAB 4: Narrative for Rating Factor 2.

TAB 5: Rating Factor 3:
1. Narrative
2. Work plan (see sample) (HUD–52764)

TAB 6: Narrative for Rating Factor 4.

TAB 7: Narrative for Rating Factor 5 and ROSS Program Forms:
1. Narrative
2. Logic Model (HUD–96010)
3. Sample Performance measures/ outcomes are attached for applicants' information

C. Submission Dates and Times

1. *Due Dates: Resident Service Delivery Models-Elderly/Persons with Disabilities:* The application due date is July 1, 2004. Please see the General Section of the SuperNOFA for application submission, delivery, and timely receipt requirements.

Resident Service Delivery Models-Family: The application due date is July 16, 2004. Please see the General Section of the SuperNOFA for application submission, delivery, and timely receipt requirements.

Homeownership Supportive Services: The application due date is August 10, 2004. Please see the General Section of the SuperNOFA for application submission, delivery, and timely receipt requirements.

2. *Proof of Timely Submission.* Please see the General Section of the SuperNOFA for more information about how to mail in your application to HUD and how HUD will determine whether your application is received by the deadline. Applicants that fail to meet the deadline for application receipt will not receive funding consideration.

D. Intergovernmental Review

Not applicable.

E. Funding Restrictions

1. *Reimbursement for Grant Application Costs:* Applicants who receive an award under any ROSS funding category are prohibited from using ROSS grant funds to reimburse any costs incurred in conjunction with preparation of their ROSS grant application.

2. *Covered Salaries:* Applicable to all grant categories and all applicants:

a. Project Coordinator: All applicants may propose to hire a qualified project coordinator to run the grant program. The ROSS program will fund up to $63,000 in combined annual salary and fringe benefits for a full-time project coordinator. The project coordinator's salary and fringe benefits may not exceed 30 percent of the total grant amount. For audit purposes, applicants must have documentation on file demonstrating that the salary of the project coordinator is comparable to similar professions in their local area.

b. *Resident Salaries.* Only the RSDM-Family category permits grantees to use grant funds for this purpose. No more than five percent of RSDM-Family funds may be used to pay for resident salaries.

c. *Types of Salaries.* ROSS funds may only be used for the types of salaries described in this section according to the restrictions described herein. ROSS funds may not be used to pay for salaries of any other kind.

3. *Administrative Costs.* Administrative costs may include, but are not limited to, purchase of furniture, office equipment and supplies, local travel, and utilities. Administrative costs may not be used to pay for salaries of any kind. Nonprofit organizations only may use administrative funds to pay for rental of space. Administrative costs must not exceed 10 percent of the total grant amount requested from HUD. Administrative costs must adhere to OMB Circular A–87 or A–122 as appropriate. Please use HUD–424–CBW to itemize your administrative costs.

4. *Individual Savings Accounts (ISAs).* ROSS RSDM-Family and Homeownership Supportive Services funds can be used as matching funds for ISAs but no more than 20 percent of total grant funds may be used for this purpose.

5. *Stipends.* This applies to RSDM-Family only. No more than $200 of the grant award may be used per participant per month for stipends for active trainees and program participants. Stipends may only be used to reimburse reasonable out-of-pocket expenses related to participation in training and other program-related activities. Receipts for such expenses must be provided by the resident in order to obtain reimbursement. Stipends are not considered an administrative expense and therefore are not subject to the 10 percent limitation on administrative costs.

6. *Ineligible Activities/Costs.* Grant funds may not be used for ineligible activities:

a. Payment of wages and/or salaries to participants for receiving supportive services and/or training programs;
b. Purchase, lease, or rental of land;
c. New construction, costs for construction materials;
d. Rehabilitation or physical improvements;
e. Purchase, lease, or rental of vehicles;
f. Entertainment costs;
g. Purchasing food;
h. Elderly/Disabled Service Coordinator salary and fringe benefits;
i. Payment of wages and/or salaries to doctors, nurses or other staff (including health aids or companions) in relation

to medical services provided to residents;

j. Purchase of non-prescription or prescription medications;

k. Stipends (Stipends are only allowed under RSDM-Family)

l. Down payment assistance (**Note:** Participants may use their ISAs under the RSDM-Family and Homeownership Supportive Services program for this purpose);

m. Revolving loan funds;

n. Costs, which exceed limits, identified in the NOFA for the following: Project Coordinator, resident salaries, ISAs, stipends, and administrative expenses; and

o. Cost of application preparation.

7. *Other Budgetary Restrictions.* Applicable to all grant categories and all applicants: Some long distance travel may be necessary during the term of the grant in order for professional grant staff to attend HUD-sponsored training conferences for ROSS grantees. Long distance travel costs for grant program staff may not exceed $5,000 for the life of the grant and must receive prior approval from the grantee's local HUD field office or area ONAP.

F. Other Submission Requirements

1. *Mailing Applications.* Applicants to the ROSS program should send their applications to: HUD Grants Management Center, Mail Stop: Insert Name of ROSS Funding Category, 2001 Jefferson Davis Highway, Suite 703, Arlington, VA 22202. Please see the General Section of the SuperNOFA for detailed mailing and delivery instructions.

In the case of tribes and TDHEs, please submit your original completed application to: Denver Program Office of Native American Programs (DPONAP), 1999 Broadway, Suite 3390, Denver, CO 80202, by mail using the United States Postal Service (USPS) or it may be delivered only via the following four carrier services: United Parcel Service (UPS), FedEx, DHL, or Falcon Carrier.

2. *Number of Copies.* Applications must be submitted in triplicate (one original and two identical copies). The original and one identical copy must be sent to the Grants Management Center by the deadline. The other identical copy must be submitted to your local HUD field office by the deadline. For tribal and TDHE applicants, the original and one copy must be sent to the Denver Program Office of Native American Programs (DPONAP), the other identical copy should be sent to the GMC by the deadline. Copies of applications from tribes/TDHEs should not be sent to the Area ONAP.

V. Application Review Information

A. Criteria

1. *Factors for Award Used to Evaluate and Rate Applications to the ROSS program:* 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 RC/EZ/EC bonus points. The SuperNOFA contains a certification that must be completed in order for the applicant to be considered for RC/EZ/EC bonus points. A listing of federally designated RCs, EZs, ECs, and EECs is included as an appendix to the General Section of the SuperNOFA and is also available from the NOFA Information Center, and the Grants.gov Web site, *http://www.grants.gov.* The agency certifying to RC/EZ/EC status must be listed in the appendix of the SuperNOFA or on the *http://www.grants.gov* Web site.

Note: Applicants should carefully review each rating factor before writing a response. Applicants' narratives should be as descriptive as possible, ensuring that every requested item is addressed. Applicants should make sure their narratives thoroughly address the Rating Factors below. Applicants should include all requested information, according to the instructions found in this NOFA. This will help ensure a fair and accurate application review.

a. Rating Factor 1: Capacity of the Applicant and Relevant Organizational Staff (20 Points)

This factor addresses whether the applicant has the organizational resources necessary to successfully implement the proposed activities within the grant period. In rating this factor HUD will consider the extent to which the proposal demonstrates that the applicant will have qualified and experienced staff dedicated to administering the program.

(1) *Proposed Program Staffing* (7 Points).

(a) Staff Experience (4 Points). The knowledge and experience of the proposed project coordinator, staff, and partners in planning and managing programs for which funding is being requested. Experience will be judged in terms of recent, relevant and successful experience of proposed 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 proposed staff members who work on the project have in successfully conducting and completing similar activities, the greater the number of points applicants will receive for this rating factor. The following information should be provided in order to provide HUD an understanding of proposed staff's experience and capacity:

(i) The number of staff years (one staff year = 2080 hours) to be allocated to the proposed program by each employee or expert as well as each of their roles in the program;

(ii) The staff's relevant educational background and/or work experience; and

(iii) Relevant and successful experience running programs whose activities are similar to the eligible program activities described in the grant category to which you are applying.

(b) *Organizational Capacity* (3 Points). Applicants will be evaluated based on whether they have, or their partners have sufficient qualified personnel to deliver the proposed activities in a timely and effective fashion. In order to enhance or supplement capacity, applicants should provide evidence of partnerships with nonprofit organizations or other organizations that have experience providing supportive services to typically underserved populations. Applicants' narrative must describe their ability to immediately begin the proposed work program. Attach resumes and position descriptions (where staff is not yet hired) for all key personnel. (Resumes/position descriptions do not count toward the 35-page limit.)

(2) *Past Performance of Applicant/Contract Administrator* (6 Points).

Applicants' past experience may include, but is not limited to, running and managing programs aimed at:

RSDM-Family: assisting residents of low-income housing achieve economic self-sufficiency;

RSDM-Elderly: assisting elderly/persons with disabilities who reside in low-income housing to live independently;

Homeownership: assisting residents of low-income housing achieve economic self-sufficiency and homeownership.

Applicants' narrative must indicate past grants they received and managed, the grant amounts, and grant terms (years) of the grants, which they are counting toward past experience.

Applicants' narrative must describe how they (or their *Contract Administrator*) successfully implemented past grant programs designed to:

RSDM-Family—promote resident self-sufficiency, moving from welfare to work, and/or helping residents move to market rate rental housing;

RSDM-Elderly—assist elderly/persons with disabilities meet their daily living needs and enhance their access to needed services so they can continue to reside comfortably and productively in their current living environment;

Homeownership—promote moving from subsidized housing to homeownership. Applicants will be evaluated according to the following criteria:

(a) Achievement of specific measurable outcomes and objectives in terms of benefits gained by participating residents. Applicants should describe results their programs have obtained, such as:

RSDM-Family: reduced welfare dependency, higher incomes, higher rates of employment, increased savings, moving from subsidized housing to market rate rental housing;

RSDM-Elderly: less emergency care, improved health conditions of assisted population, access to greater number of social services;

Homeownership: number of families in homeownership counseling pipeline, rates of homeownership achieved through training programs.

(b) Description of success in attracting and keeping residents involved in past grant-funded training programs. HUD wants to see that applicants' grant-funded programs benefited a significant number of residents;

(c) Description of timely expenditure of program funding throughout the term of past grants. Timely means regular drawdowns throughout the life of the grant, *i.e.*, quarterly drawdowns, with all funds expended by the end of the grant term;

(d) Description of Past Leveraging. Applicants must describe how they have leveraged funding or in-kind services beyond amounts which were originally proposed for past projects;

(3) *Program Administration and Fiscal Management.* (7 Points).

(a) *Program Administration and Accountability.* (4 Points) Applicants should describe how they will manage the program; how HUD can be sure that there is program accountability; and provide a description of proposed staff's roles and responsibilities. Applicants should also describe how grant staff and partners shall report to the project coordinator and other senior staff.

(b) *Fiscal Management.* (3 Points) In rating this factor, applicants' skills and experience in fiscal management will be evaluated. If applicants have had any audit or material weakness findings in the past five years, they will be evaluated on how well they have addressed them. Applicants must provide the following:

(i) A complete description of their fiscal management structure, including fiscal controls currently in place including those of a Contract Administrator for applicants required to have a Contract Administrator, (*i.e.*, troubled PHAs, resident associations, and nonprofit applicants);

(ii) Applicants must list any audit findings in the past five years (HUD Inspector General, management review, fiscal, etc.), material weaknesses, and what has been done to address them;

(iii) For applicants who are required to have a Contract Administrator, describe the skills and experience the Contract Administrator has in managing federal funds.

b. Rating Factor 2: Need/Extent of the Problem (20 Points)

This factor addresses the extent to which there is a need for funding the proposed program. In responding to this factor, applicants will be evaluated on the extent to which they describe and document the level of need for their proposed activities and the urgency for meeting the need.

Applicants should use statistics and analyses contained in data source(s) that are sound and reliable. Data that describes socioeconomic conditions at the local level can be found by going to the following Web sites: *http://www.bls.gov* (Bureau of Labor Statistics) or *http://www.census.gov* (U.S. Census). Other types of sources include socioeconomic studies or reports conducted by academic, State, and local organizations. To the extent possible, the data applicants use should be specific to the area where the proposed activities will be carried out. Applicants should document needs as they apply to the area where activities will be targeted, and not the entire region or State.

In responding to this factor, applicants must include:

(1) *Socioeconomic Profile* (5 points). A thorough socioeconomic profile of the eligible residents to be served by the program, including education levels, income levels, the number of single-parent families, economic statistics for the local area, etc.

(2) *Local Training Programs Information (For RSDM-Family and Homeownership Applicants only*) (5 points). Information on training programs currently available and easily accessible to residents either through the PHA, tribe/TDHE, or other local or state community organizations.

(3) *Local Social Services Information (For RSDM-Elderly Applicants only*) (5 points). Information on social service programs currently available and easily accessible to residents either through the PHA, tribe/TDHE, or other local or State community organizations.

(4) *Demonstrated Link Between Proposed Activities and Local Need* (5 points). Applicants' narrative must demonstrate a clear relationship between proposed activities, community needs and the purpose of the program funding in order for points to be awarded for this factor.

c. Rating Factor 3: Soundness of Approach (30 Points)

This factor addresses both the quality and cost-effectiveness of applicants' proposed work plan. The work plan must indicate a clear relationship between proposed activities, the targeted population's needs, and the purpose of the program funding. Applicants' activities must address HUD's policy priorities outlined in this Rating Factor.

In rating this factor HUD will consider:

(1) *Quality of the Work Plan* (18 points). This factor evaluates both the applicant's work plan and budget, which will be evaluated based on the following criteria:

(a) *Specific Services and/or Activities* (8 points). Applicants' narrative must describe the specific services, course curriculum, and activities they plan to offer and who will be responsible for each. In addition to the narrative, applicants must also provide a work plan, which must list the specific services, activities, and outcomes they expect. The work plan must show a logical order of activities and progress and must tie to the outcomes and outputs applicants identify in the Logic Model (*see* Rating Factor 5). Please see a sample work plan in the Appendix. Applicants' narrative must explain how their proposed activities will:

(i) Involve community partners in the delivery of services (4 points);

(ii) Offer comprehensive services versus a small range of services geared toward achieving the following (2 points):

RSDM-Family: enhancing economic opportunities for residents;

RSDM-Elderly: enhancing residents' quality of life;

Homeownership: enhancing homeownership opportunities for residents; and

(iii) Link to other ROSS-funded self-sufficiency programs (2 points).

(b) *Feasibility and Demonstrable Benefits* (4 points). This factor examines

whether applicants' work plan is logical, feasible and likely to achieve its stated purpose during the term of the grant. HUD's desire is to fund applications that will quickly produce demonstrable results and advance the purposes of the ROSS program.

(i) *Timeliness.* This subfactor evaluates whether applicants' work plan demonstrates that their project is ready to be implemented shortly after grant award, but not to exceed three months following the execution of the grant agreement. The work plan must indicate timeframes and deadlines for accomplishing major activities.

(ii) *Description of the problem and solution.* The work plan will be evaluated based on how well applicants' proposed activities address the needs described in Rating Factor 2.

(c) *Budget Appropriateness/Efficient Use of Grant.* (6 Points) The score in this factor will be based on the following:

(i) *Justification of expenses.* Applicants will be evaluated based on whether their expenses are reasonable and thoroughly explained, and support the objectives of their proposal.

(ii) *Budget Efficiency.* Applicants will be evaluated based on whether their application requests funds commensurate with the level of effort necessary to accomplish their goals and anticipated results.

(2) *Addressing HUD's Policy Priorities* (12 points). HUD wants to improve the quality of life for those living in distressed communities. HUD's grant programs are a vehicle through which long-term, positive change can be achieved at the community level. Applicants' narrative and work plan will be evaluated based on how well they meet the following HUD policy priorities:

(a) *Improving the Quality of Life in Our Nation's Communities* (For RSDM-Family and RSDM-Elderly Applicants only) (5 points). In order to receive points in this category, applicants' narrative and work plan must indicate the types of activities, service, and training programs applicants will offer which can help residents successfully transition from welfare to work and earn higher wages, or for elderly/disabled residents, to continue to live independently.

Providing Increased Homeownership and Rental Opportunities for Low- and Moderate-Income Persons, Persons with Disabilities, the Elderly, Minorities, and Families with Limited English Proficiency (For Homeownership Applicants only) (5 points). In order to receive points in this category, applicants' narrative and work plan must indicate the types of activities and training programs they will offer which can help residents successfully transition from subsidized housing to market-rate rental housing or homeownership.

(b) *Providing Full and Equal Access to Grassroots Faith-Based and Other Community-Based Organizations in HUD Program Implementation (For all applicants)* (5 points). HUD encourages applicants to partner with grassroots organizations, *e.g.*, civic organizations, grassroots faith-based and other community-based organizations that are not usually effectively utilized. These grassroots organizations have a strong history of providing vital community services such as developing first-time homeownership programs, creating economic development programs, providing job training and other supportive services. In order to receive points under this factor, applicants' narrative and work plan must describe how applicants will work with these organizations and what types of services they will provide.

(c) Policy Priority for Increasing the Supply of Affordable Housing Through the Removal of Regulatory Barriers to Affordable Housing (up to 2 points).

Under this policy priority, higher rating points are available to (1) governmental applicants that are able to demonstrate successful efforts in removing regulatory barriers to affordable housing, and (2) nongovernmental applicants that are associated with jurisdictions that have undertaken successful efforts in removing barriers. For applicants to obtain the policy priority points for efforts to successfully remove regulatory barriers, applicants would have to complete form HUD 27300, ''Questionnaire for HUD's Initiative on Removal of Regulatory Barriers.'' A copy of HUD's Notice entitled America's Affordable Communities Initiative, HUD's Initiative on Removal of Regulatory Barriers: Announcement of Incentive Criteria on Barrier Removal in HUD's 2004 Competitive Funding Allocations' can be found on HUD's Web site at *http://www.hud.gov/grants/index.cfm.* A description of the policy priority and a copy of form HUD–27300 can be found in the General Section to the SuperNOFA. Applicants are encouraged to read the Notice as well as the General Section of the SuperNOFA to obtain an understanding of this policy priority and how it can impact their score. A limited number of questions expressly request the applicant to provide brief documentation with their response. Other questions require that for each affirmative statement made, the applicant must supply a reference, URL, or a brief statement indicating where the back-up information may be found, and a point of contact, including a telephone number and/or email address.

d. Rating Factor 4: Leveraging Resources (20 Points)

This factor addresses the applicant's ability to secure community resources that can be combined with HUD's grant resources to achieve program purposes. Applicants are required to create partnerships with organizations that can help achieve their program's goals. PHAs are required by section 12(d)(7) of the U.S. Housing Act of 1937 entitled ''Cooperation Agreements for Economic Self-Sufficiency Activities'') to make best efforts to enter into such agreements with relevant state or local agencies. In rating this factor, HUD will look at the extent to which applicants partner, coordinate and leverage their services with other organizations serving the same or similar populations.

Additionally, applicants must have at least a 25 percent cash or in-kind match. The match is a threshold requirement. Joint applicants must together have at least a 25 percent match. Applicants who do not demonstrate the minimum 25 percent match will fail the threshold requirement and will not receive further consideration for funding. Leveraging in excess of the 25 percent of the grant amount will receive a higher point value. In evaluating this factor HUD will consider the extent to which applicants have partnered with other entities to secure additional resources, which will increase the effectiveness of the proposed program activities. The additional resources and services must be firmly committed, must support the proposed grant activities and must, in combined amount (including in-kind contributions of personnel, space and/or equipment, and monetary contributions) equal at least 25 percent of the grant amount requested in this application. ''Firmly committed'' means that the amount of resources and their dedication to ROSS-funded activities must be explicit, in writing and signed by a person authorized to make the commitment. Please see the section on Threshold Requirements for more information.

Points for this factor will be awarded based on the documented evidence of partnerships and firm commitments and the ratio of requested ROSS funds to the total proposed grant budget.

Points will be assigned based on the following scale:

Percentage of match	Points awarded
25	5 points (with partnerships) 3 points (without partnerships).
26–50	10 points (with partnerships) 8 points (without partnerships).
51–75	15 points (with partnerships) 13 points (without partnerships).
76–99 or above.	20 points (with partnerships) 18 points (without partnerships).

e. Rating Factor 5: Achieving Results and Program Evaluation (10 Points)

An important element in this year's NOFA is the development and reporting of performance measures and outcomes. This factor emphasizes HUD's determination to ensure that applicants meet commitments made in their applications and grant agreements and that they assess their performance so that they realize performance goals. Applicants must demonstrate how they propose to measure their success and outcomes as they relate to the Department's Strategic Plan.

HUD requires ROSS applicants to develop an effective, quantifiable, outcome-oriented plan for measuring performance and determining that goals have been met. Applicants must use the Logic Model form HUD–96010 for this purpose.

Applicants must establish interim benchmarks, or outputs, for their proposed program that lead to the ultimate achievement of outcomes. ''Outputs'' are the direct products of a program's activities. Examples of outputs are: The number of eligible families that participate in supportive services, the number of new services provided, the number of residents receiving counseling, or the number of households using a technology center. Outputs should produce outcomes for your program.

''Outcomes'' are benefits accruing to the residents, families and/or communities during or after participation in the ROSS program. Applicants must clearly identify the outcomes to be achieved and measured. Examples of outcomes are: Increasing the homeownership rates among residents of a development or from a particular housing authority, increasing residents' financial stability (*e.g.*, increasing assets of a household through savings), or increasing employment stability (*e.g.*, whether persons assisted obtain or retain employment for one or two years after job training completion). Outcomes are not the actual development or delivery of services or program activities.

This rating factor requires that applicants identify program outputs, outcomes, and performance indicators that will allow applicants to measure their performance. Performance indicators should be objectively quantifiable and measure actual achievements against anticipated achievements. Applicants' narrative, work plan, and Logic Model should identify what applicants are going to measure, how they are going to measure it, and the steps they have in place to make adjustments to their work plan and management practices if performance targets begin to fall short of established benchmarks and time frames. Applicants' proposal must also show how they will measure the performance of partners and affiliates. Applicants must include the standards, data sources, and measurement methods they will use to measure performance.

In order to respond to this factor, applicants should use the sample performance measures HUD–52758 located in the Appendix as a guide. Applicants will be evaluated based on how comprehensively they propose to measure their program's outcomes.

B. Review and Selection Process

1. *Review Process for All Grant Categories and All Applicants.* Four types of reviews will be conducted: a screening to determine if you are eligible to apply for funding under the ROSS grant category to which you are applying; whether your application submission is complete, on time and meets threshold; a review by the field office to evaluate past performance; and a technical review to rate your application based on the five rating factors provided in this NOFA.

2. *Selection Process for All Grant Categories and All Applicants:* The selection process is designed to achieve geographic diversity of grant awards throughout the country. For each grant category, HUD will first select the highest ranked application from each of the ten federal regions and DPONAP for funding. After this ''round,'' HUD will select the second highest ranked application in each of the ten federal regions and DPONAP for funding (the second round). HUD will continue this process with the third, fourth, and so on, highest ranked applications in each federal region and DPONAP 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 (by score) regardless of region and DPONAP and will fully fund as many as possible with remaining funds. If remaining funds in one grant category are too small to make an award, they may be transferred to another category under the ROSS program.

3. *Tie Scores.* In the event of a tie between two applications in the same category which target the same developments, HUD will select the application that was received first.

4. *Deficiency Period.* Applicants will have 14 calendar days in which to provide missing information requested from HUD. For other information on correcting deficient applications, please see the General Section of the SuperNOFA.

VI. Award Administration Information

A. Award Notices

HUD will make announcements of grant awards after the rating and ranking process is completed. Grantees will be notified by letter and will receive instructions for what steps they must take in order to access funding and begin implementing grant activities.

Applicants who are not funded will also receive letters via U.S. postal mail. Applicants who are not funded may request a debriefing. Applicants requesting to be debriefed must send a written request to: Iredia Hutchinson, Director, Grants Management Center, 501 School Street, SW., Suite 800, Washington, DC 20024. For applications submitted to the DPONAP, requests for a debriefing should be sent to Deborah Lalancette, Director, Grants Management, DPONAP, 1999 Broadway, Suite 3390, Denver, CO 80202. Please refer to the General Section of the SuperNOFA for additional information on debriefings.

B. Administrative and National Policy Requirements:

1. *Environmental Impact.* In accordance with 24 CFR 58.34(a)(3) or (a)(9), 58.35(b)(2), (b)(4) or (b)(5), 50.19(b)(3), (b)(9), (b)(12), (b)(14), or (b)(15) activities under this ROSS program are categorically excluded from the requirements of the National Environmental Policy Act of 1969 and are not subject to environmental review under related laws and authorities.

2. *Applicable Requirements.* Grantees are subject to regulations and other requirements found in:

a. 24 CFR 84 ''Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations''

b. 24 CFR 85 ''Administrative Requirements for Grants and

Cooperative Agreements to State, Local, and Federally Recognized Indian Tribal Governments''

c. 24 CFR 964 ''Tenant Participation and Tenant Opportunities in Public Housing''

d. OMB Circular A–87 ''Cost Principles for State, Local, and Indian Tribal Governments''

e. OMB Circular A–110 ''Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations''

f. OMB Circular A–122 ''Cost Principles for Non-Profit Organizations''

g. OMB Circular A–133 ''Audits of States, Local Governments, and Non-Profit Organizations''

3. *Economic Opportunities for Low- and Very Low-Income Persons (Section 3*). For further information see the General Section.

4. *Fair Housing and Civil Rights Laws.* 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), as applicable. Please see the General Section of the SuperNOFA for more information.

5. *Requirements Applicable to All Programs.* Applicants should refer to ''Requirements and Procedures Applicable to All Programs'' of the General Section of the SuperNOFA for requirements pertaining specifically to procurement of recovered materials and for information regarding other requirements to which they may be subject.

C. Reporting

1. *Semi-Annual Performance Reports.* Grantees shall submit semi-annual performance reports to the field office or area ONAP. These progress reports shall include financial reports (SF–269A) and a narrative describing milestones, work plan progress, and problems encountered and methods used to address these problems. HUD anticipates that some of the reporting of financial status and grant performance will be through electronic or Internet-based submissions. Grantees shall use quantifiable data to measure performance against goals and objectives outlined in their work plan. Applicants that receive awards from HUD should be prepared to report on additional measures that HUD may designate at time of award. Performance reports are due to the field office on July 30 and January 31 of each year. If reports are not received by the due date, grant funds will be suspended until reports are received.

2. *Final Report.* All grantees shall submit a final report to their local field office or area ONAP that will include a financial report (SF–269A) and a narrative evaluating overall performance against its work plan. Grantees shall use quantifiable data to measure performance against goals and objectives outlined in their work plan. The financial report shall contain a summary of all expenditures made from the beginning of the grant agreement to the end of the grant agreement and shall include any unexpended balances. The final narrative and financial report shall be due to the field office 90 days after the termination of the grant agreement

3. *Final Audit.* Grantees are required to obtain a complete final close-out audit of the grant's financial statements by a Certified Public Accountant (CPA), in accordance with generally accepted government audit standards. A written report of the audit must be forwarded to HUD within 60 days of issuance. Grant recipients must comply with the requirements of 24 CFR part 84 or 24 CFR part 85 as stated in OMB Circulars A–87, A–110, and A–122, as applicable.

4. *Racial and Ethnic Data.* HUD requires that funded recipients collect racial and ethnic beneficiary data. It has adopted the Office of Management and Budget's Standards for the Collection of Racial and Ethnic Data. In view of these requirements, you should use HUD–27061, the Racial and Ethnic Data Reporting Form (instructions are included), which can be found at: *http://www.HUDclips.org;* a comparable form; or a comparable electronic data system for this purpose.

5. *Logic Model.* For each reporting period, as part of your required report to HUD, you must include a completed Logic Model (Form HUD–96010), which identifies output and outcome achievements.

VII. Agency Contact(s)

For questions and technical assistance, you may call the Public and Indian Housing Information and Resource Center at 800–955–2232. For persons with hearing or speech impairments, please call the toll-free Federal Relay Service at 800–877–8339. In the case of tribes/TDHEs, please contact DPONAP at 800–561–5913 or (303) 675–1600 (this is not a toll-free number).

VIII. Other Information

A. Code of Conduct

Please see the General Section of the SuperNOFA for more information.

B. Transfer of Funds

If transfer of funds from any of the ROSS programs does become necessary, HUD will give first priority to Homeownership Supportive Services, second priority to Family Self-Sufficiency, third priority to RSDM-Family, and fourth priority to RSDM-Elderly.

C. Paperwork Reduction Act

The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2577–0229. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average ten hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application, semi-annual reports and final report. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

D. Appendix of Forms

The forms specific to the ROSS Program follow.

BILLING CODE 4210–32–P

ROSS FUNDING
FACT SHEET

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF PUBLIC AND INDIAN HOUSING

OMB Approval No. 2577-0229
Expiration Date 02/28/2007

Public reporting burden for the collection of information is estimated to average 2 hours per response. This includes the time for collecting, reviewing, and reporting the data. The information will be used for the ROSS grant. Response to this request for information is required in order to receive the benefits to be derived. 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.

Instructions for completing this form: All applicants must complete sections A, B, C, D, and E. Resident Associations (RAs) must also complete section F. This form must be signed by an authorized official of the applicant's organization.

A. Applicant Information

Applicant Name:_____

Applicant Type: _____

___ PHA PHA Code: _____

___ RA ___ NONPROFIT ___TRIBE/TDHE

B. Assistance for which the applicant is applying:

_____ Resident Service Delivery Models-Family
_____ Resident Service Delivery Models-Elderly and Persons with Disabilities
_____ Family Self-Sufficiency for Public Housing
_____ Homeownership Supportive Services
_____ Neighborhood Networks-new center
_____ Neighborhood Networks-existing center

C. Unit Count

_____ Total number of conventional public housing units under management** (excluding any Section 8)

_____ Total number of family-occupied conventional public housing units.

_____ Total number of elderly/disabled-occupied conventional public housing units.

D. Please list any previous HUD grants, including ROSS grants you have received. Indicate grant name, (e.g. ROSS Homeownership), Year, and Award Amount.

_____

_____

_____

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Expiration Date 02/28/2007

ROSS FUNDING

FACT SHEET (continued)

E. Name(s) of public housing development(s) targeted for ROSS Activities (Use additional pages if necessary.)

Name of Public Housing Development	PIH Project #

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ROSS FUNDING

FACT SHEET (continued)

RESIDENT ASSOCIATIONS MUST COMPLETE THE FOLLOWING SECTION:

F. RESIDENT ASSOCIATION BOARD INFORMATION (not applicable to FSS applicants)

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____

The above information is true and correct to the best of my knowledge.

Signed this _____ day of _____, ____.

By: _____
Applicant Executive Director or Other Authorized Representative

For: _____
Applicant Name

CERTIFICATION OF CONSISTENCY WITH THE INDIAN HOUSING PLAN

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF PUBLIC AND INDIAN HOUSING

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

Instructions for completing this form: All tribes/TDHEs must submit this form in conjunction with their ROSS application.

I certify that the proposed activities/projects in the application are consistent with the jurisdiction's current, approved Indian Housing Plan.

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: _____

Public reporting burden for the collection of information is estimated to average fifteen minutes per response. This includes the time for collecting, reviewing, and reporting the data. The information will be used for the ROSS grant. Response to this request for information is required in order to receive the benefits to be derived. 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.

form **HUD-52752** (2/2004)

ROSS FUNDING
Certification of Election of Resident Council Board

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF PUBLIC AND INDIAN HOUSING

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

Public reporting burden for the collection of information is estimated to average one hour per response. This includes the time for collecting, reviewing, and reporting the data. The information will be used for the ROSS grant. Response to this request for information is required in order to receive the benefits to be derived. 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.

Instructions for completing this form: Resident associations applying to the ROSS program must certify that the Board of their Resident Council has been duly elected as required by HUD (24 CFR Part 964). All resident associations applying to the ROSS program **must** complete this form and have it signed by an authorized official from the local PHA.

Applicant Name: _____

Grant to which you are applying: _____ RSDM-Family _____ RSDM-Elderly
_____ Homeownership Supportive Services _____ Neighborhood Networks

Certification of Election of Resident Council Board

I CERTIFY _____
(name of organization)

located in _____ has duly elected all
(city & state)

of our 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 Most Recent Resident Council Board Election: _____

Name and Position of Resident Council officers:

_____

_____

_____

_____

_____

_____

The above information is true and correct to the best of my knowledge.

Signed this _____ day of _____, _____.

By: _____
Housing Auhority Executive Director or Other Authorized Representative

For: _____
(Housing Authority Name, Address, and Telephone)

Form **HUD-52753** (3/2004)

ROSS - LIST OF RESIDENT ORGANIZATIONS SUPPORTING NONPROFIT APPLICANTS

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF PUBLIC AND INDIAN HOUSING

OMB Approval No. 2577-0229
Expiration date: 02/28/2007

Instructions for completing this form: All nonprofit applicants to the ROSS program must complete this form by listing contact information for each resident association supporting your application. Nonprofit applicants must have support from at least one resident association in order to receive funding. Nonprofit applicants can receive funding for working on behalf of one but no more than three resident associations. Attach letters of support to this form.

Grant to which the applicant is applying:

_____ RSDM-Family _____ RSDM-Elderly _____ Homeownership Supportive Services _____ Neighborhood Networks

List of Resident Organization(s)			
Name of the Resident Organization/tribe/TDHE	Contact Person, Title, and Telephone Number	Address, City, & State	Housing Authority/Tribe
1.			
2.			
3.			

The above information is true and correct to the best of my knowledge.

Signed this _____ day of _____, _____.

By: _____
Applicant Executive Director or Other Authorized Representative

For: _____
Applicant Name

Public reporting burden for the collection of information is estimated to average fifteen minutes per response. This includes the time for collecting, reviewing, and reporting the data. The information will be used for the ROSS grant. Response to this request for information is required in order to receive the benefits to be derived. 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.

form **HUD-52754** (3/2004)

SAMPLE CONTRACT ADMINISTRATOR PARTNERSHIP AGREEMENT

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF PUBLIC AND INDIAN HOUSING

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

Instructions for completing this form: *This form is provided to applicants as a sample to use for formalizing agreements with the organization that will serve as the applicant's Contract Administrator. Nonprofits, troubled PHAs, and resident associations must submit a Contract Administrator Partnership agreement with their application and the agreement must be for the full term of the grant. Applicants may elect to use this form, a modification thereof, or their own form provided that the same information is contained therein.*

Grant to which you are applying:

_____ RSDM-Family _____ RSDM-Elderly _____ Homeownership Supportive Services

_____ Neighborhood Networks _____ PH Family Self Sufficiency

I. General Terms

This partnership agreement is made and entered into by and between the **applicant**, _____ (name of applicant's organization) and _____ (name of Contract Administrator's organization) the **Contract Administrator (CA)**, (e.g., the local public housing authority (PHA) or other non-profit organization), hereinafter referred to as "CA".

WHEREAS, the applicant is submitting the proposal for a Resident Opportunity and Self-Sufficiency (ROSS) or Neighborhood Networks (NN).

WHEREAS, the applicant agrees to comply with all terms and conditions expressed in HUD's NOFA, applicable provisions of 24 CFR 964 or 24 CFR 984 (for FSS applicants), provisions of the grant agreement entered into with HUD, and provisions contained in this Partnership Agreement.

WHEREAS, the CA supports the applicant's ROSS/NN application and agrees to provide technical assistance to the applicant in accordance with HUD's NOFA, HUD regulations and provisions contained in this agreement.

WHEREAS, pursuant to the commitment made by the CA, this agreement is executed outlining the type, scope and extent of services that the CA will provide to the applicant if the grant is funded. If HUD does not fund the grant, this agreement shall be null and void.

II. Roles and Responsibilities

A. Grant Oversight

Under the direction of the applicant, the CA agrees to oversee the administration of the ROSS or NN grant. This includes financial management, procurement, completing the semi-annual reports, and ensuring that all grant activities are completed successfully within the grant period. In meeting these commitments, the CA agrees to abide by the provisions of 24 CFR Parts 964/984, 45, 84, and 85 and the following OMB Circulars as applicable:

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- A-87 "Cost Principles for State, Local, and Indian Tribal Governments";
- A-122 "Cost Principles for Nonprofit Organizations";
- A-110 "Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations"; and
- A-133 "Audits of States, Local Governments, and Non-Profit Organizations".

B. Grant Coordination

The CA and the applicant will meet weekly to discuss progress, problems incurred, strategies to overcome them, specific areas of responsibility, future activities, and any other issues as necessary.

C. Financial Responsibility

The applicant retains ultimate responsibility for all grant activities, including drawing down funds from HUD, grant expenditures, and reporting to HUD. The CA will have authority to draw down funds only with the written authorization of the applicant and approval of the local HUD field office.

All checks and other expenditures in an amount higher than $_____ must be signed and/or approved by the applicant.

D. Performance Measurement

The CA will work with the applicant to ensure that results agreed to by the applicant and HUD are achieved. All semi-annual financial and performance reports prepared by the CA must be reviewed and approved by the applicant prior to submission to HUD.

E. Coordinating and Building Partnerships

The CA agrees to coordinate the provision of assistance from grant partners. The CA also agrees to work with the applicant in pursuing additional partnerships/assistance from community organizations, government, and other organizations whose services would benefit residents and the overall grant program. Following are suggested resources:

- Area enrichment programs
- Local Banks
- Chamber of Commerce
- Community Development Agencies
- Private Industry Council
- Local/State Health & Human Services Agencies
- Local Higher Education and Continuing Education Facilities
- Local Independent School Districts
- Social Service Organizations

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F. Program Assessment and Reporting

The CA agrees to conduct or otherwise assist the applicant in assessing grant activities based on 1) the performance measures in the applicant's grant proposal submitted to HUD and 2) any revisions to the assessment methodology made by the local HUD field office. For Public Housing FSS applicants, the CA will ensure that the PHA meets its PIC reporting requirements by reporting on the enrollment, progress, and exit of individual families using the HUD-50058 addendum. The CA will ensure that reports to HUD are made as required. All semi-annual financial and performance reports prepared by the CA must be reviewed and approved by the applicant prior to submission to HUD.

III. Contracted Amount

No funds will be paid to the CA for services rendered prior to HUD's selection of the applicant for funding or for services rendered prior to the execution of a grant agreement between the applicant and HUD. This partnership agreement will be valid only if/when HUD selects the applicant for funding. If an applicant is selected and enters into a grant agreement with HUD, remuneration of the CA will not exceed 10% of the amount granted by HUD to the grantee, unless specifically authorized by law.

The total contracted amount $_____ for all services defined within this contract is based on a period of time beginning _____ and ending _____. **(NOTE: CAs must be retained for the full term of the grant.)**

The CA will be paid $_____for year one, beginning on _____ (date); $_____ for year two beginning on _____ (date); and $_____for year three beginning on _____ (date).

IV. Termination

Each party may terminate this agreement provided 60 calendar days of written notice is given to the local HUD field office and the other party to this agreement. Applicants may terminate this agreement based on non-compliance or non-cooperation by the CA. Termination may only occur when all channels of resolution have been exhausted, including mediation between the two parties. If all avenues for resolution have been exhausted, termination by the applicant will require a two-thirds majority vote of the applicant's Board of Directors/Resident Council.

WITNESS OUR HANDS EFFECTIVE _____

_____	_____
Applicant Organization	Contract Administrator
_____	_____
Applicant Executive Director/ Other Authorized Representative	Executive Director
_____	_____
Date	Date

ROSS
Chart A: PROGRAM STAFFING

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF PUBLIC AND INDIAN HOUSING

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

Applicant Name: _____

Instructions for completing this form: Space is provided below for applicants to provide information about key staff, residents you plan to hire, the roles contractors will play, and the activities and responsibilities of the applicant's contract administrator. All applicants must complete this form. Applicants that are not required to have a contract administrator do not need to complete Section IV of this form.

Grant to which the applicant is applying:

_____ RSDM-Family _____ RSDM-Elderly _____ Homeownership Supportive Services _____ Neighborhood Networks _____ PH Family Self Sufficiency

I. APPLICANT STAFF

Name of Staff Person	Organization and Position	Activity in Grant Program	Percent of Time on Grant	Cost to Grant

form **HUD-52756** (3/2004)

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

II. RESIDENT STAFF (NOT APPLICABLE TO FSS APPLICANTS)

Name of Staff Person	Organization and Position	Activity in Grant Program	Percent of Time on Grant	Cost to Grant

form **HUD-52756** (3/2004)

III.CONTRACTOR/CONSULTANT ROLE (Not applicable to FSS applicants)		
Type of Contractor to be Solicited*	Activity in Grant Program	Estimated Cost to Grant Program

*NOTE: Contractors must be procured according to 24 CFR parts 84.41-84.48 or 24 CFR part 85.36

IV.CONTRACT ADMINISTRATOR		
Name of Organization	Areas of Responsibility/Oversight	Estimated Cost to Grant Program

Public reporting burden for the collection of information is estimated to average two hours per response. This includes the time for collecting, reviewing, and reporting the data. The information will be used for the ROSS grant. Response to this request for information is required in order to receive the benefits to be derived. 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.

ROSS
Chart B: Applicant/Contract Administrator Track Record (Past Performance)

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF PUBLIC AND INDIAN HOUSING

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

Applicant: _____

Instructions for completing this form: Applicants must use this form to provide information about previous HUD grants/FSS programs you have administered over the most recent five-year period. Applicants with few or no HUD grants/FSS programs should provide information about other federal grants you have received. Applicants should list state, local, or private grants should you have no HUD or federal grant experience. Applicants should clearly indicate the organization from which you received grants and indicate whether you were the grantee or whether your contract administrator was the grantee. Applicants should list grants starting with the most recent HUD grants, proceeding next with federal, state, local, and/or private grants. Applicants should not list grants that are 10 years old or older.

Public reporting burden for the collection of information is estimated to average two hours per response. This includes the time for collecting, reviewing, and reporting the data. The information will be used for the ROSS grant. Response to this request for information is required in order to receive the benefits to be derived. 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.

Grant to which the applicant is applying:

_____ **RSDM-Family** _____ **RSDM-Elderly** _____ **Homeownership Supportive Services** _____ **Neighborhood Networks** _____ **PH Family Self Sufficiency**

Grant Program and Grantor Agency	Grantee (Applicant or CA)	Project No.	% of Funds Draw Down	Major Goal #1	% Complete	Major Goal #2	% Complete

form **HUD-52757** (3/2004)

SAMPLE ROSS
Work Plan

U.S. DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT
OFFICE OF PUBLIC AND INDIAN HOUSING

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

Instructions for completing this form: Applicants may use this form, a modification thereof, or their own form to indicate how major goals will be accomplished, the timeframe for accomplishing them, and the deliverables that will result.

GOALS	TASKS	ACTIVITIES	ESTIMATED TIME TO COMPLETE ACTIVITY	RESPONSIBILITY/ RESOURCES	Start	Complete	Deliverable
Sign up a minimum of 50 residents in your program.	Conduct outreach to residents.	1. Distribute flyers to residents. 2. Place information about training program in PHA newsletter. 3. Work with staff and/or volunteers to conduct door-to-door marketing of your program. 4. Create registration /sign-up procedure.	One week for initial outreach. Two weeks for follow-up and registering of residents. Three weeks total.	1. Project Coordinator -lead (name and phone number) 2. Staff and/or volunteers (include name and phone number)	9/01/04	9/19/04	Registration of 50 or more residents.

form **HUD-52764** (3/2004)

SAMPLE ROSS Work Plan

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

structions for completing this form: Applicants may use this form, a modification thereof, or their own form to indicate how major goals will be complished, the timeframe for accomplishing them, and the deliverables that will result.

GOALS	TASKS	ACTIVITIES	ESTIMATED TIME TO COMPLETE ACTIVITY	RESPONSIBILITY/ RESOURCES	Start	Complete	Deliverables
Determine participants' needs that are going unmet.	Create and administer assessment tool to survey participants' needs.	1. Contact State or local agencies that specialize in working with your target population to determine whether they have a survey sample and/or whether they would be interested in assisting/partnering with you. 2. Develop a survey to assess residents' needs. 3. Administer the survey tool. 4. Evaluate results.	One week to contact local agencies to obtain sample surveys. Two weeks to develop the survey. One week to administer the survey. One day to evaluate results. Three weeks total.	1. Project Coordinator -lead (name and phone number) 2. State/local agencies. 3. Staff/Volunteers. 4. Other partners.	9/01/04	9/19/04	- Survey - Survey results - Necessary information to design program for residents.

form **HUD-52764** (3/2004)

SAMPLE ROSS Work Plan

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

tructions for completing this form: Applicants may use this form, a modification thereof, or their own form to indicate how major goals will be omplished, the timeframe for accomplishing them, and the deliverables that will result.

GOALS	TASKS	ACTIVITIES	ESTIMATED TIME TO COMPLETE ACTIVITY	RESPONSIBILITY/ RESOURCES	Start	Complete	Deliverables

lic reporting burden for the collection of information is estimated to average four hours per response. This includes the time for collecting, reviewing, and reporting the data. The rmation will be used for the ROSS grant. Response to this request for information is required in order to receive the benefits to be derived. This agency may not collect this rmation, and you are not required to complete this form unless it displays a currently valid OMB control number.

form **HUD-52764** (3/2004)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC HOUSING FAMILY SELF-SUFFICIENCY

Billing Code 4210-32-C

Public Housing Family Self-Sufficiency Program Under the Resident Opportunities and Self-Sufficiency (ROSS) Program; Overview Information

A. *Federal Agency Name:* Department of Housing and Urban Development, Office of Public and Indian Housing.

B. *Funding Opportunity Title:* This NOFA is for the Public Housing Family Self-Sufficiency program under the Resident Opportunities and Self-Sufficiency (ROSS) Program.

C. *Announcement Type:* Initial announcement.

D. *Funding Opportunity Number:* The **Federal Register** number for this NOFA is: FR–4900–N–33. The OMB approval number is: 2577–0229.

E. *Catalog of Federal Domestic Assistance* (CFDA) Number(s): Resident Opportunity and Self Sufficiency, 14.870.

F. *Dates:* The application due date is July 28, 2004. Please see the General Section of the SuperNOFA for application submission, delivery, and timely receipt requirements.

G. *Optional, Additional Overview Content Information:*

1. *Purpose of Program:* The purpose of the Family Self-Sufficiency (FSS) program for Public Housing is to provide funding for Public Housing Authorities (PHAs) to hire a program coordinator to link participating families to the supportive services they need to achieve self-sufficiency.

2. *Funding Available:* The Department expects to award a total of $16 million under the FSS program in Fiscal Year 2004.

3. *Award Amounts:* Award amounts will range based on locality pay rates for professions similar to that of an FSS program coordinator. Individual award amounts will not exceed $63,000 to pay for the annual salary and fringe benefits of the program coordinator plus an additional 10 percent of such amount to pay a portion of the cost of paying for the services of a Contract Administrator who will act on behalf of a troubled PHA to carry out activities described in this NOFA.

4. *Eligible Applicants.* Eligible applicants are PHAs that administer public housing programs. Renewal applicants and new applicants to the program must have an approved Public Housing FSS Action Plan on file with their local HUD field office prior to this NOFA's application deadline. Please see the Threshold Requirements section for more information.

Nonprofit organizations, resident associations, and tribes/tribally designated housing entities (TDHEs) are not eligible for funding under this program.

5. *Cost Sharing/Match Requirement:* There is no match requirement under this funding program.

6. *Grant term.* The grant term for FSS is one year from the execution date of the grant agreement.

Grant program	Total funding	Eligible applicants	Maximum Grant Amount
Public Housing Family Self-Sufficiency	$16 million	PHAs only	$63,000 maximum salary amount plus 10% of requested amount for troubled PHAs to use towards the services of a contract administrator.

Full Text of Announcement

I. Funding Opportunity Description

A. Program Description

The FSS program provides funding for PHAs to pay for the salary and fringe benefits of a program coordinator who will work with participating families to link them to the supportive services they need to achieve self-sufficiency and, for troubled PHAs only, a portion of the cost of obtaining the services of a contract administrator.

A PHA administering the FSS program must use a Program Coordinating Committee (PCC) to assist the PHA to secure the resources necessary to implement the FSS program. A PCC is made up of representatives of businesses, local government, job training and employment agencies, local welfare agencies, educational institutions, childcare providers, and nonprofit service providers, including faith-based and other community organizations. *See* 24 CFR 984.202 for more information.

HUD is looking for applications that either build on existing Public Housing FSS programs or propose to implement a new Public Housing FSS program. Applicants who propose to link to other ROSS-funded self-sufficiency programs will receive five additional points (see Rating Factor 3 1(a)(i)).

B. Definition of Terms

1. *Action Plan* describes the policies and procedures of the PHA for operation of a local FSS program, and contains the following information (for a full description of what at a minimum the Action Plan must contain, please see 24 CFR 984.201):

a. *Family demographics.* A description of the number, size, characteristics, and other demographics (including racial and ethnic data), and the supportive services needs of the families expected to participate in the FSS program;

b. *Estimate of participating families.* A description of the number of eligible FSS families who can reasonably be expected to receive supportive services under the FSS program, based on available and anticipated Federal, tribal, State, local, and private resources;

c. *Eligible families from other self-sufficiency programs.* The number of families participating in other federal, state, or local self-sufficiency programs (provide program name and sponsoring organization) that are expected to execute an FSS contract of participation.

d. *FSS Family selection procedures.* A statement indicating the procedures to be utilized to select families for participation in the FSS program.

e. *Incentives to encourage participation.* Description of the FSS account and other incentives the PHA will offer participating families.

f. *Outreach efforts.* The Action Plan must describe the efforts the PHA will make to recruit FSS participants.

g. *FSS activities and supportive services* consist of a description of the activities and supportive services to be provided by both public and private sources.

h. *Additional requirements.* Additional requirements are found in 24 CFR 984.201.

2. *Contract Administrator* means an overall grant administrator and/or a financial management agent that oversees the implementation of the grant and/or the financial aspects of the grant.

3. *Past Performance* is a threshold requirement. HUD's field offices will evaluate data provided by applicants as well as applicants' past performance to determine whether an applicant has the capacity to manage the grant for which they are applying. Please see the section on Threshold Requirements for more information.

4. *Person with disabilities* means a 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 acquired immunodeficiency syndrome (HIV/AIDS) or any conditions arising from the etiologic agent for AIDS. 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.

5. *Program Coordinator* under the Family Self-Sufficiency (FSS) program is someone responsible for linking FSS program participants to supportive services; working with the Program Coordinating Committee and local service providers to ensure that the necessary services and linkages to community resources are being made; ensuring through case management that the services included in participants' contracts of participation are provided on a regular, ongoing and satisfactory basis; making sure that participants are fulfilling their responsibilities under the contracts and that FSS escrow accounts are established and properly maintained for eligible families. FSS coordinators may also perform job development functions for the FSS program.

6. *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 a(b)(1)) (1937 Act).

7. *Secretary* means the Secretary of Housing and Urban Development.

C. Regulations Governing the FSS Program

The FSS program is governed by 24 CFR part 984.

II. Award Information

A. Total Funding

The Department expects to award $16 million under the PH Family Self-Sufficiency program. Funding amounts for individual grantees will be contingent upon HUD field office approval.

B. Grant Period

One year. The grant period shall begin the day the grant agreement and the form HUD–1044, ''Assistance Award/Amendment'' are signed by both the grantee and HUD.

C. Grant Extensions

Requests to extend the grant term beyond the originally established grant term must be submitted in writing by the grantee to the local HUD field office. Such requests must be done prior to grant termination and with enough notice to give the field office a reasonable amount of time to fully evaluate the request. Requests must explain why the extension is necessary, what work remains to be completed, and what work and progress was accomplished to date. Grants may be extended for a period of 6 months but not more than one year.

D. Type of Award

Grant agreement.

III. Eligibility Information

A. Eligible Applicants

Eligible applicants are public housing agencies (PHAs), which administer public housing programs. New and renewal applicants to the program must have an approved PH FSS Action Plan on file with their local HUD field office prior to this NOFA's application deadline.

Nonprofit organizations, resident associations, and tribes/TDHEs are not eligible for funding under this program.

B. Cost Sharing or Matching

There is no match requirement under this funding program.

C. Other

1. *Threshold Requirements.* Applicants must respond to each threshold requirement clearly and thoroughly by following the instructions below. If your application fails one threshold requirement (regardless of the type of threshold) it will be considered a failed application and will not receive consideration for funding. The following are threshold requirements that are applicable to this ROSS component:

a. *Past Performance.* HUD's field offices will evaluate data provided by applicants as well as applicants' past performance to determine whether an applicant has the capacity to manage the FSS program. For applicants required to have a contract administrator, field offices will evaluate the contract administrator for past performance. Using Rating Factor 1, the field office will evaluate applicants' past performance. If applicants fail to address what is requested in Rating Factor 1, their application will fail this threshold and will not receive further consideration.

b. *Contract Administrator Partnership Agreement.* PHAs that are troubled at the time of application are required to submit a signed Contract Administrator Partnership Agreement. The agreement must be for the entire grant term. Grant award shall be contingent upon having a signed Partnership Agreement included in your application. Troubled PHAs are not eligible to be contract administrators. Grant writers who assist applicants prepare their FSS applications are also ineligible to be contract administrators. For more information on contract administrators, please see the section on Program Requirements below.

c. *FSS Action Plan.* New applicants to the program must have a HUD approved Public Housing FSS Action Plan on file with their local HUD field office prior to this NOFA's application deadline. PHAs with previously approved Housing Choice Voucher (HCV) FSS Action Plans may either amend their HCV FSS Action Plan to include the PH FSS program or may submit a separate PH FSS Action Plan for HUD field office approval. New PH FSS Action Plans and amendments to existing Action Plans must be submitted to applicants' local HUD field office well enough in advance, but at least 30 days before the FSS NOFA deadline, to ensure enough time for field office approval of the PH FSS Action Plan prior to the NOFA deadline. FSS Action Plans must comply with 24 CFR 984.201.

d. *Ineligible Activities.* Any application that proposes one or more ineligible activity will be disqualified and not considered for funding.

e. *Minimum Score for All Fundable Applications.* Applications that pass all threshold requirements and go through the ranking and rating process, must receive a minimum score of 75 in order to be considered for funding.

f. *The Dunn and Bradstreet Universal Numbering System (DUNS) Number Requirement.* Refer to the General Section of the SuperNOFA for information regarding the DUNS

requirement. You will need to obtain a DUNS number to receive an award from HUD. This threshold requirement is curable.

2. *Program Requirements:*

a. *Hiring a Public Housing FSS program coordinator.* Funds awarded to PHAs under this NOFA may only be used to employ or otherwise retain the services of a Public Housing FSS program coordinator for the one year grant term and for troubled PHAs, to pay for the services of a contract administrator (*see* item ''h'' below). A part-time program coordinator may be retained where appropriate. The FSS program coordinator must:

(1) Work with the PCC and with local service providers to ensure that Public Housing FSS program participants are linked to the supportive services they need to achieve self-sufficiency.

(2) Ensure through case management that the services included in participants' contracts of participation are provided on a regular, ongoing and satisfactory basis, that participants are fulfilling their responsibilities under the contracts and that FSS escrow accounts are established and properly maintained for eligible families. FSS coordinators may also perform job development functions for the FSS program.

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

(4) Monitor the progress of program participants and evaluate the overall success of the program. For more information on how to measure performance, please see Rating Factor 4 in the ''Application Review Information'' section of this NOFA.

b. *Outreach.* PHAs are encouraged to outreach to persons with disabilities who are Public Housing residents and might be interested in participating in the FSS program and to include agencies on their FSS PCC that work with and provide services for families with disabilities.

c. *Eligible families.* Current residents of public housing are eligible. Eligible families who are currently enrolled or participating in local public housing self-sufficiency programs are also eligible.

d. *Contract of participation.* Each family that is selected to participate in an FSS program must enter into a contract of participation with the PHA that operates the FSS program in which the family will participate. The contract shall be signed by the head of the FSS family.

e. *Contract term.* The contract with participating families shall be for five years during which time each family will be required to fulfill its contractual obligations. PHAs may extend contracts for no more than two years for any family that requests in writing an extension of its contract provided the PHA finds that good cause exists to provide an extension. *See* 24 CFR 984.303 for more information on contracts of participation.

f. *Escrow accounts for very low or low income participating families.* Such accounts shall be computed using the guidelines set forth in 24 CFR 984.305. NOTE: FSS families who are not low-income are not entitled to an escrow/credit.

g. *Number of Program Coordinators.*

(1) *Renewal PHAs.* PHAs that received funding from the Operating Fund may apply for renewal of each FSS coordinator position(s) that has been filled by the PHA in either of the past two years under the Operating Fund. Funding for more than one program coordinator position is contingent upon HUD field office approval. For renewal PHAs, HUD will fund a one percent increase over the amount most recently funded but not to exceed $63,000 for the FSS program coordinator(s) salary and fringe benefits.

(2) *New PHAs.* A PHA that has not received funding under the Operating Fund for a PH FSS Program Coordinator may apply for only one program coordinator position as follows:

(a) Up to one full-time FSS coordinator position for a PHA with HUD approval to administer an FSS program of 25 or more FSS slots.

(b) Up to one full-time position per application for joint PHA applicants that have HUD approval to administer a total of at least 25 Public Housing FSS slots between or among them.

h. *Contract Administrator.* The Contract Administrator must assure that the financial management system and procurement procedures that will be in place during the grant term will fully comply with 24 CFR part 85. CAs are expressly forbidden from accessing HUD's Line of Credit Control System (LOCCS) and submitting vouchers on behalf of grantees. Contract administrators must also assist PHAs meet HUD's reporting requirements, see Section VI.C. ''Reporting'' for more information. Contract administrators may be: Local Housing Agencies; community-based organizations such as Community Development Corporations (CDCs), churches, temples, synagogues, mosques; nonprofit organizations; State/Regional associations and organizations. Troubled PHAs are not eligible to be contract administrators. Grant writers who assist applicants prepare their FSS applications are also ineligible to be contract administrators. Troubled PHA applicants without a contract administrator in place at the time of grant application may request an additional amount to pay for the cost of obtaining the services of a contract administrator (such amount may not exceed 10 percent of the amount the PHA has requested for the program coordinator's salary and fringe benefits). For example, if a troubled PHA needs the services of a contract administrator, and is requesting $63,000 for the program coordinator's salary, the applicant may request an additional 10 percent or $6,300 to pay for a contract administrator. Organizations that the applicant proposes to use as the contract administrator must not violate or be in violation of conflicts of interest as defined in 24 CFR part 84 and 24 CFR part 85.

3. *Number of Applications Permitted:*

a. *General.* PHA applicants may submit only one application under this category. PHA applicants may submit one application for each of the other funding categories under ROSS (Resident Service Delivery Models-Family, Resident Service Delivery Models-Elderly/Persons with Disabilities and Homeownership Supportive Services) and one application under the Public Housing Neighborhood Networks grant program; however applicants must submit separate applications for each funding category.

b. *Joint applications.* Two or more PHAs may join together to submit a joint application under this NOFA. Joint applications must designate a lead applicant. Both lead and non-lead applicants are subject to threshold requirements. Applicants who submit joint applications may not also submit separate applications as sole applicants under this NOFA.

4. *Eligible Participants:* All program participants must be residents of conventional public housing.

5. *Program Requirements.* All applicants and grantees must comply with the program requirements contained in Section III.C. of the General Section of the SuperNOFA.

IV. Application and Submission Information

A. Addresses To Request Application Package

There is no application kit this year. All forms and necessary information for applying are contained within this NOFA. Please refer to the General

Section of the SuperNOFA for information on how to obtain hard copies of this NOFA. You may also visit *http://www.hud.gov* to obtain a copy of this NOFA.

B. Content and Form of Application Submission

1. *Application Format:* Before preparing an application to the FSS program, applicants should carefully review the program description, ineligible activities and threshold requirements which are found in this NOFA. Applicants should also review each rating factor found in the ''Application Review Information'' section before writing a narrative response. Applicants' narratives should be as descriptive as possible, ensuring that every requested item is addressed. Applicants should make sure to include all requested information, according to the instructions found in this NOFA and where applicable, in the General Section of the SuperNOFA. This will help ensure a fair and accurate review of your application.

2. *Content and Format for Submission:* Applicants must propose programs which meet the program requirements as outlined above. Applicants are reminded that any application proposing one or more ineligible activities will not be funded. Finally, applicants must submit their applications according to the ''Format'' section below.

a. Content of Application:

Applicants must write narrative responses to each of the rating factors which follow this section. Applicants will be evaluated on whether their responses demonstrate that they have the necessary capacity to successfully manage this grant program. Applicants should ensure that their narratives are written clearly and concisely so that HUD reviewers, who may not be familiar with the FSS program, may fully understand your proposal. HUD encourages applicants to carefully review each rating factor, the regulations governing the FSS program, 24 CFR part 984, and the General Section of the SuperNOFA prior to responding to each rating factor.

b. *Format of Application:*

(1) Applications may not exceed 35 narrative pages. Narrative pages must be typed, double-spaced, numbered, use Times New Roman font style, and font size 12. Applications should be submitted in a three-ring binder with materials organized behind tabs according to the outline provided below. Supporting documentation, required forms, and certificates will not be counted towards the 35 page limit. However, applicants should make every effort to submit only what is necessary in terms of supporting documentation.

(2) Format for submission of SuperNOFA forms, FSS forms and narrative responses.

TAB 1: Required Forms from the General Section of the SuperNOFA and other ROSS forms: SF–424 Application for Federal Assistance;

1. SF–424 Supplement, Survey on Ensuring Equal Opportunity for Applicants;

2. Questionnaire for HUD's Initiative on Removal of Regulatory Barriers (HUD– 27300);

3. HUD–52751 Fact Sheet

4. HUD–424 B Applicant Assurances and Certifications;

5. HUD–424 CB Grant Application Detailed Budget;

6. HUD–2880 Applicant Disclosure/ Update Report;

7. HUD–2990 Certification of Consistency with RC/EZ/EC Strategic Plan (if applicable);

8. HUD–2991 Certification of Consistency with the Consolidated Plan (if applicable);

9. SF–LLL Disclosure of Lobbying Activities (if applicable);

10. SF–LLL–A Disclosure of Lobbying Activities Continuation Sheet (if applicable);

11. HUD–2993 Acknowledgement of Application Receipt; and

12. HUD–2994 Client Comments and Suggestions (optional)

TAB 2: Threshold Requirements:

• Contract Administrator Partnership Agreement (required for troubled PHAs) (HUD–52755)

TAB 3: Narrative for Rating Factor 1 and ROSS Program Forms:

1. Narrative

2. Chart A: HUD52756 Program Staffing

3. Chart B: HUD 52757 Applicant/ Administrator Track Record

4. Resume(s)/Position Description(s)

TAB 4: Narrative for Rating Factor 2.

TAB 5: Rating Factor 3:

1. Narrative

2. HUD 52767 Family Self-Sufficiency Funding Request Form

TAB 6: Narrative for Rating Factor 4.

TAB 7: Narrative for Rating Factor 4 and ROSS Program Forms:

1. Narrative 2. HUD 96010 Logic Model

C. Submission Dates and Times

1. *Due Dates:* The application due date is July 28, 2004. Please see the General Section of the SuperNOFA for application submission, delivery, and timely receipt requirements.

2. *Proof of Timely Submission.* Please see the General Section of the SuperNOFA for more information about how to submit your application to HUD. Applicants that fail to meet the deadline for application receipt will not receive funding consideration.

D. Intergovernmental Review

Not applicable.

E. Funding Restrictions

1. *Reimbursement for Grant Application Costs:* Applicants who receive an award under this program are prohibited from using FSS grant funds to reimburse any costs incurred in conjunction with preparation of their FSS grant application.

2. *Covered Salaries:*

a. *Program Coordinator:* All applicants may propose to hire a qualified program coordinator to run the grant program. The FSS program will fund up to $63,000 in combined annual salary and fringe benefits for a full-time program coordinator. For audit purposes, applicants must have documentation on file demonstrating that the salary they pay the program coordinator is comparable to similar professions in their local area.

b. *Contract Administrator:* Applicants may not request more than 10 percent of the total grant amount requested from HUD for the program coordinator's salary to pay for the services of a Contract Administrator. Only PHAs that are designated troubled at time of grant application may request additional funding for this purpose.

c. *Eligible Salaries.* FSS funds may only be used for the types of salaries described in this section according to the restrictions described herein. FSS funds may not be used to pay for salaries of any other kind.

3. *Administrative Costs.* FSS funds cannot be used to pay for administrative costs.

4. *Ineligible Activities.* Grant funds may not be used for ineligible activities such as:

a. The salary of an FSS coordinator for the Housing Choice Voucher FSS program;

b. Services for FSS program participants;

c. Elderly/Disabled Service Coordinator salary and fringe benefits;

d. Wages and/or salaries to participants for receiving supportive services and/or training programs;

e. The purchase of food;

f. The purchase, lease, or rental of land;

g. New construction, materials costs;

h. Rehab or physical improvements;

i. Entertainment costs;

j. Purchase, lease, or rental of vehicles;

k. Stipends;

l. Cost of application preparation; and

m. Costs which exceed limits identified in the NOFA for the following: Program Coordinator, and Contract Administrator.

5. *Eligible Developments:* Only conventional public housing developments may be served by FSS grant funds awarded under this NOFA. Other housing/developments, including, but not limited to, private housing, federally insured housing, federally subsidized or assisted (*i.e.*, assisted under Section 8, Section 202, Section 811, Section 236), and others are not eligible to participate in this program.

F. Other Submission Requirements

1. *Mailing Applications.* Applicants to the PH FSS program should send their applications to: HUD Grants Management Center, Mail Stop: Public Housing Family Self-Sufficiency Program, 2001 Jefferson Davis Hwy, Suite 703, Arlington, VA 22202. Please see the General Section of the SuperNOFA for detailed mailing and delivery instructions.

2. *Number of Copies.* Applications must be submitted in triplicate (one original and two identical copies). The original and one identical copy must be sent to the Grants Management Center by the deadline. The other identical copy must be submitted to your local HUD field office by the deadline.

V. Application Review Information

A. Criteria

1. *Factors for Award Used to Evaluate and Rate Applications to the FSS program:* 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 RC/EZ/EC bonus points. The SuperNOFA contains a certification that must be completed in order for the applicant to be considered for RC/EZ/EC bonus points. A listing of federally designated RCs, EZs, ECs, and EECs is included as an appendix to the General Section of the SuperNOFA and is also available from the NOFA Information Center. The agency certifying to RC/EZ/EC status must be listed in the appendix of the SuperNOFA to be eligible to receive the bonus points.

Note: Applicants should carefully review each rating factor before writing a response. Applicants' narratives should be as descriptive as possible, ensuring that every requested item is addressed. Applicants should make sure their narratives thoroughly address the Rating Factors below and to include all requested information, according to the instructions found in this NOFA. This will help ensure a fair and accurate application review.

a. Rating Factor 1: Capacity of the Applicant and Relevant Organizational Staff (35 Points)

In rating this factor, HUD will consider the extent to which the proposal demonstrates that the applicant will have qualified and experienced program coordinator(s) dedicated to administering the program.

(1) *Proposed Program Staffing* (10 Points).

(a) *Staff Experience* (5 Points). The knowledge and experience of the proposed program coordinator(s) in planning and managing programs for which funding is being requested. Experience will be judged in terms of recent, relevant and successful experience of the program coordinator(s) to undertake eligible program activities. In rating this factor, HUD will consider experience within the last 5 years to be recent; experience similar to the functions of an FSS program coordinator to be relevant; and experience producing specific accomplishments to be successful. The more recent the experience and the more experience proposed staff have in successfully conducting and completing similar functions, the greater the number of points applicants will receive for this rating factor. The following information should be provided in order to provide HUD an understanding of proposed staff's experience and capacity:

(i) The staff's relevant educational background and/or work experience; and

(ii) Relevant and successful experience running programs whose activities are similar to the FSS Program.

(b) *Staff Capacity* (5 Points). Applicants will be evaluated based on whether they have staff in place or will be able to quickly access qualified professional(s), to administer the FSS program in a timely and effective fashion. Applicants' narrative must describe their ability to immediately begin implementing an FSS program. Attach resumes and position descriptions (where staff is not yet hired) for the program coordinator position. (Resume(s)/position description(s) do not count toward the 35-page limit.)

(2) *Past Performance of Applicant/Contract Administrator* (15 Points) Applicants' narrative must describe how they (or their *contract administrator*) successfully implemented grant programs (including those listed below) designed to assist low-income families and individuals achieve economic self-sufficiency or move from welfare to work. Renewal applicants should include facts and statistics in their narrative from past annual performance reports and/or the FSS addendum to Form HUD–50058. Applicants' past experience may include, but is not limited to, running and managing programs aimed at assisting residents of low-income housing achieve economic self-sufficiency and/or moving from welfare to work, such as ROSS, FSS, or Youthbuild. Applicants' narrative must indicate the grants they received and managed, the grant amounts, and grant terms (years) of the grants that they are counting towards past experience.

Applicants will be evaluated according to the following criteria:

(a) Achievement of specific measurable outcomes and objectives in terms of benefits gained by participating residents. (5 Points). Applicants should describe results their programs have obtained, for example: higher incomes, higher rates of employment, increased savings; and moving out of subsidized housing to market-rate housing.

(b) Describe success in attracting and keeping residents involved in past grant-funded training programs. (5 Points) HUD wants to see that applicants' grant-funded programs benefited a significant numbers of residents;

(c) Description of timely fund expenditure throughout the term of past grants. (5 Points) Timely means regular drawdowns throughout the life of the grant, *i.e.* quarterly drawdowns, with all funds expended by the end of the grant term;

(3) *Program Administration and Fiscal Management.* (10 Points)

(a) *Program Administration and Accountability.* (5 Points). Applicants should describe how they will manage the program and how HUD can be sure that there is program accountability.

(b) *Fiscal Management.* (5 Points) In rating this factor, applicants' skills and experience in fiscal management will be evaluated. If applicants have had any audit or material weakness findings in the past five years, they will be evaluated on how well they have addressed them. Applicants must provide the following:

(i) A complete description of their fiscal management structure, including fiscal controls currently in place including those of a contract administrator for applicants required to have a contract administrator, (troubled PHAs);

(ii) Applicants must list any audit findings in the past five years (HUD

Inspector General, management review, fiscal, etc.), material weaknesses and what has been done to address them;

(iii) Applicants who are required to have a contract administrator, must describe the skills and experience the contract administrator has in managing federal funds.

b. Rating Factor 2: Need/Extent of the Problem (20 Points)

In responding to this factor, you will be evaluated on the extent to which you *describe and document* the level of need for an FSS program coordinator in the communities you serve.

You should use statistics and analyses contained in data source(s) that are sound and reliable. Data that describes socioeconomic conditions at the local level can be found by going to the following Web sites: *http://www.bls.gov* (Bureau of Labor Statistics) or *http://www.census.gov* (US Census). Other types of sources include academic, state, and local sources. To the extent possible, the data you use should be specific to the population you propose to serve. You should document needs as they apply to the targeted population, rather than the entire region or state.

In responding to this factor, you must include:

(1) *Socioeconomic Profile* (10 points). A thorough socioeconomic profile of the eligible residents to be served by your program, including education levels, income levels, the number of single-parent families, economic statistics for the local area, etc.

(2) *Local Training Program Information* (10 points). Information on training programs currently available and easily accessible to residents either through the PHA or other local or state community organizations.

c. Rating Factor 3: Soundness of Approach (30 Points)

In rating this factor HUD will consider:

(1) *Quality of Your Proposal* (20 points). This factor evaluates your application based on the following criteria:

(a) *Scope of Services* (12 points). Your narrative should refer to the Public Housing FSS Action Plan submitted to your local HUD field office and it must describe how many people you plan to serve, whether you will expand your program over time, and how your program will:

(i) Link with other ROSS-funded self-sufficiency programs; (5 points)

(ii) Involve community partners in the delivery of services; (4 points) and

(iii) Link to comprehensive services versus a small range of services geared toward enhancing economic opportunities for residents (3 points).

(b) *Feasibility and Demonstrable Benefits* (4 points). This factor examines whether your proposal is logical, feasible and likely to achieve its stated purpose during the term of the grant. HUD's desire is to fund applications that will quickly produce demonstrable results and advance the purposes of the FSS program.

(i) *Timeliness.* This subfactor evaluates whether your proposal demonstrates that your project is ready to be implemented shortly after grant award, but not to exceed three months following the execution of the grant agreement. Your proposal must indicate timeframes and deadlines for accomplishing major activities.

(ii) *Description of the problem and solution.* Your proposal will be evaluated based on how well your proposal and approach to case management address the needs described in Rating Factor 2.

(c) *Salary Appropriateness/Efficient Use of Grant.* (4 Points)

You will be evaluated based on whether the salary you propose for the program coordinator is comparable to similar professions in your local area, your narrative must justify the salary you propose to pay the program coordinator by using local pay rates for comparable professions.

(2) *Addressing HUD's Policy Priorities* (10 points). HUD wants to improve the quality of life for those living in distressed communities. HUD's grant programs are a vehicle through which long-term, positive change can be achieved at the community level. Your proposal will be evaluated based on how well it meets the following HUD policy priorities:

(a) *Improving the Quality of Life in Our Nation's Communities* (5 points). In order to receive points in this category, your narrative must indicate how your FSS program will help residents successfully transition from welfare to work and earn higher wages.

(b) *Providing Full and Equal Access to Grassroots Faith-Based and Other Community-Based Organizations in HUD Program Implementation* (3 points). HUD encourages applicants to partner with grassroots organizations, *e.g.*, civic organizations, grassroots faith-based and other community-based organizations that are not usually effectively utilized. These grassroots organizations have a strong history of providing vital community services such as developing first-time homeownership programs, creating economic development programs, providing job training and other supportive services. In order to receive points under this factor, your narrative must describe how you will work with these organizations and what types of services they will provide.

(c) *Policy Priority for Increasing the Supply of Affordable Housing Through the Removal of Regulatory Barriers to Affordable Housing.* (up to 2 points) Under this policy priority, higher rating points are available to (1) governmental applicants that are able to demonstrate successful efforts in removing regulatory barriers to affordable housing, and (2) nongovernmental applicants that are associated with jurisdictions that have undertaken successful efforts in removing barriers. For applicants to obtain the policy priority points for efforts to successfully remove regulatory barriers, applicants would have to complete form HUD 27300, ''Questionnaire for HUD's Initiative on Removal of Regulatory Barriers.'' A copy of HUD's Notice entitled ''America's Affordable Communities Initiative, HUD's Initiative on Removal of Regulatory Barriers: Announcement of Incentive Criteria on Barrier Removal in HUD's 2004 Competitive Funding Allocations'' can be found on HUD's Web site at *http://www.hud.gov/grants/index.cfm.* A description of the policy priority and a copy of form HUD 27300 can be found in the General Section to the SuperNOFA. Applicants are encouraged to read the Notice as well as the general section of the SuperNOFA to obtain an understanding of this policy priority and how it can impact their score. A limited number of questions expressly request the applicant to provide brief documentation with their response. Other questions require that for each affirmative statement made, the applicant must supply a reference, URL, or a brief statement indicating where the back-up information may be found, and a point of contact, including a telephone number and/or e-mail address.

d. Rating Factor 4: Achieving Results and Program Evaluation (15 Points)

An important element in this year's NOFA is the development and reporting of performance measures and outcomes. This factor emphasizes HUD's determination to ensure that applicants meet commitments made in their applications and grant agreements and that they assess their performance so that they realize performance goals. Applicants must demonstrate how they propose to measure their success and outcomes as they relate to the Department's Strategic Plan.

HUD requires FSS applicants to develop an effective, quantifiable, outcome-oriented plan for measuring

performance and determining that goals have been met. Applicants must use the Logic Model Form (HUD–96010) for this purpose.

Applicants must establish interim benchmarks, or outputs, for their proposed program that lead to the ultimate achievement of outcomes. ''Outputs'' are the direct products of a program's activities. Examples of outputs are: The number of eligible families that participate in supportive services, the number of families enrolled, or the number of households that develop an escrow account. Outputs should produce outcomes for your program.

''Outcomes'' are benefits accruing to the residents, families and/or communities during or after participation in the FSS program. Applicants must clearly identify the outcomes to be achieved and measured. Examples of outcomes are: Increasing residents' financial stability (*e.g.,* increasing assets of a household through savings or escrow), increasing the number of FSS graduates, or increasing employment stability (*e.g.*, whether persons assisted obtain or retain employment for one or two years after job training completion). Outcomes are not the actual development or delivery of services or program activities.

This rating factor requires that applicants identify program outputs, outcomes, and performance indicators that will allow applicants to measure their performance. Performance indicators should be objectively quantifiable and measure actual achievements against anticipated achievements. Applicants' narrative and Logic Model should identify what applicants are going to measure, how they are going to measure it, and the steps they have in place to make adjustments to their work or management practices if performance targets begin to fall short of established benchmarks and timeframes. Applicants must include the standards, data sources, and measurement methods they will use to measure performance.

In order to respond to this factor, applicants should use the sample performance measures (HUD–52758) located in the Appendix as a guide. Applicants will be evaluated based on how comprehensively they propose to measure their program's outcomes.

B. Review and Selection Process

1. *Review Process:* Four types of reviews will be conducted: A screening to determine if you are eligible to apply for funding under the FSS grant category; whether your application submission is complete, on time and meets threshold; a review by the field office to evaluate past performance and whether there is an approved PH FSS Action Plan on file with the field office; and a technical review to rate your application based on the four rating factors provided in this NOFA.

2. *Selection Process:* 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 10 federal regions (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 (by score) regardless of region and will fully fund as many as possible with remaining funds. If remaining funds are too small to make an award, they may be transferred to another ROSS funding category.

3. *Tie Scores.* In the event of a tie between two applications from the same region, HUD will select the application that was received first.

1. *Deficiency Period.* Applicants will have fourteen calendar days in which to provide missing information requested from HUD. For other information on correcting deficient applications, please see the General Section of the SuperNOFA.

VI. Award Administration Information

A. Award Notices

HUD will make announcements of grant awards after the rating and ranking process is completed. Grantees will be notified by letter and will receive instructions for what steps they must take to access funding and begin implementing grant activities.

Applicants who are not funded will also receive letters via U.S. postal mail. Applicants who are not funded may request a debriefing. Applicants requesting to be debriefed must send a written request to: Iredia Hutchinson, Director, Grants Management Center, 501 School Street, SW., Suite 800, Washington, DC 20024. See the General Section of the SuperNOFA for additional information on debriefings.

B. Administrative and National Policy Requirements

1. *Environmental Impact.* 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 and/or a contract administrator that provides administrative and management services, which are categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and not subject to compliance actions for related environmental authorities under 24 CFR 50.19(b)(3), (4) and (12).

2. *Applicable Requirements.* Grantees are subject to regulations and other requirements found in:

a. OMB Circular A–87 ''Cost principles for State, Local, and Indian Tribal Governments''.

b. OMB Circular A–133 ''Audits of States, Local Governments, and Non-Profit Organizations''.

c. HUD Regulations 24 CFR part 984 ''Section 8 and Public Housing Family Self-Sufficiency Program''.

d. HUD Regulations 24 CFR part 85 ''Administrative Requirements for Grants and Cooperative Agreements to State, Local, and Federally Recognized Indian Tribal Governments''.

3. *Economic Opportunities for Low- and Very Low-Income Persons (Section 3).*

For further information see the General Section at III.C.4.c.

4. 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), as applicable. Please see Section III.C.2 of the General Section of the SuperNOFA for more information.

5. Applicants should refer to Section III C ''Requirements and Procedures Applicable to All Programs'' of the General Section of the SuperNOFA for other requirements to which they may be subject.

C. Reporting

1. *Semi-Annual Performance Reports.* Grantees shall submit semi-annual performance reports to the field office. These progress reports shall include financial reports (SF–269A), the Logic Model, and a narrative describing milestones, progress, and problems encountered and methods used to address these problems. Grantees shall use quantifiable data to measure performance against goals and objectives outlined in their Logic Model. Performance reports are due to the field office on July 30 and January 31 of each year. If reports are not received by the due date, grant funds will be suspended until reports are received.

2. *Reporting Using HUD–50058 Addendum.* Grantees must report on PH FSS program participants to PIC using the HUD–50058 addendum to report on the enrollment, progress, and exit of individual families. Failure to report to PIC is a violation of the program and may result in grant termination.

3. *Final Report.* All grantees shall submit a final report to their local field office which will include a financial report (SF–269A) and a narrative evaluating overall performance against their Logic Model. Grantees shall use quantifiable data to measure performance against goals and objectives outlined in their Logic Model. The financial report shall contain a summary of salary expenditures made from the beginning of the grant agreement to the end of the grant agreement and shall include any unexpended balances. The final narrative and financial report shall be due to the field office 90 days after the termination of the grant agreement.

4. *Racial and Ethnic Data.* HUD requires that funded recipients collect racial and ethnic beneficiary data. It has adopted the Office of Management and Budget's Standards for the Collection of Racial and Ethnic Data. In view of these requirements, you should use HUD–27061, the Racial and Ethnic Data Reporting Form (instructions are included) which can be found at *www.HUDclips.org;* a comparable form; or a comparable electronic data system for this purpose.

VII. Agency Contact(s)

For questions and technical assistance, you may call the Public and Indian Housing Information and Resource Center at 800–955–2232. For persons with hearing or speech impairments, please call the toll-free Federal Relay Service at 800–877–8339.

VIII. Other Information

A. *Code of Conduct:* See the General Section of the SuperNOFA for more information.

B. *Transfer of Funds.* If transfer of funds from any of the ROSS programs does become necessary, HUD will give first priority to Homeownership Supportive Services, second priority to Family Self-Sufficiency, third priority to RSDM-Family, and fourth priority to RSDM-Elderly. HUD does not have the discretion to transfer funds for the Neighborhood Networks program to any other funding category under ROSS.

C. *Paperwork Reduction Act:* The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2577–0229. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average eight hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application, semi-annual reports and final report. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

D. *Appendix of Forms.* The forms specific to Public Housing FSS under the ROSS Program follow.

BILLING CODE 4210–32–P

ROSS FUNDING
FACT SHEET

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF PUBLIC AND INDIAN HOUSING

OMB Approval No. 2577-0229
Expiration Date 02/28/2007

Public reporting burden for the collection of information is estimated to average 2 hours per response. This includes the time for collecting, reviewing, and reporting the data. The information will be used for the ROSS grant. Response to this request for information is required in order to receive the benefits to be derived. 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.

Instructions for completing this form: All applicants must complete sections A, B, C, D, and E. Resident Associations (RAs) must also complete section F. This form must be signed by an authorized official of the applicant's organization.

A. Applicant Information

Applicant Name:_____

Applicant Type: _____

___ PHA PHA Code: _____

___ RA ___ NONPROFIT ___TRIBE/TDHE

B. Assistance for which the applicant is applying:

_____ Resident Service Delivery Models-Family
_____ Resident Service Delivery Models-Elderly and Persons with Disabilities
_____ Family Self-Sufficiency for Public Housing
_____ Homeownership Supportive Services
_____ Neighborhood Networks-new center
_____ Neighborhood Networks-existing center

C. Unit Count

_____ Total number of conventional public housing units under management** (excluding any Section 8)

_____ Total number of family-occupied conventional public housing units.

_____ Total number of elderly/disabled-occupied conventional public housing units.

D. Please list any previous HUD grants, including ROSS grants you have received. Indicate grant name, (e.g. ROSS Homeownership), Year, and Award Amount.

_____

_____

_____

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ROSS FUNDING

FACT SHEET (continued)

E. Name(s) of public housing development(s) targeted for ROSS Activities (Use additional pages if necessary.)

Name of Public Housing Development	PIH Project #

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ROSS FUNDING

FACT SHEET (continued)

RESIDENT ASSOCIATIONS MUST COMPLETE THE FOLLOWING SECTION:

F. RESIDENT ASSOCIATION BOARD INFORMATION (not applicable to FSS applicants)

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____

The above information is true and correct to the best of my knowledge.

Signed this _____ day of _____, ____.

By: _____
Applicant Executive Director or Other Authorized Representative

For: _____
Applicant Name

ROSS
Chart A: PROGRAM STAFFING

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF PUBLIC AND INDIAN HOUSING

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

Applicant Name: _____

Instructions for completing this form: Space is provided below for applicants to provide information about key staff, residents you plan to hire, the roles contractors will play, and the activities and responsibilities of the applicant's contract administrator. All applicants must complete this form. Applicants that are not required to have a contract administrator do not need to complete Section IV of this form.

Grant to which the applicant is applying:

_____ RSDM-Family _____ RSDM-Elderly _____ Homeownership Supportive Services _____ Neighborhood Networks _____ PH Family Self Sufficiency

I. APPLICANT STAFF

Name of Staff Person	Organization and Position	Activity in Grant Program	Percent of Time on Grant	Cost to Grant

form **HUD-52756** (3/2004)

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

II. RESIDENT STAFF (NOT APPLICABLE TO FSS APPLICANTS)

Name of Staff Person	Organization and Position	Activity in Grant Program	Percent of Time on Grant	Cost to Grant

form **HUD-52756** (3/2004)

III.CONTRACTOR/CONSULTANT ROLE (Not applicable to FSS applicants)		
Type of Contractor to be Solicited*	Activity in Grant Program	Estimated Cost to Grant Program

*NOTE: Contractors must be procured according to 24 CFR parts 84.41-84.48 or 24 CFR part 85.36

IV.CONTRACT ADMINISTRATOR		
Name of Organization	Areas of Responsibility/Oversight	Estimated Cost to Grant Program

Public reporting burden for the collection of information is estimated to average two hours per response. This includes the time for collecting, reviewing, and reporting the data. The information will be used for the ROSS grant. Response to this request for information is required in order to receive the benefits to be derived. 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.

ROSS
Chart B: Applicant/Contract Administrator Track Record (Past Performance)

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF PUBLIC AND INDIAN HOUSING

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

Applicant: _____

Instructions for completing this form: Applicants must use this form to provide information about previous HUD grants/FSS programs you have administered over the most recent five-year period. Applicants with few or no HUD grants/FSS programs should provide information about other federal grants you have received. Applicants should list state, local, or private grants should you have no HUD or federal grant experience. Applicants should clearly indicate the organization from which you received grants and indicate whether you were the grantee or whether your contract administrator was the grantee. Applicants should list grants starting with the most recent HUD grants, proceeding next with federal, state, local, and/or private grants. Applicants should not list grants that are 10 years old or older.

Public reporting burden for the collection of information is estimated to average two hours per response. This includes the time for collecting, reviewing, and reporting the data. The information will be used for the ROSS grant. Response to this request for information is required in order to receive the benefits to be derived. 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.

Grant to which the applicant is applying:

_____ **RSDM-Family** _____ **RSDM-Elderly** _____ **Homeownership Supportive Services** _____ **Neighborhood Networks** _____ **PH Family Self Sufficiency**

Grant Program and Grantor Agency	Grantee (Applicant or CA)	Project No.	% of Funds Draw Down	Major Goal #1	% Complete	Major Goal #2	% Complete

form **HUD-52757** (3/2004)

RESIDENT OPPORTUNITY AND SELF-SUFFICIENCY PROGRAM
PUBLIC HOUSING FAMILY SELF-SUFFICIENCY FUNDING REQUEST FORM

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF PUBLIC AND INDIAN HOUSING

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

1. PHA Information:

Name: _____ PHA Number: _____

Address: _____

_____

Joint Application: Yes _____ No _____ If yes, please provide name(s), PHA number(s), and address information of joint applicant(s) (If more than one joint applicant, please attach addition sheets as necessary):

Name: _____ PHA Number: _____

Address: _____

_____

2. Contact Information for the Person Most Familiar with This Application:

Name:_____Telephone:_____

e-mail address: _____

3. Application Type: New _____ Renewal _____

4. All Applicants – Total Approved Slots: Please indicate the number of approved slots in your Public Housing FSS Action Plan. There is a 25-slot minimum in order to be eligible for this program. Joint applicants should indicate the combined total of FSS program slots in their HUD-approved Public Housing FSS Action Plans.

Total number of approved slots: _____

RENEWAL APPLICANTS PLEASE ANSWER QUESTIONS 5 - 9

5. FSS Coordinator Information:

a) FY under which your FSS Coordinator position was last funded: _____

b) Number of positions funded: _____

c) Number of positions requested under this NOFA: _____

d) Annual salary requested for each FSS Coordinator(s): $ _____
(Note: The salary requested should include fringe benefits, if applicable. Salaries must be comparable to salaries for similar positions in the local jurisdiction and must not exceed the cap of $63,000 per position)

e) Total funding requested for program coordinator salary(ies): $ _____

form **HUD-52767** (3/2004)

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

f) Evidence demonstrating salary comparability to similar positions in the local jurisdiction for each of the positions you are applying for is on file at the PHA: _____ Yes _____ No

6. Total amount requested for Contract Administrator services: $ _____

7. Program Participant Information:

Number of single-parent families _____

8. Reporting to HUD

The PHA has submitted reports on participating families to HUD via the HUD 50058 Family Self-Sufficiency/Welfare-to-Work Voucher Addendum. _____ Yes _____ No

9. Program Accomplishments – Complete All that Apply

____ The number of families enrolled in the Public Housing FSS program as of 9/30/03.
____ The number of Public Housing FSS program participants with an FSS escrow account balance greater than zero.
____ The average escrow account distribution paid to Public Housing families that graduated between 10/1/02 and 9/30/03.
____ The number of Public Housing FSS families that have successfully completed their FSS contracts between 10/1/02 and 9/30/03.
____ The number of Public Housing FSS graduates that moved out of public housing
____ The number of Public Housing FSS graduates who participated in a ROSS-funded homeownership program.
____ The number of Public Housing FSS graduates who moved to homeownership through other homeownership programs.

NEW APPLICANTS PLEASE ANSWER QUESTIONS 10 - 12

10. FSS Coordinator Information:

a) Annual salary requested for the FSS Coordinator position: $ _____
(Note: The salary requested should include fringe benefits, if applicable. Salaries must be comparable to salaries for similar positions in the local jurisdiction and must not exceed the cap of $63,000 annually for the position)

b) Evidence demonstrating salary comparability to similar positions in the local jurisdiction for each of the positions you are applying for is on file at the PHA: _____ Yes _____ No

11. Total amount requested for Contract Administrator services: $ _____

12. Information About Potential Participants

Percent of target population that is unemployed _____ Number of single-parent families

in target population _____

form **HUD-52767 (3/2004)**

SAMPLE CONTRACT ADMINISTRATOR PARTNERSHIP AGREEMENT

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF PUBLIC AND INDIAN HOUSING

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

***Instructions for completing this form**: This form is provided to applicants as a sample to use for formalizing agreements with the organization that will serve as the applicant's Contract Administrator. Nonprofits, troubled PHAs, and resident associations must submit a Contract Administrator Partnership agreement with their application and the agreement must be for the full term of the grant. Applicants may elect to use this form, a modification thereof, or their own form provided that the same information is contained therein.*

Grant to which you are applying:

_____ RSDM-Family _____ RSDM-Elderly _____ Homeownership Supportive Services

_____ Neighborhood Networks _____ PH Family Self Sufficiency

I. General Terms

This partnership agreement is made and entered into by and between the **applicant**, _____ (name of applicant's organization) and _____ (name of Contract Administrator's organization) the **Contract Administrator (CA)**, (e.g., the local public housing authority (PHA) or other non-profit organization), hereinafter referred to as "CA".

WHEREAS, the applicant is submitting the proposal for a Resident Opportunity and Self-Sufficiency (ROSS) or Neighborhood Networks (NN).

WHEREAS, the applicant agrees to comply with all terms and conditions expressed in HUD's NOFA, applicable provisions of 24 CFR 964 or 24 CFR 984 (for FSS applicants), provisions of the grant agreement entered into with HUD, and provisions contained in this Partnership Agreement.

WHEREAS, the CA supports the applicant's ROSS/NN application and agrees to provide technical assistance to the applicant in accordance with HUD's NOFA, HUD regulations and provisions contained in this agreement.

WHEREAS, pursuant to the commitment made by the CA, this agreement is executed outlining the type, scope and extent of services that the CA will provide to the applicant if the grant is funded. If HUD does not fund the grant, this agreement shall be null and void.

II. Roles and Responsibilities

A. Grant Oversight

Under the direction of the applicant, the CA agrees to oversee the administration of the ROSS or NN grant. This includes financial management, procurement, completing the semi-annual reports, and ensuring that all grant activities are completed successfully within the grant period. In meeting these commitments, the CA agrees to abide by the provisions of 24 CFR Parts 964/984, 45, 84, and 85 and the following OMB Circulars as applicable:

form **HUD-52755** (3/2004)

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

- A-87 "Cost Principles for State, Local, and Indian Tribal Governments";
- A-122 "Cost Principles for Nonprofit Organizations";
- A-110 "Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations"; and
- A-133 "Audits of States, Local Governments, and Non-Profit Organizations".

B. Grant Coordination

The CA and the applicant will meet weekly to discuss progress, problems incurred, strategies to overcome them, specific areas of responsibility, future activities, and any other issues as necessary.

C. Financial Responsibility

The applicant retains ultimate responsibility for all grant activities, including drawing down funds from HUD, grant expenditures, and reporting to HUD. The CA will have authority to draw down funds only with the written authorization of the applicant and approval of the local HUD field office.

All checks and other expenditures in an amount higher than $_____ must be signed and/or approved by the applicant.

D. Performance Measurement

The CA will work with the applicant to ensure that results agreed to by the applicant and HUD are achieved. All semi-annual financial and performance reports prepared by the CA must be reviewed and approved by the applicant prior to submission to HUD.

E. Coordinating and Building Partnerships

The CA agrees to coordinate the provision of assistance from grant partners. The CA also agrees to work with the applicant in pursuing additional partnerships/assistance from community organizations, government, and other organizations whose services would benefit residents and the overall grant program. Following are suggested resources:

- Area enrichment programs
- Local Banks
- Chamber of Commerce
- Community Development Agencies
- Private Industry Council
- Local/State Health & Human Services Agencies
- Local Higher Education and Continuing Education Facilities
- Local Independent School Districts
- Social Service Organizations

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Expiration Date: 02/28/2007

F. Program Assessment and Reporting

The CA agrees to conduct or otherwise assist the applicant in assessing grant activities based on 1) the performance measures in the applicant's grant proposal submitted to HUD and 2) any revisions to the assessment methodology made by the local HUD field office. For Public Housing FSS applicants, the CA will ensure that the PHA meets its PIC reporting requirements by reporting on the enrollment, progress, and exit of individual families using the HUD-50058 addendum. The CA will ensure that reports to HUD are made as required. All semi-annual financial and performance reports prepared by the CA must be reviewed and approved by the applicant prior to submission to HUD.

III. Contracted Amount

No funds will be paid to the CA for services rendered prior to HUD's selection of the applicant for funding or for services rendered prior to the execution of a grant agreement between the applicant and HUD. This partnership agreement will be valid only if/when HUD selects the applicant for funding. If an applicant is selected and enters into a grant agreement with HUD, remuneration of the CA will not exceed 10% of the amount granted by HUD to the grantee, unless specifically authorized by law.

The total contracted amount $_____ for all services defined within this contract is based on a period of time beginning _____ and ending _____. (**NOTE: CAs must be retained for the full term of the grant.**)

The CA will be paid $_____for year one, beginning on _____ (date); $_____ for year two beginning on _____ (date); and $_____for year three beginning on _____ (date).

IV. Termination

Each party may terminate this agreement provided 60 calendar days of written notice is given to the local HUD field office and the other party to this agreement. Applicants may terminate this agreement based on non-compliance or non-cooperation by the CA. Termination may only occur when all channels of resolution have been exhausted, including mediation between the two parties. If all avenues for resolution have been exhausted, termination by the applicant will require a two-thirds majority vote of the applicant's Board of Directors/Resident Council.

WITNESS OUR HANDS EFFECTIVE _____

_____	_____
Applicant Organization	Contract Administrator
_____	_____
Applicant Executive Director/ Other Authorized Representative	Executive Director
_____	_____
Date	Date

form **HUD-52755** (3/2004)

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 PROGRAM FOR HOMELESS INDIVIDUALS (SRO)

Billing Code 4210-32-C

Continuum of Care Homeless Assistance Programs

Overview Information

A. *Federal Agency Name:* Department of Housing and Urban Development, Office of Community Planning and Development.

B. *Funding Opportunity Title:* Funding Availability for Continuum of Care (CoC) Homeless Assistance Programs.

C. *Announcement Type:* Initial announcement.

D. *Funding Opportunity Number:* FR–4900–N–29. The OMB Approval number is 2506–0112. The **Federal Register** number for this NOFA is: FR–4900–N–29.

E. *Catalog of Federal Domestic Assistance (CFDA) Numbers:*

1. 14.235, Supportive Housing Program (SHP)
2. 14.238, Shelter Plus Care (S+C)
3. 14.249, Section 8 Moderate Rehabilitation Single Room Occupancy (SRO)

F. DATES: *Application Deadline:* July 27, 2004. Your completed applications (an original containing the signed documentation and two copies) are due on or before July 27, 2004 to the addresses shown in Section IV.F. *Please carefully read Section IV.C. of this program section as well as the General Section for all the critical information on your submission and HUD's acceptance of applications.*

G. *Additional Overview Content Information:*

1. *Purpose of the Programs:* The purpose of the CoC Homeless Assistance Programs is to assist homeless persons to move to self-sufficiency and permanent housing.
2. *Available Funds:* Approximately $1 billion is available for funding.
3. *Eligible Applicants:* The program summary chart in Section III.A.3 identifies the eligible applicants for each of the three programs under the CoC Homeless Assistance Programs.
4. *Match:* Matching funds are required from local, state, federal or private resources.

Full Text of Announcement

I. Funding Opportunity Description

A. Program Description

1. Overview

a. The purpose of the CoC Homeless Assistance Programs is to reduce the incidence of homelessness in CoC communities by assisting homeless individuals and families to move to self-sufficiency and permanent housing. Projects that sustain current successful interventions and fill gaps in locally developed CoC systems will be funded. To help meet the current Administration's goal of ending chronic homelessness by 2012, priority will be placed on programs that target the supportive housing needs of this population.

2. Major Changes for 2004

a. *Application Requirements.* New this year, the applying CoC must assemble the entire application, including all projects, and submit it as a single mailed or hand-delivered package to HUD. Each application will consist of the CoC Exhibit and projects from one or more applicants and project sponsors. Individual projects in a CoC should not be submitted to HUD separately. Also new this year, submitted applications should only include the actual application questions and responses being provided. Do not include HUD's application instructions or any blank tables and charts.

b. *Chronic Homelessness Priority.* To help reach the goal of ending chronic homelessness by 2012, at least 10 percent of the FY 2004 homeless appropriation must be awarded to projects predominantly serving individuals experiencing chronic homelessness. New or renewal, transitional, safe haven or permanent housing projects that have at least 70 percent of their clients who are chronically homeless will count toward this target. Within the ''Process and Strategy'' rating factor, HUD will be giving added weight to the community's response to the chronic homelessness strategy goals including design and implementation of state and local 10-year planning processes.

c. *Performance Measurement.* A new ''Performance Measurement'' section is included and will be given the added weight of up to 5 points in the scoring process.

d. *HMIS Implementation.* An ''HMIS Implementation'' section is included and will be given the added weight of up to 5 points in the scoring process.

e. *SHP Funds for HMIS.* Starting this year, HUD has reserved the right to fund lower rated eligible dedicated HMIS projects receiving 40 need points and at least 25 Continuum points for at least one year to work toward the congressional goal of improving homeless data collection.

f. The ''Process and Strategy'' scoring has been reduced from 20 to 17 points.

g. The ''Gaps and Priorities'' scoring has been reduced from 15 to 10 points.

h. A new scoring opportunity on ''Removing Barriers to Affordable Housing'' valued at up to 2 points has been added to the ''Process and Strategy'' rating factor.

i. Projects must receive a minimum score of 65 points in the competition in order to receive any funding consideration for lower-rated SHP renewals.

j. The permanent housing bonus will now be applied using a sliding scale based on a Continuum of Care's preliminary ''Pro Rata Need'' amount.

k. The Supplemental Resources section has been simplified by replacing an extensive narrative section with a multiple-choice chart and the scoring has been reduced to 13 points from 15.

l. For each project, applicants will estimate the number of chronically homeless persons that will be served. In addition, the CoC will be required to describe any changes in the number of chronically homeless persons reported from 2003 to 2004.

m. Each project will indicate which subpopulations it will target.

n. Starting this year, grant terms for all newly proposed Supportive Housing Program projects, excluding HMIS projects, will be three years.

3. *Developing CoC Systems:* Developing a CoC system should be an inclusive process to assist homeless persons. It should be coordinated with the community's larger effort of developing a HUD required Consolidated Plan. Coordination with state and local 10-year plans to end chronic homelessness and Interagency Councils on Homelessness is also crucial to developing an inclusive CoC system. For a community to successfully address its often complex and interrelated problems, including homelessness, the community must marshal 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 serves as the vehicle for a community to comprehensively identify each of its needs and to coordinate a plan of action for addressing them.

4. *CoC Components.* A CoC system consists of five 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 search counselors;

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.

e. Prevention strategies play an integral role in a community's plan to eliminate homelessness. By law, prevention activities are ineligible activities in the three programs for which funds are awarded in this competition but are eligible for funding under the Emergency Shelter Grant block grant program.

5. *CoC Planning Process.* A CoC system is developed through a community-wide or region-wide process involving nonprofit organizations (including those representing persons with disabilities), government agencies, public housing authorities, community and faith-based organizations, other homeless providers, housing developers and service providers, private businesses and business associations, law enforcement agencies, private funding providers, and homeless or formerly homeless persons. A CoC system should address the specific needs of each homeless subpopulation: those experiencing chronic homelessness, veterans, persons with serious mental illnesses, persons with substance abuse issues, persons with HIV/AIDS, persons with co-occurring diagnoses (may include diagnoses of multiple physical disabilities or multiple mental disabilities or a combination of these two types), victims of domestic violence, youth, and any others. To ensure that the CoC system addresses the needs of homeless veterans, it is particularly important that you involve veteran service organizations with specific experience in serving homeless veterans.

6. *CoC Funding* is provided through the programs briefly described below. Please refer to the CoC Homeless Assistance Programs Chart in Section III.A.3 for a summary of each program:

a. *The Supportive Housing Program (SHP)* funds the development of transitional supportive housing and services that help homeless persons transition from homelessness to living as independently as possible and permanent supportive housing and services for disabled homeless persons.

b. *The Shelter Plus Care (S+C) Program* provides funding for rental assistance giving applicants flexibility in devising appropriate housing and supportive services for homeless persons with disabilities.

c. *The Section 8 Moderate Rehabilitation Single Room Occupancy (SRO) Program* provides rental assistance on behalf of homeless individuals in connection with the moderate rehabilitation of SRO dwellings.

7. Glossary of Terms

a. *Applicant.* An entity that applies to HUD for funds. See the CoC Homeless Assistance Programs Chart in Section III.A.1 for a list of entities that are eligible. In order to be an applicant, you must submit a SF–424. If selected for funding, the applicant becomes the grantee and is responsible for the overall management of the grant, including drawing grant funds and distributing them to project sponsors. The applicant may also be a project sponsor.

b. *Applicant Certification.* The form, required by law, in which an applicant certifies that it will adhere to certain statutory requirements, such as the Civil Rights Act of 1964.

c. *Chronically Homeless Person.* An unaccompanied homeless individual with a disabling condition who has either been continuously homeless for a year or more OR has had at least four episodes of homelessness in the past three years. Disabling condition is defined as ''a diagnosable substance use disorder, serious mental illness, developmental disability, or chronic physical illness or disability, including the co-occurrence of two or more of these conditions.'' In defining the chronically homeless, the term ''homeless'' means ''a person sleeping in a place not meant for human habitation (*e.g.,* living on the streets) or in an emergency homeless shelter.''

d. *Consolidated Plan.* A long-term housing and community development plan developed by state and local governments and approved by HUD. The Consolidated Plan contains information on homeless populations and should be coordinated with the CoC plan. It can be a source of information for the Gaps Analysis Chart. The plan contains both narratives and maps, the latter developed by localities using software provided by HUD.

e. *Consolidated Plan Certification.* The form, required by law, in which a state or local official certifies that the proposed activities or projects are consistent with the jurisdiction's Consolidated Plan and, if the applicant is a state or unit of local government, that the jurisdiction is following its Consolidated Plan.

f. *Continuum of Care.* A collaborative funding approach that helps communities lan for and provide a full range of emergency, transitional, and permanent housing and service resources to address the various needs of homeless persons.

g. *Current Inventory.* An inventory of the community's existing beds and supportive services.

h. *Homeless Management Information Systems (HMIS).* An HMIS is a computerized data collection application designed to capture client-level information over time on the characteristics and service needs of men, women, and children experiencing homelessness, while also protecting client confidentiality. It is designed to aggregate client-level data to generate an unduplicated count of clients served within a community's system of homeless services. An HMIS may also cover a statewide or regional area, and include several CoCs. The HMIS can provide data on client characteristics and service utilization.

i. *Homeless Person* means a person sleeping in a place not meant for human habitation or in an emergency shelter; and a person in transitional or supportive housing for homeless persons who originally came from the street or an emergency shelter. For a more detailed discussion, see the Questions and Answers Supplement. The programs covered by this application are not for populations who are at risk of becoming homeless.

j. *NOFA.* Notice of Funding Availability, published in the **Federal Register** to announce available funds and application requirements.

k. *Private Nonprofit Status.* Private nonprofit status is documented by submitting either: (1) A copy of the Internal Revenue Service (IRS) ruling providing tax-exempt status under Section 501(c)(3) of the IRS Code; or (2) documentation showing that the applicant is a certified United Way agency; or (3) a certification from a designated official of the organization that no part of the net earnings of the organization inures to the benefit of any member, founder, contributor, or individual; that the organization has a voluntary board; that the organization practices nondiscrimination in the provision of assistance; and that the organization has a functioning accounting system that provides for each of the following (mention each in the certification):

(1) Accurate, current and complete disclosure of the financial results of each federally sponsored project.

(2) Records that identify adequately the source and application of funds for federally sponsored activities.

(3) Effective control over and accountability for all funds, property and other assets.

(4) Comparison of outlays with budget amounts.

(5) Written procedures to minimize the time elapsing between the transfer of funds to the recipient from the U.S. Treasury and the use of the funds for program purposes.

(6) Written procedures for determining the reasonableness, allocability and allowability of costs.

(7) Accounting records, including cost accounting records, that are supported by source documentation.

l. *Public Nonprofit Status.* Public nonprofit status is documented for community mental health centers by including a letter or other document from an authorized official stating that the organization is a public nonprofit organization.

m. *Project Sponsor.* The organization that is responsible for carrying out the proposed project activities. A project sponsor does not submit a SF–424, unless it is also the applicant. To be eligible to be a project sponsor, you must meet the same program eligibility standards as applicants do, except in the Sponsor-based rental assistance component of the S+C.

n. *SF 424.* The information sheet required to be submitted by applicants requesting HUD Federal Assistance.

o. *Safe Haven.* A Safe Haven is a form of supportive housing serving hard-to-reach homeless persons with severe mental illness or other debilitating behavioral conditions who are on the streets and have been unwilling or unable to participate in supportive services. Safe Havens may be transitional supportive housing, or permanent supportive housing if it has the characteristics of permanent housing and requires participants to sign a lease.

8. *Applicant Roles and Responsibilities.* An applicant will be responsible for the overall management and administration of a particular grant, including drawing down the grant funds, distributing them to the project sponsors, overseeing project sponsors, collecting and disseminating community-level data, and reporting to HUD. Applicants can submit applications for projects on behalf of project sponsors, who will actually carry out the proposed project activities. Applicants can also carry out their own projects. In these cases, the applicant is responsible for both administering and managing a grant (as the grantee) and carrying out the project activities (as the project sponsor).

II. Award Information

A. *Amount Allocated.* Approximately $1 billion is available for this CoC competition in FY 2004. Any unobligated funds from previous CoC 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 FY2004 appropriations to fund applications submitted in response to this program section of this SuperNOFA. The FY2004 HUD Appropriation Act requires HUD to obligate all CoC homeless assistance funds by September 30, 2006. These funds will remain available for expenditure for five years following that date, except that the 2004 HUD Appropriations Act provides for up to $20 million awarded for the Section 8 Moderate Rehabilitation Single Room Occupancy (SRO) Program to be available until expended. The funds available for the CoC competition can be used under any of the three programs that can assist in creating community systems for combating homelessness.

1. *Distribution of Funds:* As in previous NOFAs for the CoC 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.

a. *Permanent Housing Requirement.* Local priorities notwithstanding, the FY 2004 HUD Appropriations Act requires that not less than 30 percent of this year's Homeless Assistance Grants appropriation, excluding amounts provided for one-year renewals under the Shelter Plus Care Program, must be used for permanent housing projects.

b. *Chronic Homelessness Requirement:* The current Administration has established as a policy priority the goal of ending chronic homelessness by 2012. CoCs are strongly encouraged to use the funds available in this NOFA to target persons experiencing chronic homelessness in their communities. HUD encourages communities to select projects that will contribute to the achievement of this HUD policy priority. Further, CoCs are encouraged to work closely with appropriate state and local governments or Interagency Councils on Homelessness that may be establishing their own ten-year plans for eliminating chronic homelessness. To work towards this goal, HUD requires that 10 percent of the FY2004 appropriation be awarded to housing projects that predominantly serve individuals who are experiencing chronic homelessness. At least 10 percent of the appropriation will be awarded to new or renewal, transitional or permanent housing projects where at least 70 percent of the project's clients are expected to be chronically homeless (as defined by HUD) immediately prior to entry into the project. Housing projects include: SHP transitional housing, permanent housing and Safe Havens; S+C; and SRO projects. (Since the housing funding allocation set-aside requirements are expected to continue in future competitions and may affect project funding selections, you are strongly encouraged to begin planning for new housing projects, particularly those serving individuals experiencing chronic homelessness, and include them as part of your submission in this competition. See Section V.B.3.a and b of this program section of the SuperNOFA for additional information on the permanent housing and chronic homeless requirements.)

c. *Lower-rated SHP Renewals.* HUD reserves the authority to conditionally select for one year of funding lower-rated eligible SHP renewal projects that are assigned 40 need points in a CoC application receiving at least 25 points under the CoC scoring factor that would not otherwise receive funding for these projects. (See Section V.A.2.a and b of this NOFA for information on project rating and scoring.) However, the projects must receive a minimum score of 65 points. Although these lower-rated SHP renewal projects will have scored below the otherwise recognized funding line, their funding allows homeless persons to continue to be served and move towards self-sufficiency. Not renewing these projects would likely result in the closure of these projects and displacement of the homeless people being served.

2. *Prioritizing Projects for Funding.* Project priority decisions are best made by members of the local community, including community and faith-based organizations, which represent the various economic, housing and social resources within that community. For example, if HUD has funds available only to award 8 of 10 proposed projects, then it will award funding to the first 8 eligible projects listed, except as may be necessary to achieve the 30 percent overall permanent housing and the 10 percent chronic homelessness requirements; see Section V.B.3.a. and V.B.3.b. In such cases, higher priority non-permanent housing projects may be de-selected to fund lower priority permanent housing projects and projects predominantly serving those persons experiencing chronic homelessness.

III. Eligibility Information

A. Eligible Applicants

1. *Eligible applicants* for each program are those identified in the following chart.

2. *Renewal Applicants.* 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 for SHP or S+C programs under the CoC NOFA. If you are a project sponsor or sub-recipient 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.

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3. CONTINUUM OF CARE HOMELESS ASSISTANCE PROGRAMS

ELEMENTS	SUPPORTIVE HOUSING	SHELTER PLUS CARE	SECTION 8 SRO
AUTHORIZING LEGISLATION	Subtitle C of Title IV of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11381	Subtitle F of Title IV of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11403	Section 441 of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11401
IMPLEMENTING REGULATIONS	24 CFR part 583 As amended by 68 FR 56396 09/30/03	24 CFR part 582 As amended by 68 FR 56396 09/30/03	24 CFR part 882, subpart H, except that all persons receiving rental assistance must meet the McKinney-Vento definition of homelessness
ELIGIBLE APPLICANT(S)	• State • Units of general local government • Special purpose units of government, e.g. PHAs • Private nonprofit organizations • CMHC's 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 • Homeless Mngt. Info. System (HMIS)	• 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
ELIGIBLE POPULATIONS See footnote 2	• Homeless persons	• Homeless disabled individuals • Homeless disabled individuals & their families	• Homeless individuals
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 & related diseases	N/A
INITIAL TERM OF ASSISTANCE	3 years for new SHP, except 1, 2 or 3 year for new SHP HMIS	5 years: TRA, SRA, and PRA if no rehab 10 years: SRO, and PRA with rehab	10 years

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 for assistance under Shelter Plus Care and Section 8 SRO.

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B. Matching (Cost Sharing)

You must match Supportive Housing Program funds provided for acquisition, rehabilitation, and new construction with an equal amount of cash from other sources. Since SHP by statute can pay no more than 75 percent of the total operating budget for supportive housing, you must provide at least a 25 percent cash match of the total annual operating costs. In addition, for all SHP funding for supportive services and Homeless Management Information

Systems (HMIS) you must provide a 25 percent cash match. This means that of the total supportive services budget line item, no more than 80 percent may be from SHP grant funds. For example, 80 percent of a $125 supportive services budget is $100, the maximum that may be requested and the cash match required is $25. The cash source may be your agency, other federal programs, 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. Shelter Plus Care requires a dollar for dollar match; the recipient's match source can be cash or in kind from any of the sources above.

C. Other

1. Eligible Activities

Eligible activities for the SHP, S+C, and SRO Programs are outlined in the preceding CoC Homeless Assistance Programs Chart at Section III.A.3.

a. To promote permanent housing, a special incentive is being provided to CoC systems that place an eligible, new permanent housing project in the number one priority slot on the priority list. The only eligible activities that will be counted toward the incentive for the number one priority project are housing activities and for SHP, administration. For the SHP program, housing activities include acquisition, new construction, rehabilitation, leasing of housing and operating costs for housing. S+C and SRO rental assistance are defined as housing activities and are eligible under the incentive as well. See Section V.B.3a of this program section of the SuperNOFA for a description of this incentive.

HUD will use the CoC 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 with the attachments in Section VIII and should be completely filled out and submitted as part of your application.

2. Threshold Requirements

a. *Project Eligibility Threshold.* HUD will review projects to determine if they meet the following eligibility threshold requirements. 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.

(1) The population to be served must meet the eligibility requirements of the specific program as described in the program regulations and you must provide evidence of eligibility specified in the attachments in Section VIII. The application must clearly establish eligibility of program participants to be served pertaining to homelessness and disability status.

(2) Projects that involve rehabilitation or new construction must meet the accessibility requirements of Section 504 of the Rehabilitation Act of 1973, the design and construction requirements of the Fair Housing Act and the accessibility requirements of the Americans with Disabilities Act, as applicable.

(3) The project must be cost-effective, including costs associated with construction, operations and supportive services with such costs not deviating substantially from the norm in that locale for the type of structure or kind of activity.

(4) For those applicants applying for the Innovative component of SHP, whether or not a project is a considered innovative will be determined on the basis that the particular approach proposed is new and can be replicated.

(5) S+C renewal applications that are not submitted as part of a CoC application will not be considered as eligible for funding.

(6) Under the sponsor-based rental assistance S+C component, an applicant must subcontract with a private nonprofit organization or a community mental health agency established as a public nonprofit organization.

(7) For the Section 8 SRO program, only individuals meeting HUD's definition of homeless are eligible to receive rental assistance. Therefore, any individual occupying a unit at commencement of rehabilitation will not receive rental assistance if they return to their unit (or any other) upon completion of rehabilitation.

(8) Applicants agree to participate in a local HMIS system when it is implemented in their community.

b. *Project Quality Threshold:* HUD will review projects to determine if they meet the following quality threshold requirements. The housing and services proposed must be appropriate to the needs of the program participants and the community. HUD may find a project to be inappropriate if:

(1) The type, scale and general location of the housing or services do not fit the needs of the proposed participants. A S+C or SHP project renewal will be considered as having met this requirement through its previously approved grant application unless information to the contrary is received.

(2) A specific plan for ensuring that clients will be assisted to obtain the benefits of the mainstream health, social service, and employment programs for which they are eligible is not provided.

(3) The description of the project does not show how participants will be helped to access permanent housing and achieve self-sufficiency. A S+C project renewal will be considered as having met this requirement through its previously approved grant application.

(4) Projects do not evidence satisfactory performance for their existing grant.

c. *Project Renewal Threshold.* Your local needs analysis process must consider the need to continue funding for projects expiring in calendar year 2005. HUD will not fund competitive renewals out of order on the priority list except as may be necessary to achieve the 30 percent overall permanent housing requirement and the 10 percent requirement for individuals experiencing chronic homelessness requirement. It is important that SHP renewals and S+C non-competitive renewals meet minimum project eligibility, capacity and performance standards identified in this program section of the SuperNOFA or they will be rejected from consideration for either competitive or non-competitive funding.

d. *Civil Rights Thresholds:* You and the project sponsors must be in compliance with applicable civil rights laws and Executive Orders, and must meet the threshold requirements of the General Section of the SuperNOFA.

(1) 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) or the Age Discrimination Act of 1975 (42 U.S.C. 6101).

(2) *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.

(3) *Relocation.* The SHP, S+C, and SRO programs are subject to the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA). These requirements are explained in HUD Handbook 1378, Tenant Assistance, Relocation and Real Property Acquisition. Also see General Section.

(4) *Environmental Reviews.* All CoC assistance is subject to the National Environmental Policy Act and applicable related Federal environmental authorities. Conditional selection of projects under the CoC Homeless Assistance competition is subject to the environmental review requirements of 24 CFR 582.230, 583.230 (each as amended on September 29, 2003, 68 FR 56116), and 882.804(c), as applicable. The recipient, its project partners and their contractors may not acquire, rehabilitate, convert, lease (under TRA where participants are required to live in a particular structure or area as described in Section III.C.3.e.(3)(a)), repair, dispose of, demolish or construct property for a project under this CoC NOFA, or commit or expend HUD or local funds for such eligible activities, until the responsible entity has completed the environmental review procedures required by Part 58 and the environmental certification and Request for Release of Funds (RROF) have been approved or HUD has performed an environmental review under Part 50 and the recipient has received HUD approval of the property. The expenditure or commitment of Continuum of Care assistance or nonfederal funds for such activities prior to this HUD approval may result in the denial of assistance for the project under consideration.

3. Program Requirements

a. *CoC Geographic Area.* In deciding what geographic area you will cover in your CoC strategy, you should be aware that the single most important factor in being awarded funding under this competition will be the strength of your CoC strategy when measured against the CoC rating factors described in this program section of the SuperNOFA. When you determine what jurisdictions to include in your CoC strategy area, include only those jurisdictions that are fully involved in the development and implementation of the CoC strategy. Including jurisdictions that are not fully involved would adversely affect the CoC score.

The more jurisdictions you include in the CoC strategy area, the larger the pro rata need share that will be allocated to the strategy area (as described in Section V.B.2.b. of this program section of the SuperNOFA). 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 CoC strategy covering the combined service areas of these counties. The areas covered by CoC strategies should not overlap.

b. *Expiring/Extended Grants.* If your SHP or S+C grant will be expiring in calendar year 2005, or if your S+C Program grant has been extended beyond its original five-year term and is projected to run out of funds in FY 2005, you must apply as a renewal under this CoC program section of the SuperNOFA to get continued funding.

c. *Coordination with Mainstream Resources.* If your project is selected for funding as a result of the competition, you will be required to coordinate and integrate your homeless program with other mainstream (non-homeless targeted) health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funded through the Mental Health Block Grant and Substance Abuse Block Grant, Workforce Investment Act, Welfare-to-Work grant program and Veterans Health Care.

d. *Prevention Strategies and Discharge Policies.* In addition, as a condition for award, any governmental entity serving as an applicant must agree to develop and implement, to the maximum extent practical and where appropriate, policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent such discharge from immediately resulting in homelessness for such persons. While the state or local governmental entity having jurisdiction in the area of the Continuum's application has the formal responsibility to enact the discharge policy, the Continuum is expected to actively involve itself in the planning and implementation of the discharge policy. This condition for award is intended to emphasize that States and units of general local government are primarily responsible for the care of these individuals, and to forestall attempts to use scarce McKinney-Vento Act homeless assistance funds to assist such persons in lieu of State and local resources.

e. *Program-Specific Requirement.* Please be advised that where an applicant for the SHP 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. This requirement does not apply to either the SRO Program, since only PHAs administer the SRO rental assistance, or to the S+C Program, since paying the costs associated with the administration of these grants is ineligible by regulation.

(1) *SHP—New Projects:*

(a) Please note that this year the grant term for new non-HMIS SHP projects is three (3) years. Any requests for one (1) or (2) two year terms for new SHP projects will be automatically changed to a three-year term if funded. In this case, the one or two-year total budget will be changed to a three-year total budget and the applicant will provide the difference between the awarded SHP amount and the three-year total budget. If the applicant does not agree to these conditions, the award will be deselected. HMIS projects may request funding for either one (1), two (2) or three (3) year terms.

(b) *HUD will require recordation of a HUD-approved use and repayment covenant* (a form may be obtained from your field office) for all grants of funds for acquisition, rehabilitation or new construction. The covenant will enforce the use and repayment requirements found at section 423(b)(1) and (c) of the McKinney-Vento Act and must be approved by HUD counsel before execution and recordation.

(c) All project sponsors must meet applicant eligibility standards as described in Section III.A. As in past years, HUD will review sponsor eligibility as part of the selection process. New this year is the requirement that project sponsors submit evidence of their eligibility with the application.

(2) *SHP—Renewal Projects:*

(a) For the renewal of a SHP project, you may request funding for one (1), two (2) or three (3) years.

(b) The amount of the request for each renewable activity cannot exceed the average yearly amount received in your current grant for that activity (leasing, supportive services, and/or operations) plus up to five percent for administration. Since renewal projects may request renewal funds only for continuing a previously approved project at the *same level of housing and services* provided in the previous grant, renewal project budgets must be based upon the *average of the term activities of the previous grant award.* Renewal projects proposing both to renew the existing project and expand the number of units or number of participants receiving services must submit a new project proposal for the expansion portion of the project. HMIS activities being renewed should be included on the HMIS budget chart.

(c) HUD will recapture SHP grant funds remaining unspent at the end of the previous grant period when it renews a grant.

(3) *S+C—New Projects*

(a) A project may not include more than one component, *e.g.*, combining Tenant-based Rental Assistance (TRA) with Sponsor-based Rental Assistance (SRA) is prohibited within the same grant. Under the TRA component, in order to help provide supportive services or for the purposes of controlling housing costs, a grantee may require participants to live in a particular structure for the first year of assistance or to live in a particular area for the entire rental assistance period. Where this option is exercised, an environmental review and clearance must be performed prior to any commitment to lease a particular structure or unit for participant occupancy as described in Section III.C.2.d.4, Environmental Reviews.

(b) *S+C/SRO Component:* If you are a State or a unit of general local government, you must subcontract with a Public Housing Authority to administer the S+C assistance. Also, no single project may contain more than 100 units.

(c) *S+C SRA Component.* Project sponsors must submit proof of their eligibility to serve as a project sponsor.

(4) *S+C Renewal Projects*

(a) For the renewal of a S+C project, including S+C SROs, the grant term will be one (1) year, as specified by Congress. For the renewal of S+C rental assistance that is Tenant-based (TRA), Sponsor-based (SRA) or Project-based (PRA), you may request up to the amount determined by multiplying the number of units under lease at the time of your application for renewal funding by the applicable 2004 Fair Market Rent(s) by 12 months. Current FMRs can be found at *www.hudclips.org.* For S+C grants having been awarded one year of renewal funding in 2003, the number of units requested for renewal this year must not exceed the number of units funded in 2003. 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 S+C grant funds remaining unspent at the end of the previous grant period when it renews a grant. The one-year term of non-competitively awarded S+C renewal projects may not be extended.

(b) The renewal of S+C SROs will also be non-competitively awarded under this NOFA. For the renewal of S+C SRO rental assistance, you may request up to the amount determined by multiplying the number of units under contract at the time of your application for renewal funding by the contract rent at the time of expiration by 12 months.

(c) Under the FY2004 HUD Appropriations Act, eligible S+C Program grants whose terms are expiring in FY2005, and S+C Program grants that have been extended beyond their original five-year terms but which are projected to run out of funds in FY2005, will be renewed for one year provided that they are determined to be needed by the CoC as evidenced by their inclusion on the priority chart. These projects must also demonstrate that their applicant and sponsor meet eligibility, capacity and performance requirements described in Section V.A.1 of this NOFA. Non-competitive S+C renewals should be submitted by the application deadline. These S+C renewal projects will not count against a continuum's pro rata need amount. On the other hand, no pro rata need renewal adjustment will be computed for any CoC using S+C renewal amounts since these projects are being funded outside of the competition.

(5) *Section 8 Moderate Rehabilitation SRO Program—New Projects.* As an applicant, the following limitations apply to the Section 8 SRO program:

(a) Under section 8(e)(2) of the United States Housing Act of 1937, no single project may contain more than 100 assisted units.

(b) Under 24 CFR 882.802, applicants that are private nonprofit organizations must subcontract with a Public Housing Authority to administer the SRO assistance.

(c) 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 Physical Condition Standards.

(d) Under section 441(e) of the McKinney-Vento 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 (HAP) Contract. For purposes of Fiscal Year 2004 funding, the cost limitation is raised from $19,000 to $19,500 per unit to take into account increases in construction costs during the past 12-month period.

(e) The SRO Program is subject to the Federal standards at 24 CFR part 882, subpart H.

(f) Individuals assisted through the SRO Program must meet the definition of homeless individual found at section 103 of the McKinney-Vento Act.

(g) Resources outside the program pay for the rehabilitation, and rehabilitation financing. The rental assistance covers operating expenses of the SRO housing, including debt service for rehabilitation financing. Units may contain food preparation or sanitary facilities or both.

(6) *Section 8 Moderate Rehabilitation SRO Program—Renewals:* This program section of the SuperNOFA is not applicable to the renewal of funding under the Section 8 SRO program. The renewal of expiring Section 8 SRO projects is not part of the competitive SuperNOFA process. Rather, expiring Section 8 SROs will be identified at the beginning of the applicable year by the public housing authority and HUD field office. One-year renewal funds for expiring Section 8 SRO HAP contracts will be provided by HUD under a separate, non-competitive process. For further guidance on Section 8 SRO renewals, please contact your local HUD field office.

f. *Timeliness Standards.* As an applicant, you are expected to initiate your approved projects promptly in accordance with Section VI.A of this NOFA. In addition, HUD will take action if you fail to satisfy the following timeliness standards:

(1) *SHP:* HUD will deselect your award if you do not demonstrate site control within one (1) year of the date of your grant award letter, as required by the McKinney-Vento Act (see 42 U.S.C. 11386(a)(3)) and implemented in program regulations at 24 CFR 583.320(a). Subsequent loss of site control beyond the 12-month statutory limit will be cause for cancellation of the award and recapture of funds. HUD may deobligate SHP funds if the

following additional timeliness standards are not met:

(a) You must begin construction activities within eighteen (18) months of the date of HUD's grant award letter and complete them within thirty-six (36) months after that notification.

(b) 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.

(c) You must begin all activities that may proceed independent of construction activities, including HMIS, within twelve (12) months of the date of HUD's grant award letter. HUD may reduce a grant agreement term to one (1) year where implementation delays have reduced the amount of funds that reasonably can be used in the original term.

(2) *S+C Except SRO Component.* HUD may deobligate S+C funds if you do not meet the following timeliness standards:

(a) 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 date of HUD's grant award letter.

(b) For Project-based Rental Assistance with rehabilitation, you must complete the rehabilitation within twelve (12) months of the date of HUD's grant award letter.

(c) HUD may reduce a grant agreement term to one (1) year where implementation delays have reduced the amount of funds that reasonably can be used in the original term.

(3) *Section 8 Moderate Rehabilitation SRO Program and SRO Component of the S+C Program.* For projects carried out under the Section 8 SRO program and the SRO component of the S+C program, the rehabilitation work must be completed and the HAP 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.

IV. Application and Submission Information

A. *Addresses to Request Application Package.* This year, to accommodate the new NOFA format required government-wide, a checklist of forms needed to complete the application is provided. Exhibits 1–4 and the Questions and Answers Section, which were in the separate application kit last year, are now attachments as described in Section VIII below. The Geographic Codes and Initial Pro Rata Need Amounts can be accessed at *http://www.hud.gov/offices/adm/grants/fundsavail.cfm.* An applicant may also obtain a copy of the NOFA by calling the SuperNOFA Information Center at 1–800–HUD–8929 (voice) (this is a toll free number) or you may download it by Internet at *http://www.grants.gov.* Please note that all sections of the NOFA are critical and must be carefully reviewed to ensure your application can be considered for funding.

B. *Content and Form of Application Submission.* This year, the only option for submitting an application under this program section of the SuperNOFA is to submit the entire Continuum of Care application, with all of its projects, together in a single package mailed or hand-delivered to HUD. Each application will consist of one Continuum of Care Exhibit and submissions from one or more applicants and project sponsors. Although HUD will accept an application for a project exclusive of participation in any community-wide or region-wide CoC development process, projects will receive few, if any, points under the CoC rating factors and are very unlikely to be funded. To ensure that no applicant is afforded an advantage in the rating of the CoC element (described in Section V.A.2) HUD is establishing a limitation of 30 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. Please note, Exhibit 1, as well as Exhibits 2–4, should only include the actual application questions and responses being provided and should not include the HUD application instructions or any blank tables and charts. The General Section of the SuperNOFA 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.

1. Application Submission Requirements

a. A completed application will include one Exhibit 1 (CoC) and any number of Exhibits 2 (SHP New), 2R (SHP Renewal), 3 (S+C New), 3R (S+C Renewal) and 4 (SRO New), depending on the number of projects and type of programs proposed for funding. For example, if you were proposing five SHP Renewal projects and one S+C New project, then you would submit one Exhibit 1, five Exhibits 2R and one Exhibit 3. No submission would be necessary for Exhibit 4 because funding is not being requested under the Section 8 SRO program in this example. Refer to Assembling Your Application below for full assembling instructions.

b. Exhibits 1–4 provide the application materials that must be used in applying for homeless assistance under this CoC NOFA. In addition to the required narratives, the items that you must submit to HUD as part of the application for homeless assistance funding are the following: Items (1) to (3) are found in the Exhibit Attachments described in Section VIII. Items (4) to (7) are standard forms found in the General Section of SuperNOFA.

c. There are two parts to the CoC Application. The first consists of the process and outcome for the community-based homeless assistance plan, which is your CoC for the community. The second consists of exhibits for the specific program funds for which you are applying. Each application should contain:

(1) 2004 Application Summary Form.

(2) Continuum of Care and Project Exhibits, including all required forms.

(3) Special Project Certifications—Coordination and Integration of Mainstream Programs, and Discharge Policy (as applicable).

(4) SF–424 Application for Federal Assistance. Starting this year, each SF–424 must include the applicant's DUN and Bradstreet Data Universal Numbering System (DUNS) number. Please see the General Section of the SuperNOFA for more information on obtaining a DUNS number. Submit for each applicant in the Continuum. Attached to each SF–424 must be a list of all the applicant's projects by priority number (in order), project name and requested amount.

(5) HUD–424B Applicant Assurances and Certifications.

(6) HUD–27300 Questionnaire for HUD's Initiative on Removal of Regulatory Barriers.

(7) Project Exhibits in priority order, following each project exhibit, the following items:

(a) HUD–2991, Certification of Consistency with the Consolidated Plan;

(b) HUD–299, Certification Regarding Debarment and Suspension;

(c) HUD–2880, Applicant/Recipient Disclosure/Update Report;

(d) HUD–23004, Survey on Ensuring Equal Opportunity for Applicants (for nonprofit applicants or sponsors only).

(8) Applicant and project sponsor private nonprofit documentation (SHP, SRO programs) and community mental health association documentation (for SHP and S+C SRA component public nonprofits only)—new projects only.

2. Assembly Format

a. Number all pages sequentially and insert tabs marking each exhibit. For Exhibit 1, CoC narrative, number pages from 1 up to 30 using letter suffixes where appropriate to indicate pages that do not count toward the 30 page limit as per the instructions for completing the CoC narrative. For example, the first page of a 4 page project leveraging chart would be numbered 23 while the next 3 pages of the chart would be numbered 23–A, 23–B, and 23–C.

b. Please use a two-hole punch to insert holes at the top of your application.

c. Please do not bind your application, since this impedes processing.

C. *Submission Dates and Times:*

1. *Application Due Date.* Your completed applications (an original containing the signed documentation and two copies) are due on or before July 27, 2004, to the addresses shown below.

a. *Timeliness:* Please see the General Section of the SuperNOFA for information on the timeliness of applications.

b. *Field Office Copies:* In the rare event that a CoC's entire application is not received at HUD Headquarters on time, HUD may similarly request proof that the field office copy was received on time as well as proof that the application for Headquarters was placed in transit on time and, if so, may use the copy received by the field office for review.

D. *Intergovernmental Review.* Not applicable. This funding opportunity is not subject to Executive Order (EO) 12372.

E. *Funding Restrictions.* Funding Restrictions are outlined in Sections V.B.3.a and 3b.

F. *Security Procedures:* Please see the General Section of the SuperNOFA for information on security procedures that pertain to the submission of applications.

1. Addresses for Submitting Applications

a. *To HUD Headquarters:* Submit your original completed application (the application with the original signed documentation) to: HUD Headquarters, Robert C. Weaver Federal Building, 451 Seventh Street, SW., Room 7270, Washington, DC 20410, Attention: Continuum of Care Programs.

b. *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.

V. Application Review Information

A. Criteria

Your application will receive a higher score under the CoC scoring factors if the application demonstrates the achievement of three basic goals:

—That you have provided maximum participation in the planning process by nonprofit organizations (including those representing persons with disabilities), government agencies, public housing authorities, faith-based and other community-based organizations, other homeless providers, housing developers and service providers, private businesses and business associations, law enforcement agencies, funding providers, and homeless or formerly homeless persons;

—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 fill gaps between the current inventory and existing needs. This coordinated effort must appropriately address all aspects of the continuum, especially permanent housing; and

—That you have instituted a CoC-wide strategy to coordinate homeless assistance with mainstream health, social services and employment programs for which homeless individuals and families may be eligible. These programs include, but are not limited to, Medicaid, Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funded through the Mental Health Block Grant and Substance Abuse Block Grant, Workforce Investment Act, Welfare-to-Work grant program, and Veterans Health Care.

1. *Applicant and sponsor eligibility, capacity and performance:* HUD will review applications to ensure that the applicant and project sponsor meet the eligibility and capacity standards outlined in this section. If HUD determines these standards are not met, the project will be rejected from the competition. The eligibility, capacity and performance standards are as follows:

a. You must be eligible to apply for the specific program.

b. 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.

c. If you or the project sponsor is a current or past recipient of assistance under a HUD McKinney-Vento Act program, there must have been no delay in meeting applicable program timeliness standards unless HUD determines the delay in project implementation is beyond your or the project sponsor's control, no serious unresolved HUD monitoring finding, or no outstanding audit finding of a material nature regarding the administration of the program.

2. *Review, Rating and Conditional Selection.* HUD will use the same review, rating, and conditional selection process for all three programs (SHP, S+C and SRO). 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. Paragraphs 2a and 2b in this section describe selection factors. Up to 100 points will be assigned using these factors: including rating points for HUD's policy priority of ending chronic homelessness by 2012; and a new policy priority for removing regulatory barriers to affordable housing (see Section V.A.2.a.(1)(c) and (d) below on both policy priorities). There are no bonus points this year for proposing projects in an EC/EZ.

a. *Continuum of Care.* HUD will award up to 60 points as follows:

(1) *Process and Strategy:* HUD will award up to 17 points based on the extent to which your application demonstrates:

(a) The existence of a coordinated and inclusive community process, including organizational structure(s), for developing and implementing a CoC

strategy which includes nonprofit organizations (such as veterans service organizations, organizations representing persons with disabilities, faith-based and other community-based organizations, and other groups serving homeless persons), state and local governmental agencies, public housing authorities, housing developers and service providers, law enforcement, hospital and medical entities, funding providers, local businesses and business associations, and homeless or formerly homeless persons; and

(b) That a well-defined and comprehensive strategy has been developed which addresses the components of a CoC system (*i.e.*, prevention, outreach, intake, and assessment; emergency shelter; transitional housing; permanent independent housing; 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.

(c) The existence of a realistic strategy for ending chronic homelessness that establishes past performance, current approach, future goals and action steps, and local coordination as outlined in Exhibit 1, Form HUD–40076 CoC–C.

(d) A local plan and/or existing policy to remove regulatory barriers to the production of affordable housing. As provided for in the General Section of the SuperNOFA, HUD will award up to 2 points, within the 17 points for this rating factor, based on the extent that the CoC's application demonstrates a local plan to remove regulatory barriers to affordable housing. Applicable activities include the support of state and local efforts to streamline processes, eliminate redundant requirements, statutes, regulations, and codes which impede the availability of affordable housing. The response (one questionnaire per CoC) should be submitted for consideration as a completed HUD Form 27300, Questionnaire for HUD's Initiative on Removal of Regulatory Barriers. The continuum should submit the questionnaire for the local jurisdiction where the majority of its CoC assistance will be provided. Please identify the name of the jurisdiction reported on the top of the first page of the returned questionnaire. This questionnaire can be found in the attachments to the General Section and should be submitted in Part O of Exhibit 1.

(e) Evidence that your Continuum will work with the appropriate local government entity to develop and implement a discharge policy for persons leaving publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent such discharge from immediately resulting in homelessness for such persons. This evidence may be in the form of memoranda of understanding, written commitments, etc. that demonstrates a working partnership on discharge policy.

(2) *HMIS Implementation.* HUD will award up to 5 points based upon the extent to which your application demonstrates progress in the planning, implementation and operation of an HMIS system covering at a minimum all street outreach, emergency shelters and transitional housing programs so that a reliable, unduplicated count of homeless persons on the street and in shelters may be conducted.

(3) *Gaps and Priorities:* HUD will award up to 10 points based on the extent to which your application:

(a) Describes the gap analysis performed, uses reliable information and sources that are presented completely and accurately; and

(b) Proposes projects that are not inconsistent with the gaps analysis described in the CoC 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 CoC to determine the points to assign, HUD will consider whether the community took its renewal needs into account in preparing its project priority list.

(4) *Leveraging Supplemental Resources:* HUD will award up to 13 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 explicit Continuum-wide strategies to coordinate homeless assistance with mainstream health, social services and employment programs for which homeless populations may be eligible, and to use those benefits as appropriate and practicable to help offset supportive service costs of the programs that would otherwise be paid for with HUD funding. These include, but are not limited to, Medicaid, Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health Block Grant and Substance Abuse Block Grant, Workforce Investment Act, the Welfare-to-Work grant program, and Veterans Health Care.

(5) *Emphasis on housing:* HUD will award up to 10 points based upon the relationship between funds requested for housing activities and funds requested for supportive service activities among projects assigned 40 need points (excluding S+C renewals). Points will be awarded on a sliding scale with the Continuums with the highest percentage of approvable requests for funds for housing activities receiving the highest points. HUD will count as housing activity all approvable funds for rental assistance and approvable funds for acquisition, rehabilitation, construction, leasing and operations when used in connection with housing. HMIS costs and administrative costs will be excluded from this calculation as either a housing or supportive service cost.

(6) *Performance Measurement:* HUD will award up to 5 points based upon the CoC's progress in reducing homelessness. This will be measured by program participants' success in moving to and maintaining permanent housing. HUD will also be assessing the extent to which participants successfully access various mainstream services programs and become employed. These measures emphasize HUD's determination to assess grantees' performance in the prior program year and to determine if they are meeting the overall goal of the Homeless Assistance Grants under which they are funded. Both housing and supportive services will be assessed, using the data submitted in the Exhibit 1 CoC Project Performance on Form HUD 40076 CoC–M.

b. *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:

(1) *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 (ESG) 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.

(2) *Applying relative need:* HUD will then apply that relative need index to the total amount of funding estimated to be competitively 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 CoC's number one priority project qualifies as an eligible, new permanent housing project, then the full amount of that project's eligible housing activities, up to the lesser of 100 percent of the CoC's preliminary pro rata need or the applicable amount indicated below, will be added to the final pro rata need amount for the Continuum. The maximum permanent housing bonus for a CoC with a preliminary pro rata need (PRN) amount of:

- $10.0 million or more is $2.0 million;
- $5.0 million up to $10.0 million is $1.5 million;
- less than $5.0 million is $750,000 or the PRN amount, whichever is less.

For this purpose, HUD will consider the same housing activities identified in Section V.A.2.a(5) above as counting toward the permanent housing bonus. HUD also reserves the right to adjust pro rata need, if necessary, to address SHP project renewals.

(3) *Awarding need points to projects:* Once HUD establishes the pro rata need, HUD applies it 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 CoC. Thereafter, HUD proceeds further down the priority project list and awards 10 points for need to each project if at least one half of its requested amount falls within the ''second level'' of pro rata need amount for that CoC. The ''second level'' is the amount between the pro rata need and twice the pro rata need for the CoC. Remaining projects each receive 5 points. If the projects for the Continuum are not prioritized, then all projects will receive 0 points for Need.

In the case of competing Continuums from a single jurisdiction or service area, projects in the application that received the highest score out of the possible 60 points for CoC are eligible for up to 40 points under Need. Projects in the competing applications with lower CoC scores will receive 0 points under ''Need.''

B. Reviews and Selection Process

1. Ranking

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—threshold review and selection factor rating. Applicant and Sponsor Eligibility as well as Project Eligibility and Project Quality are threshold reviews. These reviews are explained in Section III.C.2 of this program section of the SuperNOFA, which covers eligible applicants and projects. HUD will add the score for CoC 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.

2. Conditional Selection and Adjustments to Funding

a. *Conditional Selection.* Whether a project is conditionally selected, as described in Section VI.A, 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, as well as the 10 percent chronic homeless requirement. (See Section V.B.3 for additional selection information.)

When insufficient funds remain to fund all projects in the competition 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 fund non-permanent housing, safe haven and transitional housing projects that predominantly serve individuals experiencing chronic homelessness in order to achieve the 10 percent chronic homeless 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 CoC score, CoC Process and Strategy, CoC Gaps and Priorities, CoC Supplemental Resources, Housing Emphasis and Performance. The final tie-breaking factor is the priority number of the competing projects on the applicable CoC priority list(s).

HUD has determined that the Congressional goal of enhancing homeless data collection at the CoC level is best achieved by assisting CoCs seeking dedicated Homeless Management Information Systems (HMIS) to receive Supportive Housing funds. To this end, HUD reserves the right to fund lower rated eligible dedicated HMIS projects receiving 40 need points and at least 25 Continuum points for at least one year.

b. *Adjustments to Funding:* HUD has determined that geographic diversity is an appropriate consideration in selecting homeless assistance projects in the competition. 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 level projects on the CoC priority list must be at least 65 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. If you do not submit clear project priority designations for the Continuum, or if HUD, at its sole discretion, cannot determine the CoC's priority designations, then HUD will give all projects 0 Need points. Finally, if the total amount that would be awarded for first level projects in a CoC exceeds the final pro rata need amount for that CoC by more than $100,000, the lowest priority first level project being selected for funding will be reduced to the amount necessary to ensure that the total sum being awarded for such projects does not exceed the final pro rata need amount by more than $100,000. HUD may otherwise adjust funding of applications in accordance with the provisions 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. If the geography included in your CoC strategy geographically overlaps to the extent that it competes with another application, projects within the CoC application that receive the highest CoC score will be eligible for up to 40 Need points. Projects in the competing CoC application with the lower CoC score will receive 0 need

points. 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 CoC system is also likely to be claimed under another CoC system in this competition.

3. *Additional Selection Considerations.* HUD also will apply the limitations on funding described below in making conditional selections.

a. *Thirty Percent Permanent Housing Requirement.* In accordance with the appropriation for homeless assistance grants in the Fiscal Year 2004 Appropriation Act for HUD, HUD will use not less than 30 percent of the total FY 2004 Homeless Assistance Grants appropriation, excluding amounts provided for renewals under the S+C Program, to fund projects that meet the definition of permanent housing. Projects meeting the definition of permanent housing for this purpose are:

(1) New and renewal projects under the SHP that are designated as either permanent housing for homeless persons with disabilities or Safe Havens projects designated as having the characteristics of permanent housing for homeless persons with disabilities, including leases with the program participants. All such permanent housing projects chosen for this purpose must have received at least 10 Need points, and must be submitted as part of a CoC application receiving at least 25 points under the CoC scoring factor. However, no CoC applicant may receive more than 30 percent of its pro rata need, up to $3 million, for ''second-level'' permanent housing projects assigned 10 Need points that are selected for funding under this procedure. (See Section V.A.2.b (3) for definition of ''second-level''.) As stated above, HUD will award no less than 30 percent of the total FY2004 Homeless Assistance Grants appropriation, excluding amounts for S+C renewals, for permanent housing projects unless an insufficient number of approvable permanent housing projects are submitted. In order to meet this permanent housing funding requirement and stay within the total funding amount available, initially selected Supportive Service Only (SSO) and non-permanent housing projects will be deselected if necessary to add an adequate number of permanent housing projects, even if they are lower scoring housing projects. HUD will, if necessary, first proceed to de-select new SSO projects initially selected, starting with lowest scoring new projects and proceeding to higher scoring new SSO projects initially selected. If the funding line is still exceeded, HUD will proceed to de-select the lowest scoring new non-permanent housing projects initially selected and proceed to higher scoring new non-permanent housing projects. Finally, if the funding line is still exceeded HUD will proceed to de-select SSO and then other non-permanent housing renewal projects until all selected projects are within the funding line.

(2) New S+C projects; and

(3) SRO projects.

b. *Ten Percent Housing for Chronic Homeless Requirement:* This year, HUD has implemented an additional requirement that at least 10 percent of the appropriation must be awarded for projects predominantly serving individuals experiencing chronic homelessness. To be considered predominantly serving chronically homeless people, at least 70 percent of the persons served meet HUD's definition of chronic homelessness. Permanent housing, transitional and safe haven housing projects, whether new or renewal, that commit to predominantly serving persons experiencing chronic homelessness will be counted for this purpose. To meet this requirement, HUD will also include permanent housing projects selected for the 30 percent requirement that predominantly serve chronically homeless persons. S+C renewals will then be screened to count projects predominantly serving chronically homeless persons. If the 10 percent requirement is not yet met, permanent, transitional and safe haven housing projects below the funding line that predominantly serve chronically homeless persons will also be selected to achieve this requirement.

c. *Distribution of Selections:* In accordance with section 429 of the McKinney-Vento 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-Vento Act, as amended by the Housing and Community Development Act of 1992, at least 10 percent of S+C 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 Single Room Occupancy (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-Vento Act, no more than 10 percent of the assistance made available for S+C 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-Vento Act, no city or urban county may have SRO Section 8 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 S+C 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 S+C Program) or city or urban county (for the purposes of the Section 8 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.

4. *Corrections to Deficient Applications.* The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VI. Award Administration Information

A. Award Notices

1. *Action on Conditionally Selected Applications.* HUD will notify conditionally selected applicants in writing. HUD may 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; 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 and add them to funds available for the next competition for the applicable program.

2. *Applicant Debriefing:* See the General Section of the SuperNOFA.

3. *Appeals Process:* Applicants may appeal the results of HUD's review and selection process if they believe a HUD error has occurred. Appeals must be in writing to the Assistant Secretary for Community Planning and Development and must state what HUD error the applicant believes has occurred.

B. Administrative and National Policy Requirements

1. Administrative Requirements

a. The Government Performance and Results Act (GPRA) require federal agencies measure the performance of their programs. HUD captures this information not only from monitoring visits and APRs, but also on the data gathered in annual competitions. For example, the description of methods used in determining the project priority order submitted in Exhibit 1, Form HUD–40076 CoC–K, Project Priorities Chart, provides verification that projects are performing satisfactorily and are effectively addressing the needs for which they were designed. HUD's homeless assistance programs are measured in 2004 by the objective to ''end chronic homelessness and to move homeless families and individuals to permanent housing.'' This objective has a number of measurable indicators, five of which relate directly to the Continuum of Care homeless assistance programs. These five indicators are:

(1) At least 360 CoC communities or 90 percent of our continuums will have a Homeless Management Information System (HMIS) in 2004. This information is collected via Exhibit 1, Form HUD–40076 CoC–J, HMIS;

(2) The number of persons experiencing chronic homelessness declines by up to 50 percent by FY2008. This information is captured in Exhibit 1, Form HUD–40076 CoC–I, Homeless Population and Subpopulations Chart;

(3) HUD's homeless programs will help at least 80,000 homeless persons move into permanent housing in 2004. Stability in this permanent housing is addressed in Exhibit 1, Form HUD–40076 CoC–M, CoC Project Performance;

(4) At least 180,000 homeless persons become housed in HUD-funded transitional housing with supportive services in 2004.The success of transitional housing is addressed in Exhibit 1, Form HUD–40076 CoC–M, CoC Project Performance; and

(5) At least 45,000 homeless persons become employed while in HUD's homeless assistance projects in 2004. Obtaining employment is addressed in Exhibit 1, Form HUD–40076 CoC–M, Participation in Mainstream Programs and Employment Chart.

b. To achieve this objective and each of these measurable indicators, HUD needs your community's help. The emphasis in this year's competition on housing chronically homeless persons, using HUD funds for transitional and especially permanent housing, helping clients access mainstream service programs and jobs, and implementing HMIS are all aligned with this GPRA objective and its performance indicators.

2. *Sanctions.* Should HUD determine, in its sole discretion, that sufficient evidence exists to confirm that the entity responsible for convening and managing the CoC process in a community has failed to follow locally established or accepted procedures governing the conduct of that process or has failed to provide for a fair process, including a project priority selection process that gives equal consideration to projects proposed by nonprofit organizations, HUD reserves the authority to impose sanctions up to and including a prohibition on 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. This authority cannot be exercised until after a description of procedural safeguards, including an opportunity for comment and appeal, and the specific process and procedures for imposing a prohibition or debarment, have been published in the **Federal Register**.

C. Reporting

Once conditionally selected applications advance to full award and execution of a grant agreement, they will be required to submit an Annual Progress Report (APR) to both HUD Headquarters and the respective field office each year. The APR for HUD's competitive homeless programs provides information to HUD necessary for program monitoring and evaluation. A key element that has been recently added to the APR is measuring the incidence of chronic homelessness and your Continuum's progress in moving individuals into permanent housing. The process of gathering and analyzing the information needed to complete the APR also assists local projects with their own program evaluation. The APR is the mechanism used by HUD Headquarters and field offices to review the performance of funding recipients on an annual basis. The reports permit HUD to understand what types of clients are being served in its homeless assistance programs and what the programs' success rate is in helping homeless families and individuals achieve residential stability and increase their skills and/or incomes. For the SHP and S+C programs, the APR also reports to HUD the amount of local match that has been provided to fulfill statutory and regulatory requirements.

The Department has used the reports to monitor grant execution and to evaluate the eligibility of the population being served and housed, as well as the supportive services offered to the participants. The APR helps identify how effective the grantee has been in helping program participants achieve residential stability, greater self-determination, and increase skills or income which are our program goals and objectives. This also allows the grantee to revise or set goals for the next year.

VII. Agency Contacts

A. *For Further Information.* You may contact the HUD field office serving your area, at the telephone number shown in the General Section of the SuperNOFA, or you may contact the Community Connections Information Center at 800–998–9999 or by Internet at: *http://www.hud.gov.* Individuals who are hearing- or speech-impaired should use the Information Relay Service at 800–877–8339 (these are toll-free numbers).

B. *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 CoC system. 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.

C. *Satellite Broadcast.* HUD will hold one or more information broadcasts via satellite for potential applicants to learn more about the program and preparation of the application. Viewing of these broadcasts, which will provide critical information on the application process, is highly recommended. For more information about the date and time of the broadcast, you should consult the HUD Web site at: *http://www.hud.gov.*

VIII. Other Information

A. This final section describes the attachments that are critical to the application process:

1. Forms and instructions to complete Exhibit 1, CoC. These include:
   - Form HUD–40076 CoC–A—2004—Application Summary
   - Form HUD–40076 CoC–B—Planning Process Organizations
   - Form HUD–40076 CoC–C—Goals and System Under Development
   - Form HUD–40076 CoC–D—Discharge Planning Policy
   - Form HUD–40076 CoC–E—Unexecuted Grants Chart
   - Form HUD–40076 CoC–F—Service Activity Chart
   - Form HUD–40076 CoC–G—Housing Activity Chart
   - Form HUD–40076 CoC–H—Housing Gaps Analysis Chart
   - Form HUD–40076 CoC–I—Homeless Population and Subpopulations Chart/Information Collection Methods
   - Form HUD–40076 CoC–J—Homeless Management Information System
   - Form HUD–40076 CoC–K—Project Priorities Chart/Information
   - Form HUD–40076 CoC–L—Enrollment and Participation in Mainstream Programs
   - Form HUD–40076 CoC–M—CoC Project Performance
   - Form HUD–40076 CoC–N—Use of Other Resources Chart
   - Form HUD–40076 CoC–O—Removal of Regulatory Barriers to Affordable Housing
   - Form HUD–40076 CoC–P—Project Leveraging Chart
2. Forms and instructions to complete Exhibit 2, SHP—New Projects. These include:
   - SF–424—For Grantees Only
   - Form HUD–40076 CoC–2A—Project Narrative
   - Form HUD–40076 CoC–2B—Project Information
   - Form HUD–40076 CoC–2C—Existing Facilities and/or Activities
   - Form HUD–40076 CoC–2D—Number of Beds, Participants, and Supportive Services
   - Form HUD–40076 CoC–2E—HMIS Budget
   - Form HUD–40076 CoC–2F—Operating Costs Chart
   - Form HUD–40076 CoC–2G—Leasing Information
   - Form HUD–40076 CoC–2H—Project Budget
   - Form HUD–40076 CoC–2I—Additional Key Information
   - Other attachments as needed
3. Forms and instructions to complete Exhibit 2R, SHP—Renewal Projects. These include:
   - SF–424—For Grantees Only
   - Form HUD 40076 CoC–2RA—Project Information/Project Budget
   - Form HUD 40076 CoC–2RB—Supportive Services Chart
   - Form HUD 40076 CoC–2RC—HMIS Budget
   - Form HUD 40076 CoC–2RD—Operating Costs Chart
   - Other Attachments as needed
4. Forms and instructions to complete Exhibit 3, S+C—New Projects. These include:
   - SF 424—For Grantees Only
   - Form HUD 40076 CoC–3A—S+C Component Comparisons
   - Form HUD 40076 CoC–3B—Project Narrative
   - Form HUD 40076 CoC–3C—Project Component/Information/Participant Count/Major Milestones
   - Form HUD 40076 CoC–3D—TRA Project Budget
   - Form HUD 40076 CoC–3E—SRA Project Budget
   - Form HUD 40076 CoC–3F—PRA Project Budget
   - Form HUD 40076 CoC–3G—SRO Project Budget
   - Form HUD 40076 CoC–3H—Additional Key Information
   - Other attachments as needed
5. Forms and instructions to complete Exhibit 3R, S+C Renewal Projects. These include:
   - SF424—For Grantees Only
   - Form HUD 40076 CoC–3RA—Project Narrative/Performance/Component/Information
   - Form HUD 40076 CoC–3RB—Participant Count
   - Form HUD 40076 CoC–3RC—S+C Renewal Budget
   - Form HUD 40076 CoC–3RD—S+C Renewal Budget/SRO Only
   - Form HUD 40076 CoC–3RE—Additional Key Information
   - Other Required Attachments
6. Forms and instructions to complete Exhibit 4, SRO—New Projects. These include:
   - SF424—For Grantees Only
   - Form HUD 40076 CoC–4A—Project Narrative
   - Form HUD 40076 CoC–4B—Experience Narrative/Project Information
   - Form HUD 40076 CoC–4C—Budget
   - Form HUD 40076 CoC–4D—PHA Certification
   - Form HUD 40076 CoC–4E—Additional Key Information
   - Other attachments as needed
7. Questions and Answers
8. Applicant Certifications

BILLING CODE 4210–32–P

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB Approval No. 2506-0112
(exp. 08/31/2006)

The information collection requirements contained in this application have been submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). 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.

Information is submitted in accordance with the regulatory authority contained in each program rule. The information will be used to rate applications, determine eligibility, and establish grant amounts.

Selection of applications for funding under the Continuum of Care Homeless Assistance are based on rating factors listed in the Notice of Fund Availability (NOFA), which is published each year to announce the Continuum of Care Homeless Assistance funding round. The information collected in the application form will only be collected for specific funding competitions.

Public reporting burden for this collection of information is estimated to average 44 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.

To the extent that any information collected is of a confidential nature, there will be compliance with Privacy Act requirements. However, the Continuum of Care Homeless Assistance application does not request the submission of such information.

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)

Continuum of Care Homeless Assistance Programs: (Supportive Housing, Shelter Plus Care and Single Room Occupancy) Application Exhibits

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB Approval No. 2506-0112
(exp. 08/31/2006)

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Public reporting burden for this collection of information is estimated to average 20 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.

To the extent that any information collected is of a confidential nature, there will be compliance with Privacy Act requirements. However, the Continuum of Care Homeless Assistance application does not request the submission of such information.

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Continuum of Care Homeless Assistance Programs - Exhibit 1

(Exhibit 1 consists of forms HUD 40076-COC-A through form HUD 40076-CoC-P, plus narrative text as specified in the instructions for each form)

Continuum of Care Exhibit 1 (Exhibit 1 consists of HUD Forms 40076-COC A-HUD 40076-CoC P, plus narrative text as specified in the instructions for each form)

2004 Application Summary

This is the first page of your application. Place it in the front of your application.

Continuum of Care (CoC) Name: _____

CoC Contact Person and Organization: _____

Address: _____

_____

Phone Number: _____ E-mail Address: _____

Continuum of Care Geography

Using the Geographic Area Guide found on HUD's website at http://www.hud.gov/grants/index.cfm, 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. Enter the name of ***every listed*** city and/or county that makes up the geography for your Continuum of Care system and its assigned code. Leaving out a jurisdiction could reduce your pro rata need amount. Adding in a jurisdiction that is not really part of your system is likely to significantly reduce your score. Before completing, please read the guidance in Section III.C.3.a of this NOFA regarding geographically overlapping Continuum of Care systems.

Geographic Area Name	6-digit Code	Geographic Area Name	6-digit Code
example: Syracuse	**366376**		
example: Onondaga County	**369067**		

Reproduce this page to include additional names and codes.

Form HUD-40076 COC-A

Exhibit 1: Continuum of Care Planning Process Organizations

Specific Names of CoC Organizations/Persons	Geographic Area Represented	Subpopulations Represented, if any*	Level of Participation (activity and frequency) in Planning Process
Example: Nonprofit Org.: ABC, Inc.	**City of Ajax**	**HIV/AIDS**	**Com. Chair attends 100% planning meetings**
State agencies: Local government agencies: Public Housing Authorities (PHAs): Nonprofit organizations: (includes Faith-Based organizations): Businesses / Business Associations: Homeless / Formerly homeless persons: Other: e.g.: Law Enforcement Hospital/Medical, Funders			

***Subpopulations Key:** Seriously Mentally Ill (SMI), Substance Abuse (SA), Veterans (VETS), HIV/AIDS, Domestic Violence (DV), and Youth (Y).

Form HUD 40076 CoC-B page 1

Exhibit 1: Continuum of Care Narrative and Form HUD-40076 CoC-B Instructions

Continuum of Care Narrative

Your response should consist of narrative text and a completed form HUD-40076 CoC-B

1. Your Continuum of Care's accomplishments.

Briefly describe the specific accomplishments over the past 12 months in implementing your Continuum of Care strategy. (Please keep the narrative discussion to no more than half a page.)

2. Your community's *planning process* for developing a Continuum of Care strategy.

In order to determine the quality and inclusiveness of your Continuum of Care (CoC) **planning process**, please provide the following information:

a. ***Identify*** the lead entity (i.e., convenor or organization managing the overall process) for the CoC planning process.

b. ***Describe*** your community's CoC planning process, demonstrating that one well-coordinated process is in place with no overlapping or duplicative efforts.

c. ***List*** the dates and main topics of your CoC planning meetings held since June 2003, which should demonstrate that these meetings **(both plenary and committee)** are: (1) regularly scheduled; (2) held year round; and (3) not solely focused on developing an application in response to the NOFA.

d. ***List,*** using the format in HUD 40076 CoC - B:(1) The specific names and types of organizations involved in your Continuum of Care (CoC) planning process, such as State and local government agencies, Public Housing Authorities (PHAs), nonprofit organizations, individual businesses or business associations, homeless or formerly homeless persons, and others, including law enforcement, hospital or medical facility representatives, and funders; (2) the one or two subpopulation(s) the organization/entity primarily serves and whose interests they are specifically focused on representing; and (3) each organization's level of participation in the planning process. High participation levels might include: steering committee member attends all monthly planning meetings, housing subcommittee member attends most CoC planning meetings, gaps analysis subcommittee chairperson attends all group meetings and most CoC planning meetings, etc. In order to obtain a higher competitive score for "participation," planning participants must attend most of the planning and/or committee meetings. In addition, if more than one geographic area is claimed on the 2004 Application Summary page, you must indicate which geographic area(s) each organization represents in your Continuum of Care planning process.

(Although you may require multiple pages to respond to this item, your response will count as only one page towards the 30-page limitation.)

Exhibit 1: Continuum of Care Goals and System Under Development

Chronic Homelessness Strategy/Goals

3. Your community's CoC *goals* and *system* under development

The key to developing a successful CoC is to continually assess the existing system and identify shortcomings or gaps, then establish a set of goals and carry out a series of action steps intended to address these shortcomings or gaps. With this in mind, please provide the following:

a. Chronic Homelessness Strategy/Goals

Chronic homelessness refers to an unaccompanied homeless individual with a disabling condition who has either been continuously homeless for a year or more **OR** has had at least four (4) episodes of homelessness in the past three (3) years. To be considered chronically homeless, persons must have been sleeping in a place not meant for human habitation (e.g., living on the streets) and/or in an emergency shelter during that time.

(1) **Past Performance**. In 2001, HUD established a goal of eliminating chronic homelessness within 10 years. HUD is beginning to track progress made toward this ambitious goal. Please tell us using no more than 2 pages: (a) the specific actions that your community has taken over the past year towards ending chronic homelessness; (b) what impact did these actions have on the number of chronic homeless; and (c) any remaining obstacles to achieving this goal.

(2) **Current Chronic Homelessness Strategy**. In order to keep HUD informed of your chronic homelessness strategy, please provide a brief summary of the community's strategy for ending chronic homelessness by 2012, including any updates to your strategy. As a part of this discussion, please include in this narrative the number of sheltered and unsheltered chronically homeless persons identified on the "CoC: Homeless Population and Subpopulations Chart. (***Your response is expected to be no more than 2 pages, however, none of it will count towards your 30-page limitation***.)

(3) **Future Goals**. Describe your specific future-oriented goals, and specific action steps for each to be undertaken over the next 18 months in carrying out a strategy to end **chronic** homelessness in your community. Specify the entity that has the lead responsibility for success or failure in carrying out each step and provide specific target dates for completion. Be sure to include among your goals/action steps each of the plans for housing and services identified in form HUD 40076 CoC-F, Service Activity Chart, and form HUD 40076-CoC-G Housing Activity Chart. Please use the following format. (Add to as needed for additional goals.)

(4) **Coordination**. If your CoC covers a jurisdiction that has developed, or is developing, a separate strategy to end chronic homelessness, please provide a narrative description of efforts made to ensure coordination between that strategy and the overall CoC strategy, i.e. endorsement of that coordination by the applicable unit of government chief executive officer, etc.

Exhibit 1: Continuum of Care Goals and System Under Development

Chronic Homelessness Strategy/Goals

Goal: End Chronic Homelessness ("What" are you trying to accomplish)	Action Steps ("How" are you to go about accomplishing it)	Responsible Person/Organization ("Who" is responsible for accomplishing it)	Target Dates (mo/yr will be accomplished)
Ex: Count unsheltered homeless to establish baseline	**Annual street counts of unsheltered homeless persons**	**Emergency Shelter Commission**	**January 2005**
Goal 1:			
Goal 2:			
Goal 3:			

b. Other Homeless Goals Chart

(1) Please provide a summary of accomplishments over the past year in addressing your community's other homelessness goals.

(2) In addition to the goals for ending chronic homelessness, please describe any other goals and specific action steps that your community has developed to address homelessness. Specify the entity that has lead responsibility for carrying out each step and specific target date for completion. Please use the following format.

Goal: Other Homelessness	Action Steps	Responsible Person/ Organization	Target Dates
Goal 1:			
Goal 2:			
Goal 3:			

Exhibit 1: Continuum of Care – Discharge Planning Policy Instructions

Discharge Planning Policy Narrative

Describe what your CoC has achieved working with the appropriate local and State governments to ensure that a discharge policy for persons leaving publicly funded institutions or systems of care is being developed and implemented to prevent the discharge of persons from immediately resulting in homelessness and requiring assistance from homeless programs.

Form HUD 40076 CoC-D

Exhibit 1: Continuum of Care – Unexecuted Grants Chart

Unexecuted Grants Awarded Prior to the 2003 Continuum of Care Competition

Using the prescribed format, please provide a list of all HUD McKinney-Vento Act awards announced prior to 2003 that are not yet under contract (i.e. signed grant agreement or executed ACC).

Project Number	Applicant Name	Project Name	Grant Amount
Ex: MI23B901002	Michiana Homes, Inc.	TH for Homeless Families	$514,000
		Total	

Form HUD 40076 CoC-E

Exhibit 1: Continuum of Care Service Activity Chart

Using the format below, describe the fundamental service components of your Continuum of Care system currently in place, and any additional services being planned. Describe how homeless persons access or receive assistance under each component other than *Outreach*. ***(Although you may require multiple pages to respond to this item, your response will count as only one page towards the 30-page limitation.)***

Fundamental Components in CoC System -- Service Activity Chart
Component: ***Prevention*** Services in place: Please arrange by category (e.g., rental/mortgage assistance), being sure to identify the service provider. Services planned: How persons access/receive assistance:
Component: ***Outreach*** Outreach in place: (1) Please describe the outreach activities for homeless persons who are **living on the streets** in your CoC area **and** how they are connected to services and housing. (2) Describe the outreach activities that occur for other homeless persons. Outreach planned: Describe any planned outreach activities for (1) persons living on the streets; and (2) for other homeless persons.
Component: ***Supportive Services*** Services in place: Please describe how each of the following services are provided in your community (as applicable): case management, life skills, alcohol and drug abuse treatment, mental health treatment, AIDS-related treatment, education, employment assistance, child care, transportation, and other. Services planned: How homeless persons access/receive assistance:

Form HUD 40076 CoC-F

Exhibit 1: Continuum of Care Housing Activity Chart

Housing Activity Chart

Fundamental Components in CoC System - Housing Inventory Chart

EMERGENCY SHELTER

Provider Name	Facility Name	HMIS	Geo Code ☐	Target Population 2004 Year-Round Units/Beds					2004 All Beds		
				A	B	Family Units	Family Beds	Individual Beds	Year-Round	Seasonal	Overflow/ Voucher
Current Inventory											
				SUBTOTAL							
Under Development											
				SUBTOTAL							

TRANSITIONAL HOUSING

Provider Name	Facility Name	HMIS	Geo Code ☐	Target Population 2004 Year-Round Units/Beds					2004 All Beds		
				A	B	Family Units	Family Beds	Individual Beds	Total Beds	Seasonal	Overflow/ Voucher
Current Inventory											
				SUBTOTAL							
Under Development											
				SUBTOTAL							

PERMANENT SUPPORTIVE HOUSING

Provider Name	Facility Name	HMIS	Geo Code ☐	Target Population 2004 Year-Round Units/Beds					2004 All Beds		
				A	B	Family Units	Family Beds	Individual Beds	Total Beds	Seasonal	Overflow/ Voucher
Current Inventory											
				SUBTOTAL							
Under Development											
				SUBTOTAL							

Exhibit 1: Continuum of Care Housing Activity Chart Instructions

Please provide information on each project/voucher program (Current and Under Development) at the time of point-in-time date of your Housing Activity Survey.

Column Name

Provider Name: Self-explanatory.
Facility Name: Self-explanatory.
HMIS: Enter one of the following three codes for each project concerning its participation in the CoC's HMIS. C=Currently entering client data into the HMIS; P-Month/year (P-4/04) = Planned month/year that the program will begin entering client data into the HMIS; and N=the program currently does not plan to participate in the HMIS.

Geo Code: Indicate the Geographic Area Code (Geo Code) for the project. Where there is only one geographic code for the Continuum, check the box and indicate that code in the first project only. If the project is located in multiple jurisdictions, select the jurisdiction where the majority of the provider's inventory is located.

Target Population A: Select the code that best represents your project: **SM**= only Single Males (18 years and older); **SF**= only Single Females (18 years and older); **SMF**= only Single Males and Females (18 years and older with no children); **FC**= only Families with Children; **YM**= only unaccompanied Young Males (under 18 years); **YF**= only unaccompanied Young Females (under 18 years); **YMF**= only unaccompanied Young Females and Females (under 18 years); **M**= mixed populations. Only one code should be used per facility. If more than one group is served use the **M**=mixed populations code

Target Population B: Indicate whether the project serves these additional characteristics: **DV**= only Domestic Violence victims; **VET**= only Veterans, and **AIDS**= only persons with HIV/AIDS.

2004 Year-Round Units/Beds:

Family Units: Enter the number of units that the project set-aside for serving families.
Family Beds: Enter the number of beds that are contained in family units.
Individual Beds: Enter the number of beds serving individuals.

2004 All Beds (Emergency Shelters Only)

Emergency shelters are usually structures with year-round beds, but there are structures with seasonal beds that are made available to homeless persons during particularly high-demand seasons of the year, usually wintertime. In addition, projects may have overflow capacity that includes cots or mats in addition to permanent bed capacity that is not ordinarily available but can be marshaled when demand is especially great, for example, on the coldest nights of the year. Vouchers are to be identified under overflow beds. The total number of year-round, seasonal and overflow beds would provide a point-in-time snapshot of the housing inventory for homeless people at its highest point in the year.

Year-Round Beds: The number of family beds in (column "Family Beds") **plus** the number of beds for individuals (column "Individual Beds").
Seasonal Beds: The number of beds made available to individuals and families on a seasonal basis.
Overflow Beds: The number of beds, mats or spaces or vouchers that are made available on a very temporary basis.
Current Inventory: List all facilities and voucher programs that are currently operating.
Under Development: List all the projects that are fully funded but are not yet serving homeless people.

(Although you may require multiple pages to respond to this item, your response will count as only one page towards the 30-page limitation.)

Exhibit 1: Continuum of Care Housing Gaps Analysis Chart

		Current Inventory in 2004	Under Development in 2004	Unmet Need/ Gap
Individuals				
Example	**Emergency Shelter**	**100**	**40**	**26**
Beds	Emergency Shelter			
	Transitional Housing			
	Permanent Supportive Housing			
	Total			
Persons in Families With Children				
Beds	Emergency Shelter			
	Transitional Housing			
	Permanent Supportive Housing			
	Total			

Form HUD 40076 CoC–H page 1

Exhibit 1: Continuum of Care Housing Gaps Analysis Instructions

The estimated unmet need is based upon the status of the inventory at a point-in-time (one day) and takes into account both existing beds and funded new beds that are not yet ready for occupancy but are under development. Complete the charts for Individuals and Persons in Families with Children as follows:

1. **Complete the first column "Current Inventory in 2004."**

   Enter the number of existing beds serving the community in 2004. This inventory includes only beds currently available for occupancy. The completion of the "Current Inventory in 2004" for emergency shelter, transitional housing, and permanent supportive housing beds must be carried over from the subtotals shown under "Current Inventory" in each of the three housing component areas contained in the Fundamental Components Housing Activity Chart.

2. **Complete the second column "Under Development in 2004."**

   Enter the number of funded new beds not ready for occupancy but under development in 2004. The completion of "Under Development in 2004" must be carried over from the subtotals shown under "Under Development" in each of the three housing component areas contained in the Fundamental Components Housing Activity Chart.

3. **Complete the third column "Unmet Need/Gap."**

   Enter the number of beds the CoC determines to be the unmet remaining need for each category. This number should represent the need for additional beds after the current inventory and under development inventories are considered. This represents the Continuum of Care's judgment on the need for additional beds under each category.

Exhibit 1: Continuum of Care Homeless Population and Subpopulations Chart

Part 1: Homeless Population	Sheltered		Unsheltered	Total
	Emergency	Transitional		
Example:	75 (A)	125 (A)	105 (N)	305
1. Homeless Individuals				
2. Homeless Families with Children				
2a. Persons in Homeless Families with Children				
Total (lines 1 + 2a)				

Part 2: Homeless Subpopulations	Sheltered	Unsheltered	Total
1. Chronically Homeless			
2. Severely Mentally Ill		*Optional for*	
3. Chronic Substance Abuse		*Unsheltered*	
4. Veterans			
5. Persons with HIV/AIDS			
6. Victims of Domestic Violence			
7. Youth (Under 18 years of age)			

Completing Part 1: Homeless Population. This must be completed using statistically reliable, unduplicated counts or estimates of homeless persons in sheltered and unsheltered locations at a one-day point in time. The counts must be from: **(A)** administrative records, **(N)** enumerations, **(S)** statistically reliable samples, or **(E)** estimates. The quality of the data presented in each box must be identified as: **(A), (N), (S) or (E).**

Completing Part 2: Homeless Subpopulations. This must be completed using statistically reliable, unduplicated counts or estimates of homeless persons in sheltered and unsheltered locations at a one-day point in time. The numbers must be from: **(A)** administrative records, **(N)** enumerations, **(S)** statistically reliable samples, or **(E)** estimates. The quality of the data presented in each box must be identified as: **(A), (N), (S)** or **(E).**

Sheltered Homeless. Count adults, children and youth residing in shelters for the homeless. "Shelters" include all emergency shelters and transitional shelters for the homeless, including domestic violence shelters, residential programs for runaway/homeless youth, and any hotel/motel/apartment voucher arrangements paid by a public/private agency because the person or family is homeless. Do not count: (1) persons who are living doubled up in conventional housing; (2) formerly homeless persons who are residing in Section 8 SRO, Shelter Plus Care, SHP permanent housing or other permanent housing units; (3) children or youth, who because of their own or a parent's homelessness or abandonment, now reside temporarily and for a short anticipated duration in hospitals, residential treatment facilities, emergency foster care, detention facilities and the like; and (4) adults living in mental health facilities, chemical dependency facilities, or criminal justice facilities.

Unsheltered Homeless. Count adults, children and youth sleeping in places not meant for human habitation. Places not meant for human habitation include streets, parks, alleys, parking ramps, parts of the highway system, transportation depots and other parts of transportation systems (e.g. subway tunnels, railroad car), all-night commercial establishments (e.g. movie theaters, laundromats, restaurants), abandoned buildings, building roofs or stairwells, chicken coops and other farm outbuildings, caves, campgrounds, vehicles, and other similar places.

Exhibit 1: Continuum of Care Information Collection Methods Instructions

Methods used to Collect Information for the Fundamental Components of the CoC System Housing Activity Chart, Housing Gaps Analysis and Homeless Population/Subpopulations Charts

1. Housing Activity Chart.

(a) Describe your community's methods for conducting an annual update of the emergency, transitional housing and permanent supportive current housing inventory in place and under development contained in the 2004 CoC competition, including the definition your community used for emergency shelter and transitional housing. Specify the data source (e.g., City Shelter Survey), and the methods (e.g., mail survey) for filling out the "Current Inventory in 2004" and "Under Development in 2004" columns. The survey must be for a one night point-in-time count. For the 2004 the point-in-time is the date the community selects.

(b) Describe your community's plans for conducting an inventory for the 2005 CoC competition based upon a one day, point-in-time study in the last week of January 2005.

2. Housing Gaps Analysis Chart.

Briefly describe the basis for the community's determination as to the amount of unmet need for emergency shelter, transitional housing and permanent supportive housing for the homeless.

3. Part 1 and 2 Homeless Population and Subpopulations Chart.

(a) Describe your community's methods for completing Part 1 and 2 for the 2004 CoC competition. Please indicate the specific **point-in-time** date of data collection (e.g., March 30, 2004) for both the "sheltered" and "unsheltered." This must be only a one- day/night count and it must have been conducted within the last 3 years. Specifically describe how you determined the number of chronically homeless persons. If your community conducts an annual point-in-time enumeration of persons and/or uses administrative data from outreach programs to those sleeping on the street, please provide a description of the lead agency/contact person and the process for data collection and coverage in the community.

(b) Describe your community's plans for conducting data collection for completing the "sheltered" portion of Part 1 and 2 at least biennially, starting with a 2005 CoC competition one day, point-in-time study in the last week of January 2005.

(c) Describe your community's plans for conducting data collection for completing the "unsheltered" portion of Part 1 and 2 at least biannually starting with the 2005 CoC competition based upon a one day, point-in-time study, preferably in the last week of January 2005.

(d) Describe any changes in the number of persons reported in the "chronic homeless," "sheltered," and "unsheltered" sections of Part 2 from 2003 to 2004.

Continuum of Care: Exhibit 1 Homeless Management Information System (HMIS)

Please complete the information below. Your response to this item will not count towards your 30-page limitation.

a. Describe in a brief narrative your Continuum of Care (CoC) strategy to implement an HMIS, providing a schedule for implementation and describing the progress you have made to date, including obtaining the participation of emergency shelter, transitional housing and McKinney-Vento permanent supportive housing providers.

b. Please check **one** of the following which best reflects the status of your CoC in having a Continuum-wide HMIS (see Section O of the "Questions and Answers" supplement to the application before completing):

____ The CoC has not yet considered implementing an HMIS.

____ The CoC has been meeting and is considering implementing an HMIS.

____ The CoC has decided to implement an HMIS and is selecting needed software and hardware.

____ The CoC has implemented a Continuum-wide HMIS.

____ The CoC has implemented, but is seeking to update or change its current HMIS.

____ The CoC has implemented, but is seeking to expand the coverage of its current HMIS system.

c. **If your CoC has already implemented or is seeking to update or expand its HMIS system**, identify in the table below how many of the Current Inventory in 2004 beds listed on your Housing Gaps Analysis chart are included in the CoC's HMIS and are currently providing data on clients into the system. For each Current Inventory in 2004 Housing Activity category, indicate the number of beds that are providing client level data into the HMIS and the percent of coverage for that category. For example: there are 100 beds in the Current Inventory in 2004 for the Individuals/Emergency Shelter category and client level data into the HMIS are provided for 60 of these beds. Place 60 beds/60 percent in the following chart for the Individuals/Emergency Shelter category.

	Current Inventory in 2004 Beds/Percentage Providing Client Data into HMIS	
	Individuals	**Families**
Emergency Shelter	_____/_____	_____/_____
Transitional Housing	_____/_____	_____/_____
Permanent Supportive Housing	_____/_____	_____/_____

Form HUD 40076 CoC-J

Exhibit 1: Continuum of Care: Project Priorities Chart

(*This entire chart will count as only one page towards the 30-page limitation*)

(1) Applicant	(2) Project Sponsor and Project Name	(3) Numeric Priority	(4) **Requested Project Amount	(5) Term of Project	(6) Program and Component/Type*				
					SHP new	SHP renew	S+C new	S+C renew	SRO new
Example: ABC Nonprofit	ABC Nonprofit/ Annie's House	1	$1,026,000	3 (yrs)	PH				
Example: XYZ County	AJAY Nonprofit/ Pierce's Place	2	$800,000	5 (yrs)			TRA		
		1							
		2							
		3							
		4							
		5							
		6							
		7							
		8							
		9							
		10							
		11							
		12							
	**Total Requested Amount:								

*Place the components/type for each project under column 6.

The Requested Project Amount must not exceed **the amount entered in the project budget in Exhibits 2, 3, and 4. If the project budget exceeds the amount shown on the priority list, the project budget will be reduced **to the amount shown on the priority list.**

Please Note:

(1) Place all Shelter Plus Care renewal projects as the last entries on the Chart, include numbering.

(2) For all Shelter Plus Care and SRO projects, please be advised that the actual FMRs used in calculating your grant will be those in effect at the time the grants are approved which may be higher or lower than those found in the October 1, 2003 Federal Register.

Exhibit 1: Continuum of Care Priorities Instructions

Having now assessed the need in your community and having compared it to your existing Continuum of Care system, please provide the following:

Required Narrative Response

a. Describe the methods you use to determine whether projects up for renewal are: (1) performing satisfactorily and (2) effectively addressing the need(s) for which they were designed.

b. Describe how each new project proposed for funding will fill a gap in your community's Continuum of Care system. ***(Although you may require multiple pages to respond to this item, your response will count as only one page towards the 30-page limitation.)***

c. Demonstrate how the project selection and priority placement processes were conducted **fairly and impartially**, and gave equal consideration to projects sponsored by nonprofit organizations. In doing so, (1) specify your open solicitation efforts for projects; (2) identify the objective rating measures applied to the projects and demonstrate that participants on the review panel or committee are unbiased; and (3) explain the voting system used. Finally (4), if written complaints concerning the process were received during the last 12 months, please briefly describe them and how they were resolved.

Required Project Priorities Chart Submission

d. Complete the ***Continuum of Care: Project Priorities*** chart (Form HUD 40076 CoC–K) that follows using your gaps analysis findings.

Instructions for Continuum of Care: Project Priorities

A priority ordering of all projects proposed for each community in the Continuum of Care strategy should be included on the Project Priority chart. The projects that communities rank as higher priorities will receive the most points under the "Need" criterion. If you do not provide a Project Priorities Chart in Exhibit 1, all proposed projects may lose up to 30 points of the 40-point Need total. There should be ***only one project per line.*** Projects submitted in response to the 2004 NOFA should fill gaps identified as priorities for funding as determined by your community's gaps analysis.

1. In the ***first column***, enter the name of the ***applicant***, the entity that is responsible for the overall management of the grant. This entity becomes the grantee if the project is selected for funding. (*You must submit a SF-424*).
2. In the ***second column***, enter the ***project sponsor*** that will carry out the project and the ***project name***.

Exhibit 1: Continuum of Care Priorities Instructions

3. The ***third column*** is the numeric priority that your Continuum of Care community has assigned to each project. For your convenience, this column has been pre-filled, with number 1 as the highest priority and number 12 as lowest. Please reproduce this ***required*** chart if you need additional space to accommodate more projects, renumbering as necessary.
4. In the ***fourth column***, enter the requested amount of project funding for each project.
5. In the ***fifth column***, enter the requested term of your project in years.
6. In the ***sixth column***, enter the **component/type of** each project. Codes for the project components/type are:
   SHP new and renewal—Transitional Housing **(TH)**, Permanent Housing for Persons with Disabilities **(PH)**, Supportive Services Only **(SSO)**, Safe Haven/transitional **(SH-th)**, Safe Haven/permanent **(SH-ph)**, Homeless Management Information Systems **(HMIS)**, and Innovative Supportive Housing **(IH)**
   Shelter Plus Care new and renewal—Tenant-based Rental Assistance **(TRA)**, Sponsor-based Rental Assistance **(SRA)**, Project-based Rental Assistance **(PRA)**, Project-based Rental Assistance with Rehabilitation **(PRAR)**, and Moderate Rehabilitation Single Room Occupancy rental assistance **(SRO)**.
7. At the bottom of the chart, fill in the total requested amount for the projects in the chart. (If multiple pages are being submitted, provide only a grand total at the end of the last page.)
8. ***Place all Shelter Plus Care renewal projects as the last entries in the chart. They are not "prioritized" with the other programs because they are being funded non-competitively.***
9. ***The tiering of projects on your priority list is no longer permitted.***

Instructions for Renewals

Communities wishing to seek funding for project renewals (for expiring HUD projects other than S+C renewals) need to include such projects in their priority list. A project whose HUD grant will expire during calendar year 2005 may request renewal funding if it previously received HUD McKinney-Vento Act funds for one of the following:

- Supportive Housing Program (SHP)
- SHP Renewal
- Shelter Plus Care (S+C) Program
- S+C Renewal

When developing priority lists, your community may wish to pay particular attention to the funding needs of current McKinney-Vento homeless assistance projects that will not have sufficient funds to continue operating throughout 2005. If your community is unsure as to when its grants are eligible for renewal funding, please contact your local HUD Field Office. ***Note: Only the current grantee (the entity that has executed the current grant agreement with HUD) can apply for renewal of its project, i.e., must be the applicant and submit a SF-424.***

Exhibit 1: Continuum of Care Supplemental Resources

Enrollment and Participation in Mainstream Programs

(1) Check those mainstream programs for which your COC systematically helps homeless persons identify, apply for and follow-up to receive benefit under:

☐ SSI ☐ SSDI ☐ TANF ☐ Medicaid ☐ Food Stamps
☐ SCHIP ☐ WIA ☐ Veterans Health Care

(2) Which policies are currently in place in your CoC to help clients secure these mainstream benefits for which they are eligible? Check those policies implemented by a majority of your CoC's homeless assistance providers:

☐ A majority of homeless assistance providers have case managers systematically assist clients in completing applications for mainstream benefit programs.

☐ The CoC systematically analyzes its projects' APRs to assess and improve access to mainstream programs.

☐ CoC contains a specific planning committee to improve CoC-wide participation in mainstream programs.

☐ A majority of homeless assistance providers use a single application form for four or more of the above mainstream programs.

☐ The COC systematically provides outreach and intake staff specific, ongoing training on how to identify eligibility and program changes for mainstream programs.

☐ CoC has specialized staff whose only responsibility is to identify, enroll, and follow-up with homeless persons on participation in mainstream programs.

☐ A majority of homeless assistance providers supply transportation assistance to clients to attend mainstream benefit appointments.

☐ A majority of homeless assistance providers have staff systematically follow-up to ensure that mainstream benefits are received.

☐ Other (Please describe in 1-2 sentences.)

Form HUD 40076 CoC–L

Exhibit 1. CoC Project Performance - Housing and Services

This section will assess your CoC's progress in reducing homelessness by helping clients move to permanent housing, access mainstream services and gain employment. Both housing and supportive services projects in your CoC will be examined. For each area below (e.g., permanent housing), tally information from the APR most recently submitted for the appropriate **RENEWAL** project(s) on the 2004 Priority Chart. Note: If you are not submitting any renewals in this year's competition for one or more of the areas presented below state "No applicable renewal projects."

A. Housing

1. Permanent Housing. HUD will be assessing the percentage of all participants who remain in permanent SHP or S+C housing for over six months. (SHP projects include both SHP-PH and SHP-Safe Haven permanent housing renewals.) Based on responses to APR Question 12(a) and information available on persons who did not leave (e.g., information to respond to APR Question 12(b)) from each of the above permanent housing projects included on your Priority Chart, complete the following:

a. What is the number of participants who **exited** the permanent housing project(s) during the operating year (from APR Question 12(a))? _____.
b. What is the number of participants who did **not leave** the project(s) during the operating year? _____.
c. Of those who **exited**, how many stayed longer than **6 months** in the permanent housing (from APR Question 12(a))? _____.
d. Of those who did **not leave**, how many stayed longer than **6 months** in the permanent housing? _____.
e. Of the total number of participants in the permanent housing project(s) (both those who left and those who stayed), what percentage stayed longer than 6 months (both those who left and those who stayed)? (c+d divided by a+b x 100 = e) ___%. (Round all percentages to the first decimal place. Example: (11 + 10) divided by (20 + 20) x 100 = 52.5%.

2. Transitional Housing. HUD will be assessing the percentage of all TH clients who move to a permanent housing situation. (SHP-TH, SHP-Safe Haven that is *not* identified as permanent housing, and SHP-Innovative renewal projects should all be included as transitional housing.) Based on responses to APR Question 14 from each of the above projects included on your Priority Chart complete the following:

a. What is the total number of participants who left transitional housing project(s) during the operating year? (Include all persons who left, including those who left to an unknown destination.)_____.
b. What is the number of participants who left transitional housing project(s) and **moved to permanent housing**? _____.
c. Of the number of participants who left transitional housing, what percentage moved to permanent housing? (b divided by a x 100 = c)____%

B. Supportive Services

Continuum of Care Participation in Mainstream Programs and Employment Chart. HUD will be assessing the percentage of clients in **all your renewal projects** who gained access to mainstream services and who gained employment. This includes all S+C renewals and all SHP renewals, excluding HMIS projects. Based on responses to APR Question 11 for each of the renewal projects included on your Priority Chart complete the following:

1 Number of Adults Who Left (Use the same number in each cell)	2 Income Source	3 Number of Exiting Adults with Each Source of Income	4 % with Income at Exit (Col 3 ÷ Col 1 x 100)
Example: 105	**a. SSI**	**40**	**38.1%**
105	**b. SSDI**	**35**	**33.3%**
105	**c. Social Security**	**25**	**23.8%**
	a. SSI		
	b. SSDI		
	c. Social Security		
	d. General Public Assistance		
	e. TANF		
	f. SCHIP		
	g. Veterans Benefits		
	h. Employment Income		
	i. Unemployment Benefits		
	j. Veterans Health Care		
	k. Medicaid		
	l. Food Stamps		
	m. Other (please specify)		
	n. No Financial Resources		

Column 1: ***Number of Adults Who Left***. For each SHP and S+C renewal being submitted in this year's competition, use APR **Question 2C** (*Number who left the program during the operating year*). For **each** APR, add the *Number of Singles Not in Families* and the *Number of Adults in Families.* The total represents the number of adults who exited the project during the operating year. Add the totals from each renewal's APR to get the total number of adults in the CoC who left these projects during the operating year. Enter this same total on **each** line in Column 1.

Column 2: ***Income Source.*** Income sources from the APR Question 11.

Column 3: ***Number of Exiting Adults with Source of Income.*** Using the information in each project's APR Question 11D (*Income Sources at Exit*), add the total number of adults who, upon exiting the project, had each source of income.

Column 4: ***% with Income at Exit.*** Divide Column 3 by Column 1, then multiply by 100 and round to the nearest first decimal place (e.g. 38.1%).

Exhibit 1: Continuum of Care Use of Other Resources Chart

Using the following format, describe how the identified mainstream resources are currently (within the past 2 years) being used to assist **homeless persons (see definition of "homeless person" in Glossary)**. "Prevention" activities are ***not*** to be included. For applications with numerous resources, you may provide summary information in columns 2 and 3. Please ensure column 4 is the total of all resources. In addition, **ensure that there is no overlap between the resource funds listed on your Project Leveraging Chart and the uses/projects described below.** ***(Although you may require multiple pages to respond to this item, your response will count as only one page towards the 30-page limitation.)***

1 Other Resources	2 Use of Resource in CoC System for Homeless Persons (e.g., rehab of rental units, job training, etc.)	3 Specific Project Name	4 $ Amount or number of units/beds provided within last 2 years specifically for the homeless
CDBG			
HOME			
Housing Choice Vouchers (only if "priority" is given to homeless)			
Public Housing (only if units are dedicated to homeless)			
Mental Health Block Grant			
Substance Abuse Block Grant			
Social Services Block Grant			
Welfare-to-Work			
State-Funded Programs			
City/County Funded Programs			
Private			
Foundations (Identify by name)			

Form HUD 40076 CoC-N

Exhibit 1: Continuum of Care - Response to HUD Policy Priority For Removal of Regulatory Barriers To Affordable Housing *(up to 2 points)*

If your continuum wishes to apply for up to two points awarded for the local plan and action steps to remove regulatory barriers to affordable housing, please include the completed form HUD-27300, "Questionnaire for HUD's Initiative on Removal of Regulatory Barriers." The questionnaire (one per CoC) should be for the local jurisdiction where the majority of your CoC assistance will be provided. On the top of the first page of the returned questionnaire, please provide the name of the jurisdiction reported. The questionnaire form, as well as instructions for its completion, is located in the General Section of the SuperNOFA.

Exhibit 1: Continuum of Care Supplemental Resources Project Leveraging Chart

HUD funding is limited and, therefore, can provide only a portion of the resources needed to successfully address the needs of homeless families and individuals. Therefore, HUD is interested in applicants using supplemental resources to address homeless needs.

Please complete the following P*roject Leveraging Chart (HUD 40076 CoC –P).* (Instructions follow the chart)

Continuum of Care: Project Leveraging

(Complete only one chart for the entire Continuum of Care and insert in Exhibit 1. ***This entire chart will count as only one page towards the 30-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 time of application submission.***

Exhibit 1: Continuum of Care Project Leveraging Chart - Instructions

Complete only one chart for the entire Continuum of Care and insert in Exhibit 1. Provide information ***only*** for contributions for which you have a ***written commitment in hand at the time of application***. A written agreement could include signed letters, memoranda of agreement, and other documented evidence of a commitment. Leveraging items may include any written commitments that will be used towards your cash match requirements in the project, as well as any written commitments for buildings, equipment, materials, services and volunteer time. The value of commitments of land, buildings and equipment are **one-time only** and cannot be claimed by more than one project (e.g., the value of donated land, buildings or equipment claimed in 2003 and prior years for a project cannot be claimed as leveraging by that project or any other project in subsequent competitions). The written commitments must be documented on letterhead stationery, signed by an authorized representative, dated **and** in your possession prior to the deadline for submitting your application, and must, at a minimum, contain the following elements: the name of the organization providing the contribution; the type of contribution (e.g., cash, child care, case management, etc.); the value of the contribution; the name of the project and its sponsor organization to which the contribution will be given; and, the date the contribution will be available. The ***documentation will be required at Technical Submission*** if a project is conditionally selected. If you ***do not*** have in hand at the time of application submission a written agreement for a contribution that will be used in your project, ***do not*** enter the contribution. **Please be aware that undocumented leveraging claims may result in a re-scoring of your application and possible withdrawal of your conditional award(s).**

1. In the ***first column***, enter the project priority number.
2. In the ***second column***, enter the name of the project.
3. In the ***third column***, identify the type of contribution being leveraged by the proposed project. Types of contributions could include cash, buildings, equipment, materials, and services, such as transportation, health care, and mental health counseling.
4. In the ***fourth column***, enter the name of the source or provider from whom the contribution is being leveraged. The contribution may be leveraged through Federal, State, local, or private sources, including mainstream housing and social service programs.
5. In the ***last column***, enter the value of the contribution. Donated professional services should be valued at the customary rate; volunteer time should be valued at $10 per hour. Donated buildings should be valued at their fair market value or fair rental value minus any charge to the SHP, S+C, or SRO program.
6. At the bottom of the chart, fill in the total amount. (If multiple pages are being submitted, provide only a grand total at the end of the last page.)

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)

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB Approval No. 2506-0112
(exp. 08/31/2006)

The information collection requirements contained in this application have been submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). 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.

Information is submitted in accordance with the regulatory authority contained in each program rule. The information will be used to rate applications, determine eligibility, and establish grant amounts.

Selection of applications for funding under the Continuum of Care Homeless Assistance are based on rating factors listed in the Notice of Fund Availability (NOFA), which is published each year to announce the Continuum of Care Homeless Assistance funding round. The information collected in the application form will only be collected for specific funding competitions.

Public reporting burden for this collection of information is estimated to average 8 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.

To the extent that any information collected is of a confidential nature, there will be compliance with Privacy Act requirements. However, the Continuum of Care Homeless Assistance application does not request the submission of such information.

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)

Exhibit 2: Supportive Housing Program – New Project Instructions

(Exhibit 2 is the application for a new SHP project, consisting of forms HUD 40076-COC-2A through form HUD 40076-CoC-2I, plus narrative text as specified in the instructions for each form)

Exhibit 2: Supportive Housing Program – New Project Instructions

Project Definition

Under SHP, a "project" may be either for supportive housing, supportive services only or HMIS. For a supportive housing project, one project sponsor provides housing in one or more structures and delivers services, or arranges with other organizations to deliver services, to the residents. For a Supportive Services Only project, one sponsor delivers services to homeless persons, but the sponsor does not provide housing to the same persons receiving the services. Supportive services can be delivered from a structure(s) or they can be delivered independent of a structure(s), such as street outreach. The following are examples of SHP projects:

Example 1: Project sponsor Serenity House will provide 10 units of permanent housing to homeless persons with serious mental illness. The project sponsor is requesting funding for rehabilitation, supportive services, and operations. The supportive services will be provided by the local day treatment center. This is one project and is classified under the permanent housing component.

Example 2: Project sponsor Greenville Nonprofit proposes to acquire, rehabilitate, and operate a transitional housing facility for homeless women and children. Services will be coordinated by Greenville Nonprofit but delivered by a local charitable organization and a health clinic. This is one project and is classified under the transitional housing component.

Example 3: Project sponsor Health Care, Inc., currently owns a van from which it does outreach and provides health care services to homeless persons and families on the streets and in emergency shelters. Health Care proposes to expand its service level to serve more people and to provide immunizations and help refer homeless persons to appropriate housing. The expansion is one project and is classified under the supportive services only (SSO) component. SHP funds may be requested for the expansion only; the project sponsor would continue to provide funding for the current activities from other sources.

Example 4: Project sponsor Second Chance is part of a CoC which has decided to implement a community-wide Homeless Management Information System (HMIS). The CoC has determined that Second Chance will propose a dedicated HMIS project. The project's funds will be used to purchase HMIS software and computers and to pay the salary of HMIS staff. (See the "Question and Answer" supplement to the application for further information on funding for HMIS activities.)

Project Narrative

The project narrative is a description of your proposed project. Please respond to the items in this section according to the following:

- ***New project applicants for TH, PH, Safe Havens, or Innovative components*** - answer items 1-6, and 8 (if applicable).
- ***New project applicants for the SSO component*** - answer items 1, 2, 4, 5, 6 and 8 (if applicable).
- ***New project applicants for dedicated HMIS projects - answer items 1 and 7.***

Please be sure to place the Applicant and Project Name and DUNS number on each page of your narrative response.

1. **Project narrative**. Please provide the following:
   a. Applicant **and** sponsor names

   b. Program component

   c. Total SHP request and the percent of this request for housing activities. SHP housing activities include acquisition, rehabilitation, and new construction; leasing of housing; and operations for supportive housing.

Exhibit 2: Supportive Housing Program – New Project Instructions

d. The type of housing (e.g., apartments, group home) proposed, if applicable

e. The population(s) to be served (N/A for dedicated-HMIS projects)

f. Grant term of the proposed project (**3 year required term**, except for dedicated HMIS projects)

2. **Homeless population to be served**. Briefly describe the following:
   a. Their characteristics and need for housing and supportive services.

   b. Where they will come from. Indicate percentage coming from: (e.g., streets, emergency shelters, transitional housing for homeless persons who came from street/shelters, or other). "Other" must be clearly explained.

   c. The outreach plan to bring them into the project.

3. **Housing where participants will reside**. For applicants requesting SHP funds for Transitional Housing, Permanent Housing for Persons with Disabilities, Safe Havens, or Innovative Supportive Housing components, demonstrate each of the following:

   a. How the TYPE (e.g., apartments, group home) **and** SCALE (e.g., number of units, number of persons per unit) of the proposed housing will fit the needs of the participants.
   b. That the basic COMMUNITY AMENITIES (e.g., medical facilities, grocery store, recreation facilities, schools, etc.) will be readily ACCESSIBLE (e.g., walking distance, bus, etc.) to your clients.

   c. For transitional housing component only: the residents' length of stay.

   d. For permanent housing for persons with disabilities component where **more** than 16 persons will reside in a structure: describe what local market conditions necessitate the development of a project of this size and how the housing will be integrated into the neighborhood.

   e. For innovative supportive housing component projects only: how the project represents an approach that is new to the area, is a sensible model for others, and can be replicated in other communities.

Exhibit 2: Supportive Housing Program – New Project Instructions

4. **Supportive services the participants will receive.** Demonstrate for each of the following:
   a. How the TYPE (e.g., case management, job training) **and** SCALE (e.g., the frequency and duration) of the supportive services proposed will fit the needs of the participants.

   b. WHERE the supportive services will be provided **and** what TRANSPORTATION will be available to participants to access those services.

   c. The details of your plan to ensure that all homeless clients will be individually assisted to identify, apply for and obtain benefits under each of the following mainstream health and social services programs for which they are eligible: SSI, TANF, Medicaid, Food Stamps, SCHIP, Workforce Investment Act and Veterans Health Care programs.

5. **Accessing permanent housing.** Describe specifically how participants will be assisted **both** to OBTAIN **and** REMAIN in PERMANENT HOUSING.

6. **Self-sufficiency.** Describe specifically how participants will be assisted **both** to increase their INCOMES **and** to maximize their ability to LIVE INDEPENDENTLY.

7. **Homeless Management Information System.** Describe the following:
   a. How the CoC's homeless needs will be assessed, resources allocated and services coordinated more efficiently and effectively through the introduction of a new or expanded CoC-wide HMIS.

   b. **For all dedicated HMIS projects** (New, Expansion, and Updated) demonstrate that at least 50 percent of the beds (emergency, transitional and McKinney-Vento permanent housing) listed in the "Current Inventory in 2004" categories in the Fundamental Components in the CoC System – Housing Activity Chart will be included in the CoC-wide HMIS.

   c. Name the lead agency designated to oversee the HMIS project.

   d. Provide the timetable for implementing the new or expanded HMIS.

   e. Demonstrate that no State or local government funds would be replaced with the funding being requested of HUD for this project.

Exhibit 2: Supportive Housing Program – New Project Instructions

8. **Discharge Policy.** For State and local government applicants who submitted a Discharge Policy certification within their 2001 thru 2003 applications, please describe any policies and protocols subsequently developed or implemented affecting the discharge of persons from publicly funded institutions or systems of care (e.g., health care facilities, foster care or other youth facilities, or corrections programs and institutions) in your jurisdiction. Indicate how these changes have or will prevent such discharges from immediately resulting in homelessness for such persons. (You may submit a single response for all projects for which you are the applicant. Be sure a copy is inserted with each project.)

Experience Narrative

The experience narrative is a description of the experience of all the organizations involved in carrying out the project. Refer to Section III.A of the NOFA for the Applicant eligibility. **Starting this year, a project sponsor must meet the same eligibility standards as applicants.**

Please describe the following:

1. The specific type and length of experience of ***all organizations*** involved in implementing the project, including the project sponsor, housing and supportive service organizations, and any key subcontractors. Describe experience directly related to carrying out the project and experience working with homeless people.

2. If your project structure will be constructed or rehabilitated, please describe experience in these areas and/or experience in contracting for and overseeing the rehabilitation or construction of housing.

3. List ***all*** HUD McKinney-Vento Act grants, other than ESG, received after 1998, including for each grant: the year awarded, grant number, grant amount, and amounts spent to date. Only list HUD-issued grant numbers. If you are unclear about the HUD grant number assigned to any project, please contact your HUD field office for assistance.

Year Awarded	Grant Number	Grant Amount	Amount Spent to Date
Example: 1999	CA16B900-060	$500,000	$375,412

4. Please explain any delays in implementing any of the grants listed in (3) above which exceed the SHP timeliness standards described in Section III.C.3.f of the Notice of Funding Availability (NOFA).

5. Identify any unresolved HUD findings, or outstanding audit findings related to any of the grants listed in (3).

6. If sponsor is a nonprofit organization (rather than a State or unit of local government), one of the following must be attached:

- Private nonprofit organizations must submit a copy of their IRS ruling, providing tax-exempt status under Section 501 C (3) of the IRS Code of 1986, as amended, or documentation of nonprofit status as described in the Glossary in Section I.A.7 of the program section of the NOFA.

- Public nonprofit community mental health centers must attach a letter or other document acceptable to HUD from an authorized official stating that the organization is a public nonprofit organization.

Exhibit 2: Supportive Housing Program - Project Information

Project Information (please type or print)

Project Name:	Project Priority No. (from project priority chart in Exhibit 1):
Project Address (street, city, state, & zip):	
Project Sponsor's Name:	Proj. Congressional District(s):
Sponsor's Address (street, city, state, & zip):	Project 6-digit Geographic Code:
Authorized Representative of Project Sponsor (name, title, phone number, & fax):	

Program Components/Types

Please check the box that best classifies the project for which you are requesting funding. Check only **one** box. The components/types are:

☐ Transitional Housing

☐ Permanent Housing for Persons with Disabilities

☐ Supportive Services Only

Safe Havens, select only one type of SH project:

☐ Safe Haven – Transitional. Check here if your Safe Haven project has the characteristics of transitional housing.

☐ Safe Haven – Permanent. Check here if your Safe Haven project has the characteristics of permanent housing and will require participants to execute a lease agreement.

☐ HMIS

☐ Innovative Supportive Housing (check this box only if your project cannot be classified under any other component)

Form HUD 40076 CoC-2B

Exhibit 2: SHP Existing Facilities and/or Activities Serving Homeless Persons *(To be completed for new projects only; renewal projects see Exhibit 2R.)*

1. Will your proposed project use an existing homeless facility or incorporate activities that you are currently providing?

   ☐ Yes (Check one or more of the activities below that describe your proposed project, then proceed to Number of Beds, Participants and Supportive Information –Form HUD 40076 CoC–2D.)

   ☐ No (Skip to Number of Beds, Participants and Supportive Information –Form HUD 40076 CoC–2D.)

2. Facilities that you are currently operating and activities you are currently undertaking to serve homeless persons may only receive SHP funding for the four purposes listed below. SHP cannot be used to fund ongoing activities. My project will:

   ☐ Increase the number of homeless persons served.

   ☐ Provide additional supportive services for residents of supportive housing and/or homeless persons not residing in supportive housing.

   ☐ Bring existing facilities up to a level that meets State and local government health and safety standards. Please explain.

   ☐ Replace the loss of nonrenewable funding from private, Federal, or other sources (except from the State or local government), which will cease on or before the end of the current calendar year. By law, no SHP funds may be used to replace State or local government funds previously used, or designated for use, to assist homeless persons [see 24 CFR 583.150(a)]. ***If this box is checked, you must fully describe the following in order to be eligible for funding:***

   a. The source of the nonrenewable funding, indicating that it is not under the control of the State or local government.

   b. Why it is nonrenewable.

   c. When it will cease.

   d. Document the specific steps you took to obtain other funding, why there are no other sources of funding and why, without the SHP assistance, the activity will cease.

Exhibit 2. SHP Number of Bed, Participants, and Supportive Services Charts

Chart 1: Beds

Beds	Current Level (if applicable)	New Effort or Change in Effort	Projected Level (col. 1 + col. 2)
Number of Bedrooms*			
Number of beds*			

*Do not complete information on the number of bedrooms and beds for Supportive Services Only (SSO) projects. In those instances, enter "N/A" in the appropriate cells.

Chart 2: Participants

Participants	Current Level (if applicable)	New Effort or change in Effort	Projected Level (col. 1 + col. 2)	No. Projected to be served over the grant term
Number of families with children				
Of persons in families with children a. number of disabled				
b. number of other adults				
c. number of children				
Of single individuals not in families				
a. number of disabled individuals				
a.1. number of disabled individuals who are chronically homeless				
b. number of other individuals				

Note: If your project is funded you will be held responsible for achieving the numbers submitted.

Exhibit 2. SHP Number of Bed, Participants and Supportive Services Charts

Chart 3: Supportive Services

Supportive Service Costs	SHP Dollars Requested (3 years)	Est. No. of Persons Served (point in time)
Service Activity: Outreach **Quantity:**		
Service Activity: Case Management **Quantity:**		
Service Activity: Life Skills (outside of case management) **Quantity:**		
Service Activity: Alcohol and Drug Abuse Services **Quantity:**		
Service Activity: Mental Health and Counseling Services **Quantity:**		
Service Activity: HIV/AIDS Services **Quantity:**		
Service Activity: Health Related and Home Health Services **Quantity:**		
Service Activity: Education and Instruction **Quantity:**		
Service Activity: Employment Services **Quantity:**		
Service Activity: Child Care **Quantity:**		
Service Activity: Transportation **Quantity:**		
Service Activity: Transitional Living Services **Quantity:**		
Other Service Activity: (please specify *) **Quantity:**		
Total SHP Dollars Requested**		
Total Supportive Services Costs***		

**If not specified, the costs will be removed from the budget.*

***SHP dollars requested must equal the amount shown in the "SHP Request" column, Line 6, of the Project Budget portion on Form HUD 40076 CoC -2H.*

****The total supportive service costs entered here should equal the amount shown in the "Total Budget" column, Line 6, of the Project Budget on Form HUD 40076 CoC -2H.*

Exhibit 2: SHP Number of Beds, Participants, and Supportive Services - Instructions

This section is composed of three charts:

Chart 1 is for recording the number of beds/bedrooms in the project. Do not complete Chart 1 if the project is for supportive services only (SSO).

Chart 2 is for recording the number of participants to be served. Information on ***all*** projects should be entered in this section except for dedicated HMIS projects.

Chart 3 is for recording the supportive services proposed for your homeless clients. Do not include costs for HMIS activities, as these costs should be included on Form HUD 40076 CoC-2E.

Instructions for Completing Chart 1 and Chart 2

1. In the ***first column***, please enter the requested information for all items at a point in time (a given night). You should only fill out this column if you checked "Yes" in Form HUD 40076 CoC-2C to using existing facilities to serve the homeless. If you checked "No" in Form HUD 40076 CoC-2C enter "N/A" in this column.

2. In the ***second column***, enter the new number of beds and persons served at a point in time if this project is funded. If this is a renewal project, enter "N/A" in this column.

3. In the ***third column***, enter the projected level (columns 1 and 2 added together) that your project will attain at a point in time.

4. In the ***fourth column***, enter the number of persons to be served over the grant term.

Note: If your project is funded you will be responsible for achieving the numbers submitted.

Instructions for Completing Chart 3 Supportive Services

If your new project is requesting the use of SHP funds for any supportive services, please complete Chart 3 on the following page for your project's supportive services budget. If you need additional space for more services, you may reproduce this chart.

In the first column, the supportive service activity is given. Please enter the quantity for each supportive service that will be provided in your project (see example below). Any other eligible supportive service and quantity that will be paid for using SHP funding that is not listed on the chart may be added under "other service activity". For staff positions please include the job title and quantity (or FTE-full time equivalent); for supportive services (such as transportation services) please include the type (e.g., bus tokens) and quantity. Please ensure that the total SHP dollars requested match the amount you entered in the "SHP Request" column on Line 6, Supportive Services, in your Project Budget on Form HUD 40076 CoC-2H.

Exhibit 2: Instructions for Completing Chart 3 Supportive Services (continued):

In the second column, enter the amount of SHP funding requested for each eligible supportive service that will be provided in your project.

In the third column, enter the estimated number of persons that will be served at a point in time.

Supportive services are designed to address the special needs of the homeless persons to be served by the project. Services may be provided directly by the project sponsor and/or through an arrangement with public or private service providers, including the grantee. By law, SHP funds may be used to pay for up to 80% of the total supportive services budget for each year of the grant term. This means that the grantee or project sponsor must make a cash payment for at least 20% of the project's total supportive services budget annually.

SHP supportive service funds may be used to pay for the actual costs of supportive services and other costs directly associated with providing such services (see the SHP Rule at Section 583.120). Eligible supportive services include, but are not limited to: child care, employment assistance, outreach, outpatient health services, case management, food, housing placement assistance, life skills, and other services. Transportation associated with the delivery of supportive services (e.g., money for bus tokens to go to mental health counseling; the purchase of a van to transport homeless children to daycare) is also an eligible supportive service cost.

If a project sponsor's staff will deliver a service, only the staff time directly related to the delivery of that service to the project is eligible for SHP supportive services funding. For example, the project sponsor, ABC, Inc., will use 25% of its substance abuse counselor's time for recovery planning for residents of its transitional housing program. The remainder of the counselor's time will be spent counseling persons in another program. Using this example, only 25% of the counselor's salary may be paid for with SHP supportive service funds.

Example:

Supportive Service Costs	SHP Dollars Requested (3 years)	Est. No. of Persons Served (point in time)
Service Activity: Case Management **Quantity: 2 FTE @ $25,000 per year**	$100,000	60
Service Activity: Education—job training **Quantity: 20 slots per year**	$ 50,000	40

Exhibit 2: SHP - HMIS Budget for Dedicated and Shared HMIS Projects

Complete the entire HMIS Budget Chart for a dedicated HMIS project. A project for shared HMIS costs with other projects need *only* complete the "Total" lines of the chart. In the personnel section, the number of staff positions in Full-Time Equivalents (FTEs) should be present for each category, where appropriate.

Example:

Personnel	*SHP Dollars Requested (1, 2, or 3 years)*
Project Management /Coordination 1 – Staff x .5 FTE @ $56,000/annual x 3 years = $84,000 Administrative Support Staff 1 – Staff x .5 FTE @ $16,000/annual x 3 years = $24,000	$84,000 $24,000

Chart: HMIS Budget

Cost Item	SHP Dollars Requested
Equipment	**Total**
Central Server(s)	
Personal Computers and Printers	
Networking	
Security	
Software	**Total**
Software/User Licensing	
Software Installation	
Support and Maintenance	
Supporting Software Tools	
Services	**Total**
Training by Third Parties	
Hosting/Technical Services	
Programming: Customization	
Programming: System Interface	
Programming: Data Conversion	
Security Assessment and Setup	
On-line Connectivity (Internet Access)	
Facilitation	
Disaster and Recovery	
Personnel	**Total**
Project Management/Coordination	
Data Analysis	
Programming	
Technical Assistance and Training	
Administrative Support Staff	
HMIS Space and Operations	**Total**
Space Costs	
Operational Costs	
Total SHP Dollars Requested*	
Total HMIS Costs**	

****SHP dollars requested must equal the amount shown in the "SHP Request" column, Line 8, of the Project Budget on** *Form HUD 40076 CoC -2H.*

*** *The total HMIS costs entered here should equal the amount shown in the "Total Budget" column, Line 8, of the Project Budget on* *Form HUD 40076 CoC -2H.*

Form HUD 40076 CoC-2E

Exhibit 2: Continuum of Care SHP - Operating Costs Chart

Identify the day-to-day costs of operating supportive housing that will be paid for using SHP funding during the requested term of the project.

Operating Costs	SHP Dollars Requested (3 years)
Maintenance, Repair	
Staff (position, salary, % of time, fringe benefits)	
Utilities	
Equipment (lease/buy)	
Supplies (quantity)	
Insurance	
Furnishing (quantity)	
Relocation (no. of persons)	
Food	
Other operating costs (please specify*)	
Total SHP Dollars Requested**	
Total Operating Costs Budget ***	

**If not specified, the costs will be removed from the budget.*
***Total SHP dollars requested must equal the amount shown in the "SHP Request" column, Line 7, of the Project Budget on Form HUD 40076 CoC -2H.*
****The total operating costs entered here must equal the amount shown in the "Total Budget" column, Line 7 of the Project Budget on Form HUD 40076 CoC -2H.*

Exhibit 2: SHP - Instructions for Completing the Operations Budget

Complete the Chart on the following page for your new project's total operations budget. ***Please remember operating costs are ineligible for Supportive Services Only projects.***

In the first column, the operating cost activity is given. You must enter the quantity (if applicable) for each operating item that will be paid for using SHP funds. Add any other eligible operating costs that will be paid for using SHP funding that is not listed on the chart. For staff positions please include the job title, salary, % of time allocated for the position, and fringe benefits. Please ensure that the total SHP dollars requested match the amount you entered in the "SHP Request" column on Line 7, Operations, in your Project Budget on Form HUD CoC 40076 CoC-2H.

In the second column, enter the amount of SHP funding requested (3 years) for each eligible operating cost that will be needed in your project.

Operating costs are those costs associated with the day-to-day operation of supportive housing. Operating costs differ from supportive service costs in that operating costs support the function and the operation of the housing project. Examples of SHP operating costs include utilities, maintenance, security and salaries of staff not delivering services, such as the project manager or executive director, and indirect operating costs that meet the standards of OMB Circulars A-87 and A-122.

If requesting SHP operating funds, only the portion of the costs directly related to the operation of the housing project are eligible. For example, if a project sponsor's executive director will spend 10% of his/her time providing management to the housing project, then (up to) 10% of his/her salary can be charged as an SHP operating expense. As another example, in cases of shared utilities, SHP operating funds may pay only for the portion of the utilities associated with the housing project based on the square footage of the project's space. If the housing project occupies 25% of the building's space, then (up to) 25% of the monthly utility bill can be paid for using SHP operating funds.

SHP operating funds **may not** be used to pay for the following costs:

Operating costs of a supportive services only facility;
Administrative expenses such as audits and preparing HUD reports;
Rent of space for supportive housing and/or supportive services (see SHP Leasing Information, Form HUD CoC-2G);
The payment of principal and interest on a loan for a facility currently being used as supportive housing and/or for the delivery of services; and depreciation, because it does not constitute an incurred cost that requires a cash outlay.

SHP funds can be used to pay up to 75% of the total operations budget for the housing project. This means that the project sponsor must make a cash payment for 25% of the project's operating budget annually.

Example:

Operating Costs	**SHP Dollars Requested (3 years)**
Utilities	$32,000
Maintenance Engineer (salary, % time, fringe benefits) $40,000/annually .20 x .15 fringe benefits x 2 years = $18,400	$18,400

Exhibit 2: SHP Leasing Information

SHP funds may be used to lease space for supportive housing or supportive services. If you are requesting SHP leasing funds, fill out the appropriate tables that follow. Housing and service space may be in the form of scattered-site leased units, or within a structure. The structures to be leased may be structures currently configured for, or structures to be

A. Leased Unit(s) for Housing and/or Services

converted to provide, supportive housing and/or supportive services.

Under no circumstances may SHP leasing funds be used to lease units or structures owned by the project sponsor, the selectee, or their parent organizations. This includes organizations which are members of a general partnership where the general partnership owns the structure.

If you propose to lease units in more than one metropolitan or non-metropolitan area, fill in the appropriate number of tables for each area with a different FMR or actual rent. Please reproduce this Chart as needed to accommodate projects using more than one FMR or actual rent.

Enter the number of unit(s) by the bedroom size to be leased and the lower of the actual rent or the FMR as published in the Federal Register on October 1, 2003. (FMRs may be found using this web site: http://www.huduser.org/datasets/fmr.html) The space to be leased may be scattered-site (e.g., one-bedroom apartments in five different apartment complexes) or contained within a structure (e.g., a group home with six bedrooms).

Multiply the number of units by the FMR or actual rent, whichever is lower, by the length of the grant (# of units x FMR or actual rent x months based on grant term) and enter the result in the total column.

Please note that the FMR for a single room occupancy (SRO) unit is equal to 75% (0.75) of the 0-bedroom FMR. The FMRs for unit sizes larger than 4-bedrooms are calculated by adding 15% to the 4-bedroom FMR for each extra bedroom. For example, the FMR for a 5-bedroom unit is 1.15 times the 4-bedroom FMR, and the FMR for a 6-bedroom unit is 1.30 times the 4-bedroom FMR.

If your project has been approved for **exception rents**, use those amounts when completing these charts **AND submit your current approval letter** with this document.

Chart A should be filled out only if you will lease individual units or structures that are currently configured for housing and/or services and, therefore, an FMR or actual rent can be used. ***If you have negotiated an actual rent (s) which is lower than the FMR, please use that amount instead of the FMR. The actual rent may not exceed the FMR.***

Chart A:

Name of metropolitan or non-metropolitan FMR area:

Address (indicate if scattered site):

Size of units	No. of units	FMR or actual rent	No. of months	Total
1. SRO	x			
2. 0 bdrm	x			
3. 1 bdrm	x			
4. 2 bdrm	x			
5. 3 bdrm	x			
6. 4 bdrm	x			
7. 5 bdrm	x			
8. 6 bdrm	x			
9. Other	x			
10. Totals				$

Exhibit 2: Continuum of Care Supportive Housing Programs Leasing Information

B. Leased Structure(s) for Housing and/or Services

If you will lease a structure or portion of a structure for housing and/or services, fill out Chart B below using a monthly leasing cost that is comparable to and no more than the rents being charged for similar space in the area. This applies to structures already configured for housing and for those that will be converted. **If your project has more than one structure, reproduce Chart B and fill it out starting with structure 2.**

Multiply the monthly leasing costs by the number of months requested for funding and enter the result in the total column.

Chart B should be filled out only if you will lease a structure or portion of a structure for which an FMR is **not** applicable.

Chart B:

Structure 1	Monthly Leasing Cost	Number of Months	Total
	$ x	=	$

Address:

Exhibit 2: Project Budget (*complete all 3 columns*)

Enter the amount of SHP funds requested by line item in the "SHP Request" column. Dedicated HMIS projects may request funding for either one, two, or three years. **All other projects must be for a grant term of 3 years only. If the grant term is not provided, HUD will consider that the project has a three (3) year grant term.** The term you select must be the same for leasing, supportive services, and operations. *In the **"Applicant Cash" column, enter the amount of other** cash that will be contributed to the project. This amount plus the SHP request must equal the "Total Budget" amount for the project, as shown in the last column.*

If your project contains one structure or no structures, this is the only budget you need to fill out. If your project contains multiple structures, please add up the SHP structure budgets *on the next page* and enter those totals below.

HUD will review this chart in relation to the proposed activities and the number of persons to be served to determine whether the project is cost-effective (which is a threshold criterion).

Part I. Indicate grant term. Please circle one: 1 2 3 year (s)

Part II. Complete the Project Budget

Proposed Activities	SHP Request	Applicant Cash	Total Budget (Col. 1 + Col. 2)
1. Acquisition			
2. Rehabilitation			
3. New Construction			
4. Subtotal (lines 1 through 3)	*		
5. Real Property Leasing			
6. Supportive Services	**		
7. Operations	***		
8. HMIS	**		
9. SHP Request (subtotal lines 4 through 8)			
10. Administrative Costs (up to 5% of line 9)	****		
11. Total SHP Request (total lines 9 and 10)			

* By law, SHP funds can be no more than 50% of the total acquisition, rehabilitation, and new construction budget.

** By law, SHP funds can be no more than 80% of the **total** supportive services and HMIS budget.

*** By law, SHP can pay no more than 75% of the **total** operating budget.

**** Applicants may request up to 5% of each project award for administrative costs, such as accounting for the use of the grant funds, preparing HUD reports, obtaining audits, and other costs associated with administering the grant. ***State and local government applicants*** and project sponsors ***must*** work together to determine the plan for distributing administrative funds between applicant and project sponsor (if different). Please refer to Section I (C) (3) of the NOFA. If selected for funding, all applicants ***will be required*** to submit a plan for distributing administrative funds as part of the technical submission.

NOTE: The total SHP Request on line 11 cannot exceed the dollar amount on the Priority Chart for the project.

Exhibit 2: Continuum of Care Supportive Housing Program Budget Instructions

This section consists of two budgets—a project budget and a structure budget. Please refer to the budgets for specific instructions. When developing your budget(s), please keep in mind that each structure can receive the maximum amount of funds according to the following per-structure limits:

For acquisition and/or rehabilitation, the SHP request for these activities ***combined*** is limited by law to between $200,000 and $400,000 depending on whether the structure is in a HUD-identified high-cost area for acquisition and rehabilitation. Contact your local HUD Field Office to determine if your project is in a high-cost area, and, if so, which of the following percentages or limits apply:

- 100% to 119%, the limit is $200,000
- 120% to 139%, the limit is $250,000
- 140% to 159%, the limit is $300,000
- 160% to 174%, the limit is $350,000
- 175% and up, the limit is $400,000

For new construction, the SHP request is limited by law to $400,000 per structure, regardless of where the structure is located. If you propose to acquire land in tandem with new construction, the $400,000 limit applies to both activities combined. Please note that you can apply for funding to construct and/or operate supportive housing; however, by law you cannot request either of these activities for supportive services only projects.

If you request funds for acquisition, rehabilitation, or new construction, the law requires that you **match** the requested amount with an equal amount of cash for the activities. Documentation of matching funds is not required in this application; however, you will be asked to submit it at a later date.

Exhibit 2: Continuum of Care Supportive Housing Program Structure Budget for Projects With More Than One Structure

If your project contains only one structure or no structures, please fill out ***only*** the project budget *on the previous page*. If, however, your project contains more than one structure, fill out the information requested below for the number of structures your project proposes. Do not fill out structure budgets for scattered site leasing projects unless SHP funds for rehabilitation are being requested. For each structure budget, enter the amount of SHP funds requested by line item in the first column. For leasing, supportive services, and operations, the amounts you enter should be for **three years**, which is the SHP grant term. The term you select must be the same for leasing, supportive services, and operations. In the second column, enter the total cost for each line item, which is the SHP request ***plus*** all other funds needed to pay for each line item, again, for **three years**. For your convenience, four structure budgets are provided below. You may reproduce this page if your project will have five or more structures; however, please attach the additional structure budgets to this page and label them appropriately starting with structure E. Enter administrative costs only on the Project Budget.

Structure A
Structure Address:
City, State, Zip:

	SHP Request	Total Budget
1. Acquisition		
2. Rehabilitation		
3. New Construction		
4. Real Property Leasing		
5. Supportive Services		
6. Operations		
7. Total		

Structure B
Structure Address:
City, State, Zip:

	SHP Request	Total Budget
1. Acquisition		
2. Rehabilitation		
3. New Construction		
4. Real Property Leasing		
5. Supportive Services		
6. Operations		
7. Total		

Structure C
Structure Address:
City, State, Zip:

	SHP Request	Total Budget
1. Acquisition		
2. Rehabilitation		
3. New Construction		
4. Real Property Leasing		
5. Supportive Services		
6. Operations		
7. Total		

Structure D
Structure Address:
City, State, Zip:

	SHP Request	Total Budget
1. Acquisition		
2. Rehabilitation		
3. New Construction		
4. Real Property Leasing		
5. Supportive Services		
6. Operations		
7. Total		

Exhibit 2: Continuum of Care Supportive Housing Program Additional Key Information

HUD needs the following information to respond to public and Congressional inquiries about program benefit. Responses from this section will also be used to measure compliance with the requirement that no less than 10 percent of the funds awarded are for projects predominantly serving individuals experiencing chronic homelessness, where at least 70 percent of the persons served meet HUD's definition of chronic homelessness.

1. Which of the following subpopulations will your project assist? (Check the *Predominantly Serve* box if your project primarily targets the given subpopulation i.e. more than 70 percent of the persons you propose to serve, or the *Serve box* if less than 70 percent.) (Identify all that apply)

Predominantly Serve (70%)	Subpopulation	Serve
	Chronically Homeless	
	Severely Mentally Ill	
	Chronic Substance Abuse	
	Veterans	
	Persons with HIV/AIDS	
	Victims of Domestic Violence	
	Women with Children	
	Youth (Under 18 years of age)	

2. If you propose to serve persons experiencing chronic homelessness in your project, provide the number of chronically homeless persons to be served: _____.

3. Will the proposed project be located in a rural area? (A project is considered to be in a rural area when the project will be primarily operated either (1) in an area outside of a Metropolitan Area, or (2) in an area outside of the urbanized areas within a Metropolitan Area.)
   - ☐ Yes
   - ☐ No

4. 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

5. Will the proposed project be located in, or make use of, surplus military buildings or properties which are located on a military base that is covered by the provisions of the Base Closure Community Redevelopment and Homeless Assistance Acts of 1990, 1994 or 1996?
   - ☐ Yes
   - ☐ No

If "yes," please provide the name of the military installation.

Form HUD 40076 CoC-2I

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB Approval No. 2506-0112
(exp. 08/31/2006)

The information collection requirements contained in this application have been submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). 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.

Information is submitted in accordance with the regulatory authority contained in each program rule. The information will be used to rate applications, determine eligibility, and establish grant amounts.

Selection of applications for funding under the Continuum of Care Homeless Assistance are based on rating factors listed in the Notice of Fund Availability (NOFA), which is published each year to announce the Continuum of Care Homeless Assistance funding round. The information collected in the application form will only be collected for specific funding competitions.

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.

To the extent that any information collected is of a confidential nature, there will be compliance with Privacy Act requirements. However, the Continuum of Care Homeless Assistance application does not request the submission of such information.

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)

Exhibit 2R: Supportive Housing Program – Renewal Project Instructions

(Exhibit 2R is the application for a renewal SHP project, consisting of forms HUD 40076-COC-2RA through form HUD 40076-CoC-2RD, plus narrative text as specified in the instructions for each form)

Exhibit 2R: Project Information/Project Budget

Please be sure to place the Applicant and Project Name and DUNS number on each page of your narrative response.

Project Information

1. **Basic Identification**
   a. Grantee Name:
   b. Project Name:
   c. Sponsor Name:
   d. Address:
   e. Telephone:
   f. Fax Number:
   g. Contact Person:
   h. Project Congressional District:
   i. Project 6-digit Geographic Code:
   j. Project Number of Grant Being Renewed:_____PIN:_____

   k. Component/Type: (please check one) TH☐ PH☐ SSO☐ SH-Th☐ SH-Ph ☐ HMIS☐ IH☐

   l. Grant Term: (please check one) 1 ☐ 2 ☐ 3 ☐

   m. Priority Number on Exhibit 1: _____

2. **Number of Participants/Number of Beds** (Identify all that apply)

Predominantly Serve (70%)	**Subpopulation**	**Serve**
	Chronically Homeless	
	Severely Mentally Ill	
	Chronic Substance Abuse	
	Veterans	
	Persons with HIV/AIDS	
	Victims of Domestic Violence	
	Women with Children	
	Youth (Under 18 years of age)	

   b. Project is in a rural area:
   ☐ Yes ☐ No

   c. Sponsor is a religious/faith-based organization:
   ☐ Yes ☐ No

   d. Number of beds in project: _____(Specify a number):

Exhibit 2R: Project Information/Project Budget

e. Number of persons in families served (at a point in time):

_____(Specify a number):

f. Number of single individuals served (at a point in time):

_____(Specify a number):

g. Number of persons in families and single individuals who are disabled (at a point in time): _____(Specify a number):

h. Number of chronically homeless individuals served (at a point in time):

_____(Specify a number):

3. **Performance**

a. Are there any significant changes in the project since the last funding approval:
☐ Yes ☐ No

If "yes", briefly describe the changes. (Attach additional pages as needed)

b. If one or more extensions have been provided for your current grant, please indicate:
☐ Yes ☐ No

If yes, please indicate the number of extensions approved: _____

The extension period (e.g., two months, one year): For each extension please indicate the extension period, providing dates and number of weeks or months.

- Extension 1 : _____ weeks, or _____months
- Extension 2: _____ weeks, or _____ months

List additional extensions as necessary.
For each extension, identify the reason for the extension.

c. If not operating at full capacity, please explain.

Exhibit 2R: Project Information/Project Budget

4. Project Budget

Proposed Activities	SHP Request	Applicant Cash	Total Budget (Col. 1 + Col. 2)
1. Real Property Leasing			
2. Supportive Services	*		
3. Operations	**		
4. HMIS	*		
5. SHP Request (subtotal lines 1 through 4)			
6. Administrative Costs (up to 5% of line 5)	***		
7. Total SHP Request (total lines 5 and 6)			

* By law, SHP funds can be no more than 80% of the **total** supportive services and HMIS budget.

** By law, SHP can pay no more than 75% of the **total** operations budget.

*** Applicants may request up to 5% of each project award for administrative costs, such as accounting for the use of the grant funds, preparing HUD reports, obtaining audits, and other costs associated with administering the grant. ***State and local government applicants*** and project sponsors ***must*** work together to determine the plan for distributing administrative funds between applicant and project sponsor (if different).

NOTE: The total SHP Request on line 7 cannot exceed the dollar amount on the Priority Chart in Exhibit 1 for the project.

Exhibit 2R: Project Information/Project Budget

1. Project Information Instructions

Items 1-3 a, b, and c - Self-explanatory.

Item 1j. – The Project Identification Number (PIN) was assigned to projects funded beginning with the 2002 competition. The PIN may be found in the project's grant agreement.

Item 2. – Number of Participants/Beds

Identify the subpopulations your project will assist. (Check the *Predominantly Serve* box if your project primarily targets the given subpopulation i.e. more than 70 percent of the persons you propose to serve, or the *Serve box* if less than 70 percent.) Please identify all that apply. Responses will also be used to measure compliance with the requirement that no less than 10% of the funds awarded are for projects predominantly serving individuals experiencing chronic homelessness.

Item 4 – Project Budget

Please fill out your proposed project budget for the activities in which you are requesting funds, including the cash match resources and the total project budget.

Exhibit 2R: Supportive Services Chart

Supportive Services Chart

Supportive Service Expense	Year 1	Year 2	Year 3	Total
1. Service Category and Quantity				
a. Service Category: Quantity:				
b. Service Category: Quantity:				
c. Service Category: Quantity				
d. Service Category: Quantity				
e. Service Category: Quantity				
f. Service Category: Quantity				
g. Service Category: Quantity				
2. Total Supportive Services Budget (add lines under item 1 to obtain the total Supportive Services Budget)				
3. SHP REQUEST				
4. Selectee's Match (Line 2 minus Line 3)				

Exhibit 2R: Instructions for the Supportive Services Chart

Please fill out the Supportive Services Renewal Chart.

1. In the first column, fill in the supportive service expense(s) by service category and quantity. For each service provide the necessary number of staff positions, including the job title and number of persons to be filling the position. Please identify the staffing by FTE (FTE-full time equivalent), for supportive services, such as transportation, please include the type (e.g., bus tokens) and quantity. Use as many lines as needed to indicate the services to be provided. An example is provided below.

Supportive Service Expense	Year 1	Year 2	Year 3	Total
Service Category: Transportation **Quantity:** 1 - 15 Passenger Van @ $37,500 Gasoline/Maintenance/Repair @ $3,000/annual x 3 years = $9,000 Supportive Services Van Driver .5 FTE @ $20,000/annual x 3 years = $30,000 Staff Fringe/Benefits .5 FTE @ $3,000/annual x 3 years = $4,500	$52,000	$14,500	$14,500	$81,000

2. Total Supportive Services Budget
   Complete items 1, Supportive Service Expensive, using as many lines as needed. On line 2 add the total of items that comprise the elements of your total supportive services budget and identify the total budget amount.

3. In the year 1 column, enter the total amount needed to pay for the service in the first year. If the grant is multi-year, enter the amount of funds needed for Year 2, and if applicable, Year 3. In the last column, total the amount of funds needed for the full grant term. You may use percentages in your application to project the estimated staff time associated with an SHP grant position(s). However, applicants are reminded that all staff salary payments must be based on actual, incurred costs that are supported by signed and dated timesheets.

4. By law, SHP funds may be used to pay for up to 80% of the total supportive services budget for each year of the grant term. Enter this SHP request amount on line 3. This means that the grantee must make a cash payment for 20% of the project's supportive services budget annually. On line 4, enter the amount of the grantee's match.

5. Please note that for Year 1 of your grant term, documentation of firm commitments of the cash resources will be required prior to grant execution. For Years 2 and 3, if applicable, a grantee needs only to certify that cash resources will also be provided. **The match requirement for Year 2 and Year 3 must be met by the end of each of those years.**

Exhibit 2R: HMIS Budget

Cost Item	Year 1	Year 2	Year 3	Total
Equipment				
Central Server(s)				
Personal Computers and Printers				
Networking				
Security				
Subtotal				
Software				
Software/User Licensing				
Software Installation				
Support and Maintenance				
Supporting Software Tools				
Subtotal				
Services				
Training by Third Parties				
Hosting/Technical Services				
Programming: Customization				
Programming: System Interface				
Programming: Data Conversion				
Security Assessment and Setup				
On-line Connectivity (Internet Access)				
Facilitation				
Disaster and Recovery				
Subtotal				
Personnel				
Project Management/Coordination				
Data Analysis				
Programming				
Technical Assistance and Training				
Administrative and Support Staff				
Subtotal				
HMIS Space and Operations				
Space Costs				
Operational Costs				
Subtotal				
Total HMIS Budget				
SHP Request				
Selectee's Match				

Form HUD 40076 CoC-2RC page 1

Exhibit 2R: Instructions for Completing HMIS Budget – Dedicated Projects and Shared Costs

Complete the entire HMIS Budget Chart for a dedicated HMIS project. A project for shared HMIS costs with other projects need *only* complete the "Subtotal" lines of the chart. HMIS costs are those costs associated with the implementation of an HMIS. If requesting SHP HMIS funds, only the portion of the costs directly related to the HMIS is eligible. In the personnel section, the number of staff positions in Full-Time Equivalents (FTEs) should be present for each category, where appropriate.

EXAMPLE:

Personnel	Year 1	Year 2	Year 3	Total
Project Management / Coordination 1- .5 FTE @$56,000/annual x 3 years =$84,000 Data Analysis 1- .25 FTE @$28,000/annual x 3 years=$21,000 Administrative Support Staff 1- .5 FTE @$16,000/annual x 3 years =$24,000	$43,000	$43,000	$43,000	$129,000

1. In the Year 1 column of the form, enter the total amount of funds to be used to pay for the first year expenses. If the grant is a multi-year grant, enter the total funds to be used for the second and third years, if applicable.

2. In the last column, total the amount of funds needed to help pay for the identified operating expense for the grant term.

3. Year 1 of your grant term, documentation of firm commitments of the cash resources will be required prior to grant execution. **Please note that the match requirement for Year 2 and Year 3, if applicable, must be met by the end of each of those years.**

Exhibit 2R: Operating Costs Chart

Operating Costs

Operating Expense	**Year 1**	**Year 2**	**Year 3**	Total
1. Maintenance/Repair				
2. Staff (position, salary, % time, fringe benefits)				
3. Utilities				
4. Equipment (lease/buy)				
5. Supplies (quantity)				
6. Insurance				
7. Furnishings (quantity)				
8. Other Operating Costs* (amounts/ quantities)				
a.				
b.				
c.				
d.				
9. Total Operating Budget				
10. SHP REQUEST				
11. Selectee's Match (Line 9 minus line 10)				

***Identify all operating expenses under this category. Add additional lines as needed. If the expense is not specified, the costs will be removed from the budget.**

Exhibit 2R: Instructions for Completing Operating Costs Chart

Operating costs are those costs associated with the day-to-day operation of supportive housing. Operating costs differ from supportive service costs in that operating costs support the function and the operation of the housing project. If requesting SHP operating funds, only the portion of the costs directly related to the operation of the housing project are eligible. For example, in cases of shared utilities, SHP operating funds may only pay for the portion of the utilities associated with the housing project based on the square footage of the project's space. If the housing project occupies 25% of the building's space, then (up to) 25% of the monthly utility bill can be paid for using SHP operating funds.

1. In the Year 1 column of the form, enter the total amount of funds to be used to pay for the first year expenses. If the grant is a multi-year grant, enter the total funds to be used for the second and third years, if applicable. In the last column, total the amount of funds needed to help pay for the identified operating expense for the grant term. An example is provided below:

EXAMPLE

Operating Expense	**Year 1**	**Year 2**	**Year 3**	**Total**
Furnishings 10 – single beds @ $150 = $1,500 10 – 3-drawer dressers @$300 = $3,000 10 – bed linens/blanket/pillows @$150 = $1,500	$3,000	$3,000		$6,000

2. For Year 1 of your grant term, documentation of firm commitments of the cash resources will be required prior to grant execution. **Please note that the match requirement for Year 2 and Year 3, if applicable, must be met by the end of each of those years.**

3. Please note that percentages are used during the application process to project the estimated staff time associated with SHP funded position(s). Applicants are reminded that all staff salary payments must be based on **actual, incurred costs** that are supported by signed and dated timesheets.

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB Approval No. 2506-0112
(exp. 08/31/2006)

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Information is submitted in accordance with the regulatory authority contained in each program rule. The information will be used to rate applications, determine eligibility, and establish grant amounts.

Selection of applications for funding under the Continuum of Care Homeless Assistance are based on rating factors listed in the Notice of Fund Availability (NOFA), which is published each year to announce the Continuum of Care Homeless Assistance funding round. The information collected in the application form will only be collected for specific funding competitions.

Public reporting burden for this collection of information is estimated to average 5 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.

To the extent that any information collected is of a confidential nature, there will be compliance with Privacy Act requirements. However, the Continuum of Care Homeless Assistance application does not request the submission of such information.

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)

Exhibit 3: Shelter Plus Care Program – New Project Instructions

(Exhibit 3 is the application for a new S+C project, consisting of forms HUD 40076-COC-3A through form HUD 40076-CoC-3H, plus narrative text as specified in the instructions for each form)

Exhibit 3: S+C Component Comparisons

- If a structure you plan to use in your project is currently occupied, you should be aware of the complex relocation requirements that will apply. Contact your HUD Field Office Relocation Specialist or an experienced governmental relocation agency, in the planning stage of your project to ensure that you have addressed this issue properly.
- Activities that are not eligible for assistance include:
  - Assistance for non-disabled participants
  - Assistance for transitional housing

S+C Component Comparisons

Element	TRA	SRA	PRA	SRO
Entity Administering Rental Assistance	Recipient or other entity under contract to recipient	Recipient, nonprofit sponsor or other entity under contract to recipient	Recipient or other entity under contract to recipient	PHA
Type of Housing	Variety of types ranging from group homes to independent living units	Variety of types ranging from group homes to independent living units	Variety of types ranging from group homes to independent living units	SRO dwelling units
Living Requirements	Participants choose; recipient may require participant to live in a particular structure in first year and within a particular area in all years	Must live in structure owned or leased by sponsor	Must live in unit in particular property that is assisted	Must live in SRO structure
Eligible Participants	Homeless adults with disabilities and their families, if any	Homeless adults with disabilities and their families, if any	Homeless adults with disabilities and their families, if any	Homeless individuals with disabilities
Housing Quality Standards	24 CFR 982.401	24 CFR 982.401	24 CFR 982.401	24 CFR 882.803(b)
Rehabilitation	Not required	Not required	$3,000 minimum per unit for 10 years of assistance	$3,000 minimum per unit required
Term of Assistance	5 Years	5 Years	5 Years without rehabilitation; 10 Years with rehabilitation	10 Years
Unit (Contract) Rent	Reasonable rent	Reasonable rent	Reasonable rent	Rent calculated by PHA; limited by SRO Mod. Rehab. FMR

Please be sure to place the Applicant and Project Name and DUNS number on each page of your narrative response.

Form HUD 40076 CoC-3A

Exhibit 3: Project Narrative

Section A is a description of your proposed project. Please respond to **all** of the items in this section. Submit a separate Exhibit 3 for each priority project. A project may include no more than one component (i.e., TRA, SRA, PRA without rehab, PRA with rehab, SRO) and may be carried out by no more than one project sponsor.

1. **Project summary**. Please provide the following:
   a. Applicant **and** sponsor (if appropriate) names
   b. Program component
   c. Total S+C request
   d. The type of housing and number of units proposed
   e. The population to be served
2. **Homeless population to be served.** Briefly describe the following:
   a. Their characteristics and needs for housing and supportive services.
   b. Where they will come from. Indicate percentage coming from: streets, emergency shelters, transitional housing for homeless persons who came from street/shelters or other. Clearly explain "other."
   c. The outreach proposed to bring them into the project.
3. **Discharge planning changes.** For State and local government applicants who submitted a Discharge Policy certification in the FY 2003 application, please describe any policies and protocols subsequently implemented or developed effecting the discharge of persons from publicly funded institutions or systems of care (e.g. health care facilities, foster care or other youth facilities or correction programs and institutions) in your jurisdiction. Indicate how these changes have or will prevent such discharges from immediately resulting in homelessness and requiring assistance from homeless programs, for such persons. (You may provide a single response, a copy of which may be included in each of your project applications).
4. **Housing where participants will reside.** Demonstrate for each of the following:
   a. How the TYPE (e.g., apartments, group home) **and** SCALE (e.g., number of units, number of persons per unit) of the proposed housing will fit the needs of the participants.
   b. That the basic COMMUNITY AMENITIES (e.g., grocery store, medical facilities, recreation) will be readily ACCESSIBLE (e.g., walking distance, near bus line) to your clients.
   c. For TRA projects, if participants are required to live in particular structures or units during the first year and in a particular area within the locality in subsequent years or to live a particular area for the entire period of participation, how and why the project will implement this requirement.
5. **Supportive services the participants will receive.** Demonstrate for each of the following:
   a. How the TYPE (e.g., case management, job training) **and** SCALE (e.g., the frequency and duration) of the supportive services proposed will fit the needs of the participants.
   b. WHERE the supportive services will be provided **and** what TRANSPORTATION will be available to access those services.
   c. The details of your plan to ensure that all homeless clients in this project will be systematically assisted to identify, apply for and obtain benefits under all of the following mainstream health and social services programs for which they are eligible: TANF, Medicaid, State CHIP, SSI, Food Stamps, Work Force Investment Act and Veterans' Health Care programs.
6. **Self-sufficiency.** Describe specifically how participants will be assisted **both** to increase their INCOMES and to maximize their ability to LIVE INDEPENDENTLY.

Exhibit 3: Project Narrative

Experience Narrative

Section B is a description of the experience of all organizations involved in carrying out the proposed project. (Refer to section III.A. of the NOFA for Project Applicant and Sponsor Eligibility and Capacity Standards.) Please describe on preferably not more than 3 typed pages:

1. The specific type and length of experience of **all organizations** involved in implementing the proposed project, including the project sponsor, housing and supportive service providers, and any key subcontractors. Describe experience directly related to their role in the proposed project as well as their overall experience working with homeless people. This should include experience contracting for and overseeing the rehabilitation of housing, as applicable, and experience administering rental assistance.
2. List ***all*** HUD McKinney grants, other than ESG, received after 1998, including for each grant: the year awarded, grant number, grant amount, and amounts spent to date.
3. Please explain any delays in implementing any of the grants listed in (2) above which exceed applicable program timeliness standards.
4. Identify any unresolved HUD findings, or outstanding audit findings related to any of the grants listed in (2) above.

Exhibit 3: Project Component/Information/Participant Count/Major Milestones

Component Selection

Select the S+C component which describes your project (check only one box)

☐ TRA ☐ SRA ☐ PRA without Rehab ☐ PRA with Rehab ☐ SRO

Project Information (please type or print)

Project Name:	Project Priority No. (from project priority chart in Exhibit 1):
Project Address (street, city, state, & zip):	
Project Sponsor's Name (for SRA projects):	Proj. Congressional District(s):
Sponsor's Address (street, city, state, & zip) (for SRA projects):	Project 6-digit Geographic Code:
Authorized Representative of Project Sponsor (name, title, phone number, & fax) (for SRA projects):	**Grant being renewed— Grant Number:**

Participant Count

In each category shown in the chart below, estimate, ***when the program is fully operational***, the number of proposed participants expected to receive rental assistance at a point in time. Include each participant only once, in either Part 1or Part 2. Part 1 should only include persons with disabilities who will not have family members living with them. The actual subpopulations to be served must be noted below on Form HUD 40076 CoC-3H, Targeted Subpopulations. *Do not double count*

Number of Participants

Part 1: Individual Participants not in Families	
Part 2: Participants in Families	
(a) Total Targeted Participants: (in families)	
(b) Number of other Family Members Living with Participants	
Total Participants in Families	
Total Persons Served from Parts 1 and 2	

Major Milestones

Please complete the chart by entering the number of months planned from grant execution to the following milestones:

First Unit Occupied	Supportive Services Begin	Last Unit Occupied
months	months	months

Form HUD 40076 CoC-3C

Exhibit 3: Tenant-based Rental Assistance (TRA) Project Budget

Budget Forms

Fill out the information requested for the S+C component for which you are requesting funding. Make certain that **only one** component (TRA, SRA, PRA without rehab, PRA with rehab, and SRO) budget is completed in this section. **Requested subsidy cannot exceed current FMR unless an Exception Rent approval letter is attached.**

TRA Project Budget

Applicants requesting TRA must complete the chart below showing the number of units expected to be used in your program. Multiply the applicable existing fair market rents (FMRs) as published in the Federal Register (FR) on October 1, 2003, by the number of units of a given size by 60 months. [Please be advised that the actual FMRs used in calculating your grant will be those in effect at the time the grants are approved which may be higher or lower than those found in the October 1, 2003, FR Notice.] The SRO FMR should be rounded to the nearest whole number before multiplying by the number of units and the number of months. The FMR for each single room occupancy SRO unit is equal to 75 percent of the 0-bedroom FMR.

Complete a separate chart for each jurisdiction that has a different FMR.

Name of metropolitan or non-metropolitan area for the FMR used:

Dwelling Units	Number of Units X	FMR $ X	Number of Months	Total Amount Requested = $
SRO			60	
0 Bedroom			60	
One Bedroom			60	
Two Bedroom			60	
Three Bedroom			60	
Four Bedroom			60	
Other: (specify)			60	
Total TRA Assistance				**$**

Form HUD 40076CoC-3D

Exhibit 3: Sponsor-based Rental Assistance (SRA) Project Budget

A. Nonprofit Status: Nonprofit organizations must attach to this section one of the following:

- Private nonprofit organizations must submit a copy of their IRS ruling, providing tax-exempt status under Section 501 C (3) of the IRS Code of 1986, as amended, or documentation of nonprofit status as described in the Glossary in Section I.A.6 of the program section of the NOFA.
- Public nonprofit community mental health centers must attach a letter or other document acceptable to HUD from an authorized official stating that the organization is a public nonprofit organization.

B. Housing Description. Complete the chart below indicating the address of the specific structure(s) to be used, the number of units by bedroom size in each, and whether it is or will be owned or leased by the nonprofit entity.

Address (street, city, State & zip)	Number of Units by Size							Owned / Leased (check one)	
	SRO	0	1	2	3	4	>4		

Reminder: You may only have one sponsor per project.

Exhibit 3: SRA Project Budget (continued)

C. Grant Amount. In the following chart, show the number of units by size expected to be owned or leased by the sponsor. Multiply the applicable existing FMRs as published in the Federal Register (FR) on October 1, 2003, by the number of units of a given size by 60 months. [Please be advised that the actual FMRs used in calculating your grant will be those in effect at the time the grants are approved which may be higher or lower than those found in the October 1, 2003, FR Notice.]

The SRO FMR should be rounded to the nearest whole number before multiplying by the number of units and the number of months. The FMR for each SRO unit is equal to 75 percent of the 0-bedroom FMR. ***Complete a separate chart for each jurisdiction that has a different FMR. Please be specific as to jurisdiction.***

Name of metropolitan or non-metropolitan area for the FMR used:

Dwelling Units	Number of Units X	FMR $	Number of Months X	Total Amount Requested = $
SRO			60	
0 Bedroom			60	
One Bedroom			60	
Two Bedroom			60	
Three Bedroom			60	
Four Bedroom			60	
Other: (specify)			60	
Total SRA Assistance				$

Exhibit 3: Project-based Rental Assistance (PRA) Project Budget

PRA Project Budget

A. **Site.** In the chart below, indicate the address of the property to be assisted and whether or not rehabilitation that meets the requirements specified in 24 CFR 582.100(b) is to be completed.

Address: (street, city, State &zip)	Rehabilitation	
	Yes	No

Exhibit 3: PRA Project Budget (continued)

B. Grant Amount. For each property, complete a separate copy of the appropriate chart below showing the number of units by size, expected to be assisted at this property. Multiply the applicable existing FMRs as published in the Federal Register (FR) on October 1, 2003, by the number of units of a given size by the number of months. [Please be advised that the actual FMRs used in calculating your grant will be those in effect at the time the grants are approved which may be higher or lower than those found in the October 1, 2003, FR Notice.] If the units will be rehabilitated and your project qualifies for 10 years of rental assistance, complete chart 2. Otherwise, complete chart 1.

The SRO FMR should be rounded to the nearest whole number before multiplying by the number of units and the number of months. The FMR for each SRO unit is equal to 75 percent of the 0-bedroom FMR.

Chart 1. PRA Units without Rehabilitation

Name of metropolitan or non-metropolitan area for the FMR used:

Dwelling Units	Number of Units X	FMR $	Number of Months X	Total Amount Requested = $
SRO			60	
0 Bedroom			60	
One Bedroom			60	
Two Bedroom			60	
Three Bedroom			60	
Four Bedroom			60	
Other: (specify)			60	
Total PRA without Rehab				$

Chart 2. PRA Units with Rehabilitation

Name of metropolitan or non-metropolitan area for the FMR used:

Dwelling Units	Number of Units X	FMR $	Number of Months X	Total Amount Requested = $
SRO			120	
0 Bedroom			120	
One Bedroom			120	
Two Bedroom			120	
Three Bedroom			120	
Four Bedroom			120	
Other: (specify)			120	
Total PRA with Rehab				$

Exhibit 3: Single Room Occupancy (SRO) Project Budget

A. Project Site. Complete a separate form for ***each site*** included under the SRO component of the S+C Program.

Name (if any) & Address of Site: (street, city, State & zip)

B. Grant Amount. Complete the chart below showing the number of units to be assisted. Note that the FMR for SRO = Existing FMR for 0-bedroom units x 0.75 x 1.20. The SRO FMR entered below should be a whole number - round before multiplying. If 0.5 or above, round to the next higher whole number. You may not request assistance for more than 100 units per project. Use the existing FMRs published in the Federal Register (FR) on October 1, 2003. [Please be advised that the actual FMRs used in calculating your grant will be those in effect at the time the grants are approved which may be higher or lower than those found in the October 1, 2003, FR Notice.]

Name of metropolitan or non-metropolitan area for the FMR used.

Dwelling Units	Number of Units	X	Mod. Rehab SRO FMR $	X	Number of Months	=	Total Amount Requested
SRO					120		$

C. Certification Requirement for Non-PHA Applicants. Non-PHA applicants must submit the following letter from the PHA that will administer the rental assistance.

(Date)

I, (name and title), authorized to act on behalf of (name of PHA), certify that this agency qualifies as a Public Housing Agency as specified in 24 CFR 882.102, is legally qualified and authorized to carry out this proposed project, and that if (name of applicant) is selected for an SRO award, this agency will administer the rental assistance.

(Signature of PHA official) (PHA number)

D. Project Costs. (1) List below an estimate of the costs of developing the project.

Total Rehabilitation Costs (Eligible and Ineligible)	$
Acquisition	$
Other Costs (Eligible & Ineligible, e.g., furniture)	$
Total	**$**

(2) List, on a separate sheet, any commitments from public and private sources that you are able to provide at this time to help cover the costs of developing the project.

Form HUD 40076 CoC-3G

Exhibit 3: Additional Key Information

HUD needs the following information to respond to public and Congressional inquiries about program benefit. Responses from this section will also be used to measure compliance with the requirement that no less than 10 percent of the funds awarded are for projects predominantly serving individuals experiencing chronic homelessness, where at least 70 percent of the persons served meet HUD's definition of chronic homelessness.

1. Which of the following subpopulations will your project assist? (Check the *Predominantly Serve* box if your project primarily targets the given subpopulation i.e. more than 70 percent of the persons you propose to serve, or the *Serve box* if less than 70 percent.) (Identify all that apply)

Predominantly Serve (70%)	**Subpopulation**	**Serve**
	Chronically Homeless	
	Severely Mentally Ill	
	Chronic Substance Abuse	
	Veterans	
	Persons with HIV/AIDS	
	Victims of Domestic Violence	
	Women with Children	

2. If you propose to serve persons experiencing chronic homelessness in your project, provide the number of chronically homeless persons to be served _____.

3. Will the proposed project be located in a rural area? (A project is considered to be in a rural area when the project will be primarily operated either (1) in an area outside of a Metropolitan Area, or (2) in an area outside of the urbanized areas within a Metropolitan Area.)

   ☐ Yes ☐ No

4. 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

Exhibit 3: Additional Key Information (continued)

1. Will the proposed project be located in, or make use of, surplus military buildings or properties which are located on a military base that is covered by the provisions of the Base Closure Community Redevelopment and Homeless Assistance Acts of 1990, 1994 or 1996?

   ☐ Yes ☐ No

   If "yes," please provide the name of the military installation:_____

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB Approval No. 2506-0112
(exp. 08/31/2006)

The information collection requirements contained in this application have been submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). 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.

Information is submitted in accordance with the regulatory authority contained in each program rule. The information will be used to rate applications, determine eligibility, and establish grant amounts.

Selection of applications for funding under the Continuum of Care Homeless Assistance are based on rating factors listed in the Notice of Fund Availability (NOFA), which is published each year to announce the Continuum of Care Homeless Assistance funding round. The information collected in the application form will only be collected for specific funding competitions.

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.

To the extent that any information collected is of a confidential nature, there will be compliance with Privacy Act requirements. However, the Continuum of Care Homeless Assistance application does not request the submission of such information.

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)

Exhibit 3R: Shelter Plus Care Program – Renewal Project Instructions

(Exhibit 3R is the application for a renewal S+C project, consisting of forms HUD 40076-COC-3RA through form HUD 40076-CoC-3RE, plus narrative text as specified in the instructions for each form)

Exhibit 3R: Project Narrative/Performance/Component/Information

Please be sure to place the Applicant and Project Name and DUNS number on each page of your narrative response.

Project Narrative

Project summary. Please provide the following:
a. Grantee Name
b. Program component
c. Total S+C request
d. The type of housing and number of participants originally proposed and ultimately served
e. The population to be served
f. Project number of grant being renewed:_____PIN:_____.

Performance

1. Are there any significant changes in the project since the last funding approval: Yes☐ No☐
   If "yes" briefly describe the changes.

2. Are all units funded with S+C funds occupied? Yes☐ No☐
   If not, please explain the reasons.

Component

Select the S+C component which describes your existing project (check only one box)

☐ TRA ☐ SRA ☐ PRA without Rehab ☐ PRA with Rehab ☐ SRO

Project Information

Project Name:	Project Priority No. (from project priority chart in Exhibit 1):
Project Address (street, city, state, & zip):	
Project Sponsor's Name (for SRA only):	Proj. Congressional District(s):
Sponsor's Address (street, city, state, & zip) (for SRA only):	Project 6-digit Geographic Code:
Authorized Representative of Project Sponsor (name, title, phone number, & fax) (for SRA only):	**Grant being renewed -- Grant Number:**

Form HUD 40076 CoC-3RA

Exhibit 3R: Participant Count

In each category shown in the chart below, estimate, ***when the program is fully operational***, the number of proposed participants expected to receive rental assistance at a point in time. Include each participant only once, in either Part 1or Part 2. Part 1 should only include persons with disabilities who will not have family members living with them. The actual subpopulations to be served must be noted below in Targeted Subpopulations. *Do not double count.*

Number of Participants

Part 1: Individual Participants not in Families	
Part 2: Participants in Families	
(a) Total Targeted Participants: (in families)	
(b) Number of other Family Members Living with Participants	
Total Participants in Families	
Total Persons Served from Parts 1 and 2	

Form HUD 40076 CoC-3RB

Exhibit 3R: S+C Renewal Budget

Complete this budget section for the TRA, SRA, PRA or SRO project you are submitting for renewal. ***Remember that a separate Exhibit 3R must be submitted for each project.***

1. Need for Renewal

To determine if a renewal grant is needed for your project (including the S+C SRO component), please complete the following chart **(skip to Question 2 if awarded a one-year renewal in 2003):**

A. S+C Funds Originally Awarded $_____

B. Expenditure projected through 2005 $_____

C. Difference (A minus B) $_____

If balance remains after the funds projected to be spent by the end of calendar year 2005 ("B" above) are subtracted from the amount awarded for your existing grant ("A" above), a renewal grant is not needed at this time. Instead, a grant extension should be requested from the appropriate HUD Field Office. Grant extensions for S+C SRO components will be processed in the same manner as the other S+C components.

2. Renewal Budget

The amount of rental assistance requested for a renewal may not exceed the number of S+C units currently under lease times the applicable current FMR(s) times 12 months, except that for S+C grants having been awarded one-year of renewal funding in 2003, the number of units requested for renewal this year may not exceed the number of units funded in 2003. If you received a one-year S+C renewal grant in 2003, please provide the number of units approved for funding that year: _____.

In the following chart for TRA, SRA or PRA renewals only, show the number of units, by size, to be owned or leased during the one-year renewal period. Multiply the applicable existing FMRs as published in the Federal Register on October 1, 2003, by the number of units of a given size by 12 months. The FMR for SRO sized units under TRA, SRA or PRA should be rounded to the nearest whole number before multiplying by the number of units and the number of months. The FMR for each SRO unit is equal to 75 percent of the 0-bedroom FMR. [Please be advised that the actual FMRs used in calculating your grant will be those in effect at the time the grants are approved which may be higher or lower than those found in the October 1, 2003, FR Notice.] ***Complete a separate chart for each jurisdiction that has a different FMR. Do not complete this section for S+C SRO components; use Form HUD 40076 CoC-3RD.***

Requested subsidy cannot exceed current FMR unless an Exception Rent approval letter is attached.

Name of metropolitan or non-metropolitan area for the FMR used:

Dwelling Units	Number of Units	X	FMR $	X	Number of Months	Total Amount Requested = $
SRO					12	
0 Bedroom					12	
One Bedroom					12	
Two Bedroom					12	
Three Bedroom					12	
Four Bedroom					12	
Other: (specify)					12	
Total Assistance						$

Form HUD 40076 CoC-3RC

Exhibit 3R: S+C Renewal Budget/SRO Only

SRO Renewals Only

In the following chart for S+C/SRO renewals, show the number of units to be owned during the one-year renewal period. Multiply the number of units by the current contract rent (at time of expiration) by 12 months.

Dwelling Units	Number of Units	X	Contract Rent	X	Number of Months	Total Amount Requested = $
					12	$
Total Assistance						$

If your project was completed in stages, you need to submit a separate exhibit for each distinct stage.

Form HUD 40076 CoC-3RD

Exhibit 3R: Additional Key Information

HUD needs the following information to respond to public and Congressional inquiries about program benefit. Responses from this section will also be used to measure compliance with the requirement that no less than 10 percent of the funds awarded are for projects predominantly serving individuals experiencing chronic homelessness, where at least 70 percent of the persons served meet HUD's definition of chronic homelessness.

1. Which of the following subpopulations will your project assist? (Check the *Predominantly Serve* box if your project primarily targets the given subpopulation, i.e., more than 70 percent of the persons you propose to serve, or the *Serve box* if less than 70 percent.) (Identify all that apply)

Predominantly Serve (70%)	**Subpopulation**	**Serve**
	Chronically Homeless	
	Severely Mentally Ill	
	Chronic Substance Abuse	
	Veterans	
	Persons with HIV/AIDS	
	Victims of Domestic Violence	
	Women with Children	

2. If you propose to serve persons experiencing chronic homelessness in your project, provide the number of chronically homeless persons to be served _____.

3. The project is in a rural area:

☐ Yes ☐ No

4. The sponsor is a religious/faith-based organization:

☐ Yes ☐ No

Form HUD 40076 CoC-3RE

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB Approval No. 2506-0112
(exp. 08/31/2006)

The information collection requirements contained in this application have been submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). 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.

Information is submitted in accordance with the regulatory authority contained in each program rule. The information will be used to rate applications, determine eligibility, and establish grant amounts.

Selection of applications for funding under the Continuum of Care Homeless Assistance are based on rating factors listed in the Notice of Fund Availability (NOFA), which is published each year to announce the Continuum of Care Homeless Assistance funding round. The information collected in the application form will only be collected for specific funding competitions.

Public reporting burden for this collection of information is estimated to average 5 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.

To the extent that any information collected is of a confidential nature, there will be compliance with Privacy Act requirements. However, the Continuum of Care Homeless Assistance application does not request the submission of such information.

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)

Exhibit 4: Section 8 Moderate Rehabilitation SRO - New Project Instructions

(Exhibit 4 is the application for a new Section 8 Moderate Rehabilitation SRO project, consisting of forms HUD 40076-COC-4A through form HUD 40076-CoC-4E, plus narrative text as specified in the instructions for each form)

Exhibit 4: Section 8 Moderate Rehabilitation SRO - Project Narrative

Eligible applicants for this program are non profit organizations and Public Housing Authorities. Nonprofits must contract with a PHA to administer the program. A separate Exhibit 4 should be submitted for each new project. (Moderate Rehabilitation SROs will be renewed under a separate, non-competitive process.) In calculating your rental assistance amount, please use the Fair Market Rents (FMR) published in the Federal Register on October 1, 2003. You may obtain a copy of the applicable FMRs from your local HUD Field Office, which can also provide guidance on how to determine if your proposed project will be financially feasible. While housing providers should help residents to locate appropriate services, including services offered by the housing provider, to the extent possible, HUD encourages providers to develop housing programs which do not require participation in specific services as part of their tenancy requirements.

- If a structure you plan to use in your project currently has occupants, you need to be aware that there are relocation requirements. These occupants will not receive rental assistance if they return to units assisted by this project following rehabilitation. Because these requirements are complex, please contact your HUD Field Office Relocation Specialist or an experienced government relocation agency in the planning stage of your application.

Please be sure to place the Applicant and Project Name and DUNS number on each page of your narrative response.

Project Narrative

1. **Project summary**. Please provide the following:
   a. Names of applicant and sponsor (if appropriate)
   b. Program component
   c. Total SRO request
   d. The type of housing and number of units proposed
   e. The population to be served
   f. A photograph of the building to be assisted with the address (street, city, zip)

2. **Homeless population to be served**. Briefly describe the following:
   a. Their characteristics and needs for housing and supportive services.
   b. Where they will come from. Indicate percentage coming from: streets, emergency shelters, transitional housing for homeless persons who come from street/shelters or other. Clearly explain "other."
   c. The outreach proposed to bring them into the project.

3. **Housing where participants will reside**. Demonstrate for each of the following:
   a. How the TYPE (e.g., apartments, group home) **and** SCALE (e.g., number of units) of the proposed housing will fit the needs of the participants.
   b. That the basic COMMUNITY AMENITIES (e.g. grocery store, medical facilities, recreation) will be readily ACCESSIBLE (e.g., walking distance, near bus line) to your clients.
   c. The rehabilitation proposed for the property and the responsibility you and any other organizations will have in operating and maintaining the property.

4. **Supportive services the participants will receive**. Demonstrate each of the following:
   a. How the supportive service needs of participants will be ASSESSED and TRACKED.
   b. How the TYPE (e.g., case management, job training) **and** SCALE (e.g., the frequency and duration) of the supportive services will fit the needs of the participants
   c. WHERE the supportive services will be provided **and** what TRANSPORTATION will be available to the participant to access those services
   d. The details of your plan to ensure that all homeless clients in this project will be systematically assisted to identify, apply for and obtain benefits under all of the following mainstream health and social services programs for which they are eligible: TANF, Medicaid, State CHIP, SSI, Workforce Investment Act, Food Stamps and Veterans' Health Care programs.

5. **Self-sufficiency**. Describe specifically how participants will be assisted **both** to increase their INCOMES **and** to maximize their ability to LIVE INDEPENDENTLY.

Exhibit 4: Experience Narrative/Project Information

This is a description of the experience of all the organizations involved in carrying out the proposed project. (Refer to section III.A.1. of the NOFA for Project Applicant and Sponsor Eligibility and Capacity Standards.) Please describe on preferably not more than 3 typed pages:

1. The specific type and length of experience of ***all organizations*** involved in implementing the proposed project, including the project sponsor, housing and supportive service providers, and any key subcontractors. Describe experience directly related to their role in the proposed project as well as their overall and experience working with homeless people.
2. Describe experience contracting for and overseeing the rehabilitation of housing, and experience administering rental assistance.
3. List ***all*** HUD McKinney-Vento grants, other than ESG, received after 1998, including for each grant: the year awarded, grant number, grant amount, and amounts spent to date.
4. Please explain any delays in implementing any of the grants listed in (3) above which exceed applicable program timeliness standards.
5. Identify any unresolved HUD findings, or outstanding audit findings, related to any of the grants listed in (3) above.

Project Information (please type)

Project Name	Project Priority No. (from project priority chart in Exhibit 1):
Project Address (street, city, state & zip)	
Project Sponsor's Name:	Project Congressional District(s):
Sponsor's Address (street, city, state & zip)	Project 6-digit Geographic Code:
Authorized Representative of the Project Sponsor (name, title, phone number, & fax):	

Form HUD 40076 CoC-4B

Exhibit 4: Budget

1. **Rental Assistance Award Amount.**

Please complete the chart below showing the number of units to be assisted, the applicable fair market rent (FMR) as published in the Federal Register (FR) on October 1, 2003, and the total amount of rental assistance requested. [Please be advised that the actual FMRs used in calculating your grant will be those in effect at the time the grants are approved which may be higher or lower than those found in the October 1, 2003 FR Notice.] Note that the FMR for Moderate Rehabilitation SRO = Section 8 Existing Housing FMR for a 0-bedroom unit X 0.75 X 1.20. The SRO FMR entered below should be a whole number – round before multiplying. (If 0.5 or above, round to the next higher whole number.) Please remember that you cannot request assistance for more than 100 units per project.

Name of metropolitan or non-metropolitan area for the FMR used:

Dwelling Units	Number of Units	X	Mod. Rehab. SRO FMR $	X	Number of Months	=	Total Amount Requested
SRO					120		

2. **Project Costs.**

a. Please list below an ***estimate*** of the costs of developing the project.

Total Rehabilitation Costs (eligible and ineligible)	$
Acquisition	$
Other Costs (eligible and ineligible, e.g., furniture)	$
Total	$

b. Please list below (or on a separate sheet) any commitments from public and private sources that you might be able to provide to help cover the costs of ***developing*** the project. Firm financing commitments will need to be provided at technical submission.

Source	Amount
Total Funds	

Form HUD 40076 CoC-4C

Exhibit 4: PHA Certification

PHA Certification Requirements for Nonprofit Applicants

If the applicant for this project is a private nonprofit organization, please include in this exhibit the following letter from the PHA that will administer rental assistance:

(Date) _____.

I (name and title), authorized to act on behalf of (name of PHA), certify that this agency qualifies as a Public Housing Agency, as specified in 24 CFR 5.100, is legally qualified and authorized to carry out this proposed project, and that it (name of applicant) is selected for an SRO award, this agency will administer the rental assistance.

(Signature of PHA official)_____

(PHA number) _____.

Form HUD 40076 CoC-4D

Exhibit 4: Additional Key Information

HUD needs the following information to respond to public and Congressional inquiries about program benefit. Responses from this section will also be used to measure compliance with the requirement that no less than 10 percent of the funds awarded are for projects predominantly serving individuals experiencing chronic homelessness, where at least 70 percent of the persons served meet HUD's definition of Chronic homelessness.

1. Which of the following subpopulations will your project assist? (Check the *Predominantly Serve* box if your project primarily targets the given subpopulation i.e. more than 70 percent of the persons you propose to serve, or the *Serve box* if less than 70 percent.) (Identify all that apply)

Predominantly Serve (70%)	**Subpopulation**	**Serve**
	Chronically Homeless	
	Severely Mentally Ill	
	Chronic Substance Abuse	
	Veterans	
	Persons with HIV/AIDS	
	Victims of Domestic Violence	

2. If you propose to serve persons experiencing chronic homelessness in your project, provide the number of chronically homeless persons to be served _____.

3. Will the proposed project be located in a rural area? (A project is considered to be in a rural area when the project will be primarily operated either (1) in an area outside of a Metropolitan Area, or (2) in an area outside of the urbanized areas within a Metropolitan Area.)

☐ Yes
☐ No

Exhibit 4: Additional Key Information (continued)

4. 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

5. Will the proposed project be located in, or make use of, surplus military buildings or properties which are located on a military base that is covered by the provisions of the Base Closure Community Redevelopment and Homeless Assistance Acts of 1990, 1994 or 1996?

☐ Yes ☐ No

If "yes," please provide the name of the military installation:_____

Attachment 7

QUESTIONS AND ANSWERS

A Supplement to the 2004 Continuum of Care Homeless Assistance NOFA and Application

Office of Community Planning and Development
U.S. Department of Housing and Urban Development

2004

Table of Contents

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Questions and Answers
A Supplement to the 2004 Continuum of Care Homeless Assistance
NOFA and Application

To assist you in preparing your 2004 Continuum of Care (CoC) Homeless Assistance application, HUD developed the following questions and answers. For your convenience, they are grouped together by topic headings.

HUD Headquarters will hold satellite-training conferences to answer other questions you may have. In addition, many HUD field offices will hold training sessions on the NOFA and the application. Please contact your local HUD field office to learn more about these training opportunities. A listing of the HUD Area and State Offices is provided as an appendix to the General Section of the NOFA.

A. Major Changes for 2004:

There have been modifications to the Continuum application submission, Exhibit 1 questions, and changes to the number of points assigned to various scoring factors, as well as some minor project changes:

- **New this year, the applying Continuum of Care must assemble the entire application, including all projects, and submit it as a single mailed or hand-delivered package to HUD. Each application will consist of the CoC Exhibit and projects from one or more applicants and project sponsors. Individual projects in a Continuum of Care should not be submitted to HUD separately. Also new this year, submitted applications should only include the actual application questions and responses being provided. Do not include HUD's application instructions or any blank tables and charts.**
- **To help reach the goal of ending chronic homelessness by 2012, at least ten percent of the FY 2004 homeless appropriation must be awarded to projects predominantly serving individuals experiencing chronic homelessness. New or renewal, transitional, safe haven or permanent housing projects that have at least 70% of their clients who are chronically homeless will count toward this target. Within the "Process and Strategy" rating factor, HUD will be giving added weight to the community's response to the chronic homelessness strategy goals.**
- **A new "Performance Measurement" section is included and will be given the added weight of up to 5 points in the scoring process.**
- **An "HMIS Implementation" section is included and will be given the added weight of up to 5 points in the scoring process.**
- **Starting this year, HUD has reserved the right to fund lower rated eligible dedicated HMIS projects receiving 40 need points and at least 25 Continuum points for at least one year.**
- **The "Process and Strategy" scoring has been reduced from 20 to 17 points.**
- **The "Gaps and Priorities" scoring has been reduced from 15 to 10 points.**
- **A new scoring opportunity on "Removing Barriers to Affordable Housing" valued at up to 2 points has been added to the "Process and Strategy" rating factor.**

- **Projects must receive a minimum score of 65 points in the competition in order to receive any funding consideration for lower-rated SHP renewals.**
- **The permanent housing bonus will now be applied using a sliding scale based on a Continuum of Care's preliminary "Pro Rata Need" amount.**
- **The Supplemental Resources section has been simplified by replacing an extensive narrative section with a multiple choice chart and the scoring has been reduced to 13 points from 15.**
- **For each project, applicants will estimate the number of chronically homeless persons that will be served. In addition, the CoC will be required to describe any changes in the number of chronically homeless persons reported from 2003 to 2004.**
- **Each project will indicate which subpopulations it will target.**
- **Starting this year, all newly proposed Supportive Housing Program projects, excluding HMIS projects, are required to have a three-year term.**
- **Project sponsors must submit evidence in the application that they qualify as eligible sponsors (under the same criteria as applicants) for the program from which they seek funding (except S+C SRA component).**

B. Common Mistakes:

1. **What experiences can you share from past competitions to help me avoid making mistakes?**

   Here is a list of common errors. Please read carefully the application and the NOFA for further clarification, or contact your HUD field office. Common mistakes include:

   EXHIBIT 1
   - using prior application forms, which do not incorporate new requirements;
   - not explaining the methods for collecting the data in the Gaps Analysis and Homeless Population and Subpopulations charts;
   - not following the instructions for completing the Mainstream and Employment chart;
   - in preparing Exhibit 1, not ensuring that the individual sections are consistent with each other and complete;

   EXHIBITS 2, 2R, 3, 3R, & 4
   - inserting the wrong SF-424 for the applicant, especially if your project is a renewal;
   - the project budget request in the exhibit exceeds the Project Priorities chart amount;
   - not describing the new portion of an existing homeless assistance project where funds are being requested for an expansion of the project;
   - incorrect renewal grant numbers;
   - incorrect renewal amount request;
   - not directly responding to all applicable questions in the project narrative;
   - not requesting an extension of the current grant term before renewal application submission to ensure the project being requested expires in 2005;
   - not indicating the grant term;
   - not filling out the budget section completely; for example: -- SHP budget lacks applicant cash match; mathematical mistakes; not reflecting statutory match requirements; incorrect FMRs used.

C. Eligible Persons to be Served:

1. Who can receive assistance from the projects proposed in an application and how are these people counted in Exhibit 1?

Generally, a person must be homeless in order to receive assistance under the SHP, S+C, and SRO programs. Other restrictions may also apply, depending upon the program.

A person is considered homeless only when he/she resides in one of the places described below:

a. in places not meant for human habitation, such as cars, parks, sidewalks, and abandoned buildings;
b. in an emergency shelter;
c. in transitional or supportive housing for homeless persons who originally came from the streets or emergency shelter;

You may also serve persons who, but for assistance from these programs, would be living on the streets. This includes persons:

- being evicted within a week from a private dwelling unit and no subsequent residence has been identified and the person lacks the resources and support networks needed to obtain housing; or
- being discharged within a week from an institution in which the person has been a resident for more than 30 consecutive days and no subsequent residence has been identified and he/she lacks the resources and support networks needed to obtain housing.

In addition, persons who ordinarily sleep on the street or in emergency or transitional housing but are spending a short time (30 consecutive days or less) in a hospital or other institution will also be considered eligible for assistance.

As for provided counts of homeless persons in Exhibit 1 (e.g., Continuum of Care Homeless Population and Subpopulation Chart), only homeless persons (i.e., a-c above) should be included, not other persons determined to be eligible for assistance.

2. Can a project serve persons at risk of becoming homeless?

No. Prohibited homeless prevention activities include providing legal assistance in fighting evictions. By law, only those persons who are homeless may be served by the programs under the NOFA. If your organization wants to serve persons at risk of becoming homeless, persons who are "doubled up," or persons who are "near homelessness," it would need to use another source. HUD administers the Emergency Shelter Grants (ESG) program that can fund homelessness prevention activities. A variety of other programs, such as Section 8, Community Development Block Grant (CDBG) and HOME, serve low-income persons who may be at risk of becoming

homeless due to poor housing conditions, overcrowding or other reasons. Contact your local HUD field office for more information on these and other programs.

3. Can a project serve a person being discharged from a State mental health institution in a state that requires housing to be provided upon the person's release?

If your State has a policy requiring housing as part of a discharge plan, HUD does not consider those persons homeless since they will be placed in housing arranged by the State. Contact your State department of mental health or similar State agency for information on its discharge policy. If your State does not require housing as part of discharge planning, then those persons being discharged may be served as long as they will be homeless as described in Question #1 of this section.

As a condition for award in the competition, any governmental entity serving as an applicant must agree to develop and implement, to the maximum extent practicable and where appropriate, policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent such discharge from immediately resulting in homelessness for such persons. This condition for award, in the form of a certification and required by law, is intended to emphasize that States and units of general local government are primarily responsible for the care of these individuals, and to forestall attempts to use scarce McKinney-Vento Act funds to assist such persons in lieu of State and local resources.

4. Can a project serve a homeless youth after he/she becomes a ward of the state, or serve runaway youths?

Project funding may not substitute for the assistance a State is required to provide a youth while in foster care or in the juvenile justice system. Youth who run away from home are considered homeless if they are residing in those places listed under the criteria in Question #1 of this section, are without resources and support, and are not considered wards of the state.

5. Can a homeless person moving into permanent housing receive services under SHP for an extended period of time?

The person may receive supportive services for the term of the grant if he/she is living with a disability. If the person is not disabled, however, he/she may receive services for only up to six months after moving into permanent housing.

6. Who does HUD consider to be chronically homeless?

A chronically homeless person is an unaccompanied homeless individual with a disabling condition who has either been continuously homeless for a year or more OR has had at least four (4) episodes of homelessness in the past three (3) years. Disabling condition is defined as "a diagnosable substance use disorder, serious mental illness, developmental disability, or chronic physical illness or disability, including the co-occurrence of two or

more of these conditions." To be considered chronically homeless, persons must have been sleeping in a place not meant for human habitation (e.g., living on the streets) or in an emergency homeless shelter during that time.

D. SHP Administrative Costs

1. What is the requirement regarding splitting SHP administrative costs?

This requirement is applicable only to States and units of general local governments who are the applicants for SHP funding for individual projects that will be operated by nonprofit organizations. If SHP funds for administrative costs are awarded to a State or unit of general local government where the projects will be operated by nonprofit organizations, some of these funds must be passed on to the nonprofit organization(s). As stated in the NOFA, this requirement is NOT applicable to the SRO and S+C programs, nor does it apply to applicants that are non-government entities.

2. How much of SHP administrative funds referred to in Question #1 of this section must be passed on to the nonprofit organization(s) who will operate the homeless assistance project(s)?

Administrative funds provided as part of the SHP grant should be split with the nonprofit organization(s) in proportion to the administrative burden borne by them for the SHP project(s). However, HUD will consider States or units of general local government that pass on at least 50 percent of the administrative funds as having met this Congressionally-mandated requirement.

E. Match Requirements

1. Under SHP, what is the operating cost match requirement? Is this a cash match?

SHP funds may be used to pay for up to 75 percent of the total operating costs of supportive housing for all years of the grant term (this change is not applicable to grants awarded prior to calendar year 2000). For example, if the annual operating costs are $100,000, SHP funds may be used to pay up to $75,000, or 75 percent, of these costs in each year of the grant term and the grantee would be required to pay $25,000, or 25 percent, each year.

The operating costs match to be paid by the grantee is a cash match. Documentation of firm commitments of cash resources for the first year of the grant term and certification that cash resources will be provided in the second and third year of the grant term, if applicable, must be submitted as part of the technical submission application (the form and content requirements of the cash match documentation and certification are explained in the applicable exhibits of the SHP Technical Submission document). In addition, the cash match must be verified in the Annual Progress Report. Donated or in-kind contributions do not count toward meeting this match.

2. Is the SHP operating costs match requirement applicable to projects submitted for renewal funding?

Yes. Projects submitted for renewal are allowed to request up to 75 percent of the actual operating costs of supportive housing for all years of the grant term. However, renewal applicants may not request SHP funds to replace State or local government funds being used in the project.

3. What is the supportive services match requirement for SHP? Is this a cash match?

The 2004 HUD Appropriation Act specifies a 25 percent match of SHP supportive service funding (i.e., for every $100 in SHP funds, the applicant must provide $25 toward supportive services). Another way to look at this is that the SHP request can be no more than 80 percent of the total budget for the supportive services line item (i.e., 80% of the $125 (total budget) in the above example equals $100). If you do not indicate in your SHP application budget that you are supplying the full match required, your SHP request will be reduced so that it is no greater than 80 percent of your total supportive services budget.

The supportive services match to be paid by the grantee is a cash match. Documentation of firm commitments of cash resources for the first year of the grant term and certification that cash resources will be provided in the second and third year of the grant term, if applicable, must be submitted as part of the Technical Submission (the form and content requirements of the cash match documentation and certification are explained in the applicable exhibits of the SHP Technical Submission). In addition, the cash match must be verified in the Annual Progress Report. Donated or in-kind services do not count toward meeting this match.

4. What if we have a renewal project that is requesting supportive services funds? Do those funds need to be matched?

Yes. A renewal project requesting supportive services funds must also meet the match requirement as described in question #3 of this section.

F. Application

1. Is there a firm page limit for Exhibit 1, the CoC narrative?

Yes. Applicants must limit the number of pages in Exhibit 1 to 30 pages, including attachments. HUD will not review the pages exceeding the 30-page limit when rating Exhibit #1. In fairness to larger CoCs, and as noted in the application kit, only the first page of multiple page charts will count toward the 30-page limit.

2. Is there a formatting requirement for the written commitments claimed on the Project Leveraging chart?

The written commitment must be documented on letterhead stationery, signed and dated by an authorized representative, and must, at a minimum, contain the following elements: the name of the organization providing the contribution; the type of contribution (e.g., cash, child care, case management, etc.); the value of the contribution; the name of the project and its sponsor organization to which the contribution will be given; and, the date the contribution will be available.

Written commitments are not submitted at the time of application. However, they must be submitted for verification by HUD prior to grant agreement execution. Only the value of contributions to a project for which the applicant has a written commitment at the time of application will be counted toward points for leveraging of other resources.

An additional change you should be aware of when filling out the leveraging chart is that the instructions now say that the value of commitments of land, buildings and equipment are one-time only and cannot be claimed by more than one project. For example, the value of donated land buildings or equipment claimed in 2003 or before for a project cannot be claimed as leveraging by that project or any other project in subsequent competitions.

3. The NOFA says that HUD will perform a "threshold" review of my application. What does this mean? What should I be aware of when preparing my application?

HUD reviews your application to ensure that the applicant and project sponsor are eligible to apply for the program selected and have the requisite capacity to carry it out. It also reviews the capacity of all other organizations involved with the proposed project. It is imperative, therefore, to demonstrate that applicants and any sponsors or other organizations involved have sufficient capacity. Be sure to answer all of the questions under the Experience Narrative section(s) of the program exhibit(s). It is also imperative that nonprofit applicants and project sponsors include documentation demonstrating their eligibility.

HUD also reviews your project exhibit to ensure that your project will only serve homeless people (see Section C, question #1, of this supplement), that what you propose is eligible, and, in the case of projects other than SHP renewals and S+C renewals, that your project meets threshold quality standards. You can help ensure that your project passes the quality review by completely answering all of the applicable Project Narrative questions in the program exhibit. These questions relate directly to the NOFA threshold standards so it is important that you address each and every applicable factor in the Project Narrative(s) and complete the charts for the program for which you are applying.

After consultations with HHS, the individual project quality threshold review criteria have been modified to obtain better information on the nature of the supportive services being proposed by the applicant (i.e., supportive service requests must be cost-effective). In addition, performance review standards have been included for renewal projects and can be used as the basis for rejecting poorly performing projects. Finally, all projects,

including renewals (except S+C renewals), must submit a specific plan for ensuring that clients will individually be assisted to obtain the benefits of the mainstream assistance programs for which they are eligible.

Under SHP and S+C, renewal projects are considered to have met most of the threshold requirements through their previously approved grant applications. However, threshold reviews will be done on renewal projects to determine: (1) the eligibility of proposed activities; (2) the eligibility of the population to be served; and (3) the capacity of the applicant and project sponsor, including specific progress data contained in the APR.

4. **A balance of state continuum wishes to respond to the new section in Exhibit 1, Process and Strategy, for removing barriers to affordable housing, where up to 2 points is available for their CoC score. If the continuum covers multiple rural counties, which jurisdiction should it respond for in form HUD 27300, Questionnaire for HUD's Initiative on Removal of Regulatory Barriers? Also, should this continuum use Part A or Part B of the questionnaire?**

   This continuum should respond for the jurisdiction within the continuum where the majority of the assistance will be provided. Since this continuum covers a rural section of the state, it will use Part B of form HUD 27300, for projects located in unincorporated areas.

G. Continuum of Care Geography

1. **What options do communities have in deciding the area to be covered by a CoC?**

   The primary consideration is to design a system that will most effectively meet the needs of the homeless population. Remember, the single most important factor in receiving funding under this competition is the strength of the CoC as measured against the CoC criteria in the NOFA.

   Organizations within any locality may decide to: (a) create a CoC system within its own local boundaries; (b) join nearby communities in creating a multi-county or regional CoC system that fully involves all the communities included and serves the territory of the combined communities; (c) join with the State government or a Statewide organization in creating a Statewide CoC system; or (d) join with the State government or a Statewide organization in developing a CoC system for a specific community and/or county, or an entire region.

   Local communities are strongly discouraged from attempting to divide up the geographic area of a locality and developing separate CoC systems with separate applications for each portion of the locality. Such an approach undercuts the concept of CoC because your strategy should be community-wide, comprehensive and inclusive.

2. **What options do State governments and Statewide organizations have in deciding the areas to be included in a CoC?**

Statewide applicants may:

a. include the entire area of the state not covered by local CoC strategies in a single application which describes the Statewide CoC system for that entire area;

b. include a part of the area of the State not covered by local CoC systems in a single application which describes the CoC system for that area, which could include one or more counties not covered by local CoC systems; or,

c. submit two or more applications, each representing a separate CoC system developed by the State or a Statewide organization and its local partners for different sub-State areas not covered by local CoC systems. Each sub-State area could cover a single county or multi-county area.

The area proposed by a State government or Statewide agency should only include those counties and communities that are fully involved in the development and implementation of the CoC strategy with the State. This involvement should be described in Exhibit 1 of the application.

3. How can a rural community maximize its opportunity for project funding under the NOFA?

Because of their small demographic numbers, rural areas generally will have small pro rata need amounts. In order to maximize its funding potential, a rural area may wish to form a regional CoC system encompassing several contiguous counties. A single pro rata need figure for the combined geography will be calculated by adding the pro rata need figures together for each county. However, all geographic areas included in the regional CoC system need to be actively involved in the development and implementation of the CoC system and this involvement must be described in the CoC narrative.

4. My community is involving the State in its CoC system. Should the community describe its coordination with the State in the community's Exhibit 1? What about the Statewide application, if there is one?

Both the community and the Statewide applications should describe the coordination that has occurred in their respective applications. State support of a local CoC system can be a factor in the success of the local system. However, neither application should include the other as a jurisdiction covered by the other's strategy when describing the geographic area covered by their respective systems.

5. What if a Statewide or regional applicant wants to propose a project in a locality covered by a separate CoC strategy?

When a Statewide or regional entity wants to carry out a project within an area covered by a separate CoC strategy, that project must be included in the application submitted by the local community with the Statewide or regional entity listed as project sponsor and/or

applicant. Since such a project would be proposed to fill a gap in a community's strategy, it would be listed only in the local community's CoC priority listing (NOT the Statewide or regional organization's) and would receive a Need score based on the priority listing in that local community's strategy. However, a single HMIS project may cover the implementation of an HMIS across multiple CoCs.

H. Housing Gaps Analysis/Homeless Population and Subpopulations Charts

1. Why were changes made to the Gaps Analysis Chart?

Starting in 2001, HUD began streamlining the Gaps Analysis Chart in response to feedback from CoC planners concerning the burden and utility of the data being collected. We eliminated the priority levels and made the supportive services section optional. A recent Urban Institute study of the Continuum of Care process confirmed the burdens of collecting the needs data and reiterated local concerns about the usefulness of the data being collected and meaningfulness of several elements of the chart.

For 2004, we have limited the Gaps Analysis process to the housing components of the CoC. Summary data from the Fundamental Components of the CoC System (Housing Activity) are used to complete the Housing Gaps Analysis Chart and unmet shelter and housing needs are based upon the CoC's judgment.

Your local or State government planning agencies have information on how to do a survey, as well as the benefits of various survey designs. In addition, HUD, through the Interagency Council on the Homeless, published the manual, Practical Methods for Counting Homeless People, which also describes data collection methods and sources. You may order a copy of this manual by contacting the Urban Institute's publications office on 202-261-5687. The cost is $13.50 and includes shipping and handling charges.

I. Project Priorities

1. Why is HUD asking communities to prioritize their projects on the Project Priority chart in Exhibit 1? Who sets the priorities in a community?

Prioritizing projects should be a logical outcome of the development of a community's CoC strategy and driven by the community's gaps analysis. This means that all organizations in the process have a voice in determining the community's priorities for funding. Priorities should be established through a fair and rational process using objective criteria. Selecting the entity (or entities) that facilitates or leads the selection process is completely up to the community. Different entities will take the lead in different communities.

As stated in the application and the NOFA, HUD expects your community's CoC strategy to be developed by and coordinated with an as inclusive group as possible. Organizations involved in this process should include nonprofit organizations as well as community and faith-based entities, government agencies, public housing authorities, housing developers

and service providers, businesses and business associations, law enforcement agencies, hospitals, funding providers, and homeless and formerly homeless persons. These and other organizations should represent and address the specific needs of each homeless sub-population: the jobless, veterans, persons with serious mental illnesses, persons suffering from substance abuse, persons living with HIV/AIDS, victims of domestic violence, runaway youth and others.

2. What if our community decides it is unable to prioritize individual projects? Can we just submit one large request for funding and decide later how to divide the request into projects based on an RFP (Request for Proposals) or similar process?

No. The decision-making process for deciding the types of projects to include on the Project Priorities chart, and each project's priority for funding, must be completed prior to submission. A community cannot undertake an RFP or similar process after submission. If a Project Priorities chart is not submitted, all projects are likely to receive the lowest points for Need. Moreover, the CoC score will also be adversely affected by the absence of priorities.

3. What happens if the dollars requested on the Project Priorities chart do not match the dollars requested in the project budget?

If the project budget shows a higher dollar request than the Project Priorities chart, that amount will be reduced to match the Project Priorities chart. If the dollars requested in the project budget are lower than those shown on the Project Priorities chart, then the lower of the two amounts will be considered by HUD to be the requested amount.

4. What happens if the grant term requested on the Project Priorities Chart does not match the grant term requested in the project budget?

The grant term circled on the project budget will be used. Keep in mind that new SHP projects must have at least a three-year grant term.

J. Pro Rata Need and Need Scores

1. What is "pro rata need"?

Pro rata need is the term used to describe the relative portion of national homeless assistance need assigned to a community or group of communities in HUD's CoC competition. The "pro rata need amount" is the expression of relative homeless assistance need in dollar terms for use in scoring the "need" rating factor within a CoC competition.

2. How is the pro rata need amount determined for a community?

There are several steps HUD uses to reach the final pro rata need amount for each community, as described below:

Step 1 - Preliminary pro rata need: Prior to application submission, HUD calculates a "relative need index" for each CDBG-entitled city and county and each non-CDBG-entitled county in the country. HUD uses the same indices of need in computing each community's index that is used in determining the formula amounts under the CDBG and ESG programs. Each city's and county's need index is then applied against the total amount of funding available nationally in each year's CoC competition to determine the preliminary pro rata need amount for each geographic area.

Following application submission, HUD assigns each city and county identified as participating in a CoC system in all submitted applications its preliminary pro rata need amount. HUD then aggregates the preliminary pro rata need numbers for all the geographic components participating in each CoC.

Step 2 - Renewal-adjusted pro rata need: Each CoC system's preliminary pro rata need amount will then be compared to the SHP project renewal need identified by that CoC in its Project Priorities chart. Only SHP renewal projects eligible for submission in the competition will be counted for this purpose. Similarly, only that portion of submitted renewal requests that are for activities that may be renewed will be counted (i.e., a proposed expansion of a renewal project is not eligible as a renewal and must be presented as a new project and be shown separately on the Project Priorities chart).

When the total one-year renewal need amount of all eligible SHP renewals submitted in the competition exceeds the preliminary pro rata need amount for that CoC, an amount equal to the difference will be added to the CoC's preliminary pro rata need amount. The net effect of this will be that sufficient funds will be provided to every Continuum of Care so that all of their eligible SHP renewals can be funded for one year if they are successful in this year's funding round and if they are placed as top priorities in the application. However, if the total one year amount of eligible SHP renewals in a CoC is equal to or less than that CoC's preliminary pro rata need, no upward adjustment will be made to their pro rata need.

Note: If a Continuum of Care has a total one-year SHP renewal request greater than its preliminary pro rata need AND that CoC requests more than one year of assistance for one or more of its SHP renewals, this may likely result in at least one of their lower priority renewal requests not being funded due to insufficient pro rata need. If you are in this situation, you are urged to limit the term of your SHP renewal request(s) to one year.

No renewal adjustment will be made to a CoC's preliminary pro rata need amount for eligible S+C renewals being funded non-competitively for one year from the separate McKinney-Vento Act account set up for this purpose since their funding does not count against a CoC's pro rata need.

Step 3 - Permanent housing pro rata need bonus: In order to promote permanent housing for the homeless, if a CoC's number one priority project qualifies as an eligible, new permanent housing project, then the full amount of that project's housing eligible

activities, up to the lesser of 100 percent of the CoC's preliminary pro rata need or the amount in sliding scale below, will be added to the final pro rata need amount for the Continuum. The permanent housing bonus for a preliminary pro rata need (PRN) of $10.0 million or more is $2.0 million; PRN of $5.0 million or more but less than $10.0 million is $1.5 million and PRN less than $5.0 million is $750,000 or the PRN amount, whichever is less.

The dollar amount determined after application of each of these steps, as applicable, is referred to as the "final pro rata need amount."

3. How is "pro rata need" used?

HUD takes each CoC community's final pro rata need amount and applies it against the requested amount (as adjusted where necessary) of each project on the community's Project Priority chart. Starting with project priority #1 and proceeding down the chart, skipping individual projects rejected during the threshold review, projects whose requested amounts fall fully within the applicant's CoC pro rata need amount, as adjusted ("first level"), or those where more than one-half the requested amount falls within this "first level" receive the full 40 points available for Need. Continuing down the list, those projects whose requested amounts fall fully within the "second level" (two times the pro rata need amount, as adjusted), or those where more than one-half the requested amount falls within the "second level" receive 10 points. Any remaining projects on the priority list each receive 5 points. If projects are not prioritized, they will receive zero points for Need.

There are only two exceptions to the above procedures. The first exception will occur if the first non-rejected project on any CoC system's priority list fails to meet the criteria for receiving 40 points. In such instances, in order to achieve greater geographic diversity, the total requested amount for the first non-rejected priority project will be reduced to the applicant's CoC final pro rata need amount and assigned 40 points.

The second exception will occur if the total amount that would be awarded for "first level" projects in any CoC following the above procedures exceeds the final pro rata need amount for that CoC by more than $100,000. In such instances, the lowest priority "first level" project being selected will be reduced to the level necessary to ensure that the total amount being awarded for such projects does not exceed the final pro rata need amount by more than $100,000.

4. If five different cities/counties develop a single CoC system, will the pro rata need figures of the five jurisdictions be added together?

Yes. A single final pro rata need figure for the combined geography of the five jurisdictions will be calculated by adding the five separate Need figures. The combined figure will then be used to determine the number of projects on the single Project Priorities chart that will receive 40, 10 and 5 points for Need, as described above. To

ensure that the full Pro Rata Need is received, be sure to include all the geography of participating cities/counties on the Application Summary.

5. Given the situation in the previous question, do the projects then have to be located in all five jurisdictions proportionally?

No. The projects do not have to be located in all five jurisdictions nor do they have to be located proportionally. However, the single CoC system must be designed to address the problem of homelessness in all five jurisdictions, and it must be clear in the application the various CoC organizations in all five jurisdictions are actively working together in planning and implementing the CoC. Otherwise, the very important CoC score, which represents up to 60 points, will be adversely affected.

K. Serving Veteran Needs

1. The NOFA mentions veterans groups. How should veterans organizations be involved in the CoC?

Your community process for developing and implementing a CoC system should be comprehensive and inclusive. This means the needs of all homeless sub-populations in your community should be represented in your CoC planning process and project implementation. Because studies show that a significant segment of the homeless population are veterans, it's especially important to involve veterans organizations so that the needs of homeless veterans are addressed appropriately and effectively.

2. Is there any guidance available on developing programs to address the needs of homeless veterans?

In 2002, HUD released two new technical assistance resources addressing the needs of homeless veterans. The first report, A Place at the Table: Homeless Veterans and Local Homeless Assistance Planning Networks, is designed to help organizations serving homeless veterans to more effectively participate in the homeless assistance program planning networks in their communities and, in particular, to access resources through the Continuum of Care planning process.

The second report, Coordinating Resources and Developing Strategies to Address the Needs of Homeless Veterans, provides information on promising practices for effectively coordinating HUD funding with other resources in order to address the special needs of homeless veterans. Both reports can be found at the HUD homepage at http://www.hud.gov/homeless/index.cfm under homeless vets. Printed versions of these 2 reports will be available from Community Connections at 1-800–998-9999.

HUD strongly encourages each local Continuum of Care to examine the identified unmet needs for supportive services and housing of homeless veterans by examining appropriate local community data contained in the Department of Veterans Affairs CHALENG

(Community Homelessness Assessment, Local Education and Networking Groups) for Veterans report. This report can be accessed via the web at http://www.va.gov/homeless/page.cfm?pg=17.

L. **Projects**

1. **What is the extension policy for SHP grants?**

For SHP grants expiring in a given calendar year, grantees that will have SHP or other funds to carry them beyond that calendar year have the option of extending their grant term for up to one year subject to HUD approval. Grant terms may be extended if:

(1) the renewal project fails to receive funding in a competition and wants to become eligible to apply again in the next competition;
(2) the grantee of a project currently eligible for renewal fails to apply in a competition but wants to be eligible to apply in the next competition; or
(3) there is an overabundance of renewal requests in the community in a particular year.

Grant terms may not be extended for more than one year. In addition, extensions for less than a year are acceptable if an entire year is not needed to carry the term into the next calendar year. For example, if a grant term ends in November 2005, it need only be extended for 2 months to carry the grant term into January 2006.

To obtain an extension, grantees must request that their local HUD field office process a grant agreement amendment. Such requests must be submitted before the application deadline. With the request for an amendment, grantees must submit information to the field office demonstrating how they fit one of the criteria above and that they have the financial resources to carry out the project fully in accordance with all of the provisions of their grant agreement during the extension period. (See Section N, question #8, regarding funding sources that may be used to continue a project.)

Please note that if a project fails to be renewed in a competition, it would not be eligible to apply for renewal again in the next competition unless the grantee submits a request for and receives an extension of the project's term.

2. **If my project has several structures and we are also providing supportive services, including outreach, how would I include the supportive service on the budget sheets?**

New projects will be including a structure budget for each of the structures in your project. If supportive services are also included, then spread the services among the structure budgets so that the structure budgets add up to the total budget.

3. **May SHP funds be used in public housing facilities?**

Yes. An SHP project may use public housing units only after the PHA disposes of the units, through deed or lease, to the SHP grantee and obtains HUD approval of the disposition. After the disposition, these units can receive no public housing capital or operating subsidy.

4. **In the 2004 HUD Appropriations Act, Congress has included a provision to ensure the timely implementation of projects awarded funding in the CoC competition. Does this affect my project?**

Recipients conditionally awarded funds in the 2004 CoC funding round must have a fully executed grant agreement or, in the case of the Section 8 SRO Program, Annual Contributions Contract, by September 30, 2006. If a grant agreement or ACC is not executed by that date, the award will be withdrawn. These funds will remain available for expenditure for five years from that date, except that the 2004 Appropriations Act provides for up to $20 million to be awarded for the Section 8 SRO Program to be available until expended.

5. **If a grantee has money left over after the term of their SHP grant, can the grant be extended in order to spend the remaining money?**

SHP projects cannot be extended merely to spend the remaining grant funds. However, if a grant is extended into the next calendar year so that it can become eligible to apply for renewal in the next competition, grant funds remaining from the current term may be used as a source of funding to continue the project during the extension.

6. **In the application for SHP, under Exhibit 2, when would it be appropriate to use the "New" exhibit?**

You would use the "new" SHP exhibit in the following situations:

- if you were proposing a brand new project that has not provided services or supportive housing for homeless persons;
- if you are making an addition to an existing non-SHP funded project (only the addition is considered eligible for funding);
- if you are making an addition to an existing SHP funded project (only the addition is considered eligible for funding; see Section N, question #4, regarding how to apply for renewal and expansion of the same project);
- if you are bringing your project up to code (only activities which are code-related are eligible);
- if you are replacing non-renewable Federal or private funds in an existing project; or
- if you are re-starting an SHP project which received SHP funding in the past, but the SHP funding ended when the project term expired, and the project did not continue to provide services or supportive housing for homeless persons.

7. **Do new and renewal SHP project applicants use identical forms?**

No. There are two exhibits for SHP projects this year. The new projects will use the first exhibit (2) and the renewals will use the second exhibit (2R).

8. Are there any new Lead-Based Paint or Environmental review requirements this year?

Yes. Under the Tenant-based Rental Assistance Component for new Shelter Plus Care Projects where participants may be required to reside an particular structure or immediate area, an environmental review and clearance must be performed prior to any commitment to lease a particular structure or unit for participant occupancy, as described in NOFA Section III.C.3.e(3)(a).

The changes in the Lead-Based Paint regulations, which became effective for recipients of funding in the 2001 competition, are extensive. The regulations set hazard reduction requirements that give much greater emphasis than existing regulations on reducing lead in house dust. Scientific research has found that exposure to lead in dust is the most common way young children become lead poisoned. Therefore, the new regulation requires dust testing after paint is disturbed to make sure the home is lead-safe. Specific requirements depend on whether the housing is being disposed of or assisted by the Federal Government, and also on the type and amount of financial assistance, the age of the structure, and whether the dwelling is rental or owner-occupied. For additional information, contact your local Field Office.

In regard to environmental reviews, an important statutory change now provides that for recipients who are private nonprofit organizations or public housing authorities (PHA), the environmental review may be performed by responsible entities (units of general local government in whose jurisdiction the activity is located or States) in accordance with 24 CFR Part 58 - "Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities" whether or not the grantee is itself a unit of local government or State.

If a responsible entity is either unwilling or unable to perform an environmental review for grantees who are public housing agencies or private nonprofit organizations (Section 58.11), or if HUD determines that the responsible entity should not perform the environmental review on the basis of performance, timing or compatibility of objectives, HUD may designate another responsible entity to conduct the review under Part 58 or may itself conduct the environmental review based on Part 50.

9. State and local governments funded in previous competitions were required to certify that they would develop policies and protocols for people being discharged from publicly funded institutions. How do State and local grantees report on our efforts toward implementing the requirements of that certification?

Project applicants who are State or local governments awarded funds in previous competitions are asked in the Project Exhibit narratives to provide a description of any policies and protocols they have developed/implemented regarding discharges from publicly funded institutions. They should also indicate how these changes have or will

prevent such discharges from resulting in homelessness for discharged persons. A copy of the description should be placed in each submitted project.

10. Can Section 8 project-based or tenant-based assistance be used in a SHP funded transitional housing program?

HUD's current policy is to not fund **new** projects mixing Section 8 assistance in SHP-funded transitional housing projects. Experience with such funding has resulted in many complex operating issues when the two subsidy streams are combined.

11. If my project is a new "Supportive Services Only" project, do I still have to answer all of the narrative questions in the Project Narrative, including the questions related to housing?

Applicants for the Supportive Services Only component of the SHP must answer all items in Exhibit 2, Project Narrative, except item #3 and #7.

12. For a Shelter Plus Care Project that is requesting rents above the published Fair Market Rent (FMR), is documentation of exception rent approval required?

Exception rents are defined as rents above 110% of the published HUD FMR. Public Housing Authorities (PHAs) have the authority to set their rents (which impact the S+C rents) from 90% up to 110% of the FMR. Requested rents above 110% must be accompanied by documentation of HUD approval of the exception rent. Requests for rents above 100% but no more than 110% must be accompanied by a statement from the PHA that they have exercised their authority to set rents above the published amount. The PHA statement must cite what level the rents are set at, up to 110% of the FMR.

M. Permanent Housing Requirement

1. What exactly is the 30 percent permanent housing requirement in this year's competition?

The FY 2004 HUD Appropriations Act stipulates that after funding S+C renewals, 30 percent of the remaining appropriation amount must be awarded to permanent housing projects. The 30 percent requirement applies to the competition overall, not to individual applications. In other words, HUD is not requiring each community to submit 30 percent of its projects as permanent housing. However, in order to meet this statutory requirement, HUD may have to skip over higher scoring non-permanent housing projects in order to fund lower scoring permanent housing projects or, within a continuum, skip over higher priority non-permanent housing projects in order to fund lower priority permanent housing projects. In order to reduce the chances that one of your non-permanent housing projects will be skipped over for funding, every effort should be made to improve your CoC narrative.

Certain projects in the Safe Haven component of the Supportive Housing Program may now be included in the definition of permanent housing for the purpose of determining compliance with the 30 percent permanent housing requirement. Projects now meeting the definition of permanent housing for this purpose are projects under the following programs:

- S+C (new);
- SRO; and
- the SHP/Permanent Housing component (new and renewal);
- Safe Haven projects which have the characteristics of the permanent housing component of SHP, including a lease with the resident.

You should be careful in your application to establish that your Safe Haven project qualifies as permanent housing.

2. If HUD finds that it must select for funding lower rated permanent housing projects and, consequently, must skip over non-permanent housing projects above the funding line to meet the 30 percent permanent housing requirement, how will it be done?

Should it be necessary to skip over non-permanent housing projects for funding in order to achieve the 30% requirement, HUD will first skip over new non-permanent housing projects when making project selections in order to meet the 30 percent requirement. If the 30 percent requirement has not been met after skipping over the new non-permanent housing projects, then HUD will skip over non-permanent housing renewal projects. In skipping over new non-permanent housing projects, HUD will begin with the lowest rated (eligible) fundable new non-permanent project at the projected funding line and continue up the rankings until the 30 percent requirement is met. If it is necessary to skip over non-permanent housing renewal projects, HUD will proceed in the same way.

If it becomes necessary to select for funding lower rated permanent housing projects below the funding line as to achieve the 30% permanent housing requirement, these permanent housing projects, in order to be eligible for funding for this purpose, must have been assigned at least 10 Need points and be submitted as part of a Continuum of Care application that received at least 25 points under the Continuum of Care scoring factor. However, no Continuum of Care application may receive more than 30% above its final pro rata need amount, up to $3 million, for permanent housing projects assigned only 10 Need points ("second-level" projects) that are selected for funding under this procedure.

3. Since the law calls for 30 percent of the appropriation for the homeless assistance funds to be used for permanent housing, should our community rank the permanent housing projects at the top of the Project Priorities chart to ensure they are funded?

There is no mandate to adjust your priority list. However, non-permanent housing projects on your priority list may not receive funding if a lower ranked permanent housing project must be funded in order to comply with the statutory requirement.

4. What is the 10% Chronic Homeless Incentive?

To help ensure the elimination of chronic homelessness, this year HUD has implemented a requirement that at least 10 % of the appropriation be awarded to housing projects that predominantly serve individuals who are chronically homeless. At least 10 % of the appropriation will be awarded to new or renewal transitional or permanent housing projects where at least 70 % of the project's clients will be chronically homeless. Housing projects include: SHP Transitional Housing, Permanent Housing and Safe Havens; S+C, and SRO projects.

N. Renewal Funding

1. What is a renewal grant?

A renewal grant is a grant that continues assistance to a project that received funding in the past. For the 2004 competition, a grantee may request renewal funding if it was previously funded under one of the following programs and its grant will expire in calendar year 2005. The following are eligible:

a. SHP projects, including those renewed before, that are expiring in 2005;
b. S+C projects expiring in 2005 that will have insufficient funds to continue operating throughout 2005, or S+C projects having been previously extended but which are projected to run out of funds in 2005.

2. Who can apply for a renewal?

Only the current grantee (the entity that has executed the grant agreement with HUD) can be an applicant for a renewal. In order to identify the current grantee as the applicant in this year's competition, a SF-424 must be included as part of the application. If in doubt, please check with your local HUD field office. Please note that project sponsors and other entities that are not the grantee cannot apply for renewal. The law allows only the grantee to apply.

3. A current SHP grantee decides to add new activities or expand the level of an existing approved activity to its existing SHP funded project (i.e., expand the project) and submits an application requesting funding for these new activities. Would this be considered a renewal grant?

No. In order to be considered an SHP renewal, a project must not include either a new activity or an expansion of an existing activity. An expansion of an existing project is considered a new effort and would be submitted as a new project.

4. Do I have to submit separate project applications to both renew and expand my SHP project?

Yes. If a project is eligible for renewal and the grantee wants to apply for funds to both renew the existing project and to add new activities or expand existing activities to the same project, a separate Exhibit 2 Project Narrative, must be submitted for each. That is, an Exhibit 2R should be submitted requesting the renewal of the existing project and another Exhibit 2 should be submitted requesting funding for only the additional new or expanded activities. In addition, both projects should be listed as separate priorities on the Project Priorities chart in Exhibit 1.

5. How do I determine if my project is eligible for SHP renewal?

To be eligible for an SHP renewal, your current HUD grant must expire during calendar year 2005. A grant is expiring in calendar year 2005 if its term ends during that year. Many grants begin with acquisition, rehabilitation, or new construction which must be completed before term activities can begin. Term activities are those that are funded for a period of time specified in the NOFA, grant agreement, or HUD renewal guidance under which the grant was funded – such as one, two or three years. Term activities are leasing, operations, and supportive services. Note: The term of a grant does not begin until the grantee begins to serve participants.

The term ends when the specified time period for the grant elapses. For example, a 2000 SHP grant was awarded a three-year term. The term ends three years from the time the grantee first serves participants and draws SHP funds for leasing, operations or supportive services, not three years from the first draw of SHP funds for any other approved activity.

However, if a grant term has been extended the term ends when the period of extension expires as indicated in the grant agreement amendment. If the grant whose term was extended is subsequently renewed, the renewal grant term begins when the extension period expires.

Contact your local HUD field office to confirm whether your project is eligible for renewal in this competition. Your discussions with the field office should clarify the terms of any extensions, as well as any amendments that have been executed. Any minor changes (less than 10% shift of funds from one activity to another) should be part of your discussion.

6. How much money can I request for my SHP renewal?

The amount an applicant may request for activities eligible for renewal in an existing project (i.e., leasing, operations, supportive services) is based on the average annual amount of the grant being renewed as approved by HUD for these activities in the existing grant's Technical Submission. Renewal funds can only be requested for continuing a previously approved project at the same level of housing and/or services

provided in the previous grant. The amount requested for operations may not exceed 75 percent of the total operations budget and the amount requested for supportive services may not exceed 80 percent of the total supportive services budget (see Section E of this supplement regarding match requirements for these activities).

7. Is there a new performance section in Exhibit 1?

Yes. In addition to the performance section for each renewal project in Exhibit 2R for Supportive Housing and Exhibit 3R for Shelter Plus Care, a new "Performance Measurement" section is included in Exhibit 1. Applicants can receive up to 5 points for this section of Exhibit 1. This new section measures the performance of the Continuums' renewals in helping to achieve the Government Performance and Results Act (GPRA) objective of Ending Chronic Homelessness and Helping Homeless Individuals and Families move to Permanent Housing. The performance section asks for: 1) what percentage of participants in all permanent housing renewals on a CoC's priority list stayed in the housing at least six months; 2) what percentage of participants exiting all transitional housing renewals moved to permanent housing; and 3) what percentage of exiting participants from all renewals on the priority list accessed mainstream services and became employed.

For each of the 3 measures, the CoC will tally the relevant information from the most recently submitted APR for the applicable projects. For instance, if the CoC is requesting renewal this year for 5 transitional housing projects, it will add up the information contained in Question 12 from the APR most recently submitted to HUD for these 5 projects and determine from this information what percent of all participants in those projects moved to permanent housing.

8. If my application for renewal of an SHP project is not funded in a competition, what sources of funds can I use to continue my project?

To continue an SHP project that was unsuccessful in seeking renewal in a prior competition, you may use any type of funds – Federal, State, local, or private funds – and still compete in the next competition. While normally the use of State or local government funds in a project would prevent future Federal funding, HUD does allow the use of State or local government funds as interim or emergency funding when they are used to continue an SHP project which was unsuccessful in seeking a renewal.

9. Are there any instances in which the scope of an SHP project may be reduced when it is renewed?

Yes. You may proportionately reduce or eliminate elements of the project and the SHP request. However, be aware that this project, as well as all projects, must meet all project threshold requirements as identified in the NOFA.

If the scope of a project is reduced, clearly indicate and fully describe in the Project Narrative, in the application the following: Why it is necessary to reduce the scope of the

project; which elements (housing units, services, etc.) of the project will remain and which will be reduced or eliminated; the number of persons served compared to the number in the original grant; and how the proportionate reduction in SHP funds was calculated.

10. Can a CoC decide not to request renewal funds for existing projects, or to give these projects a relatively low priority ranking?

Yes. The need for the continuation of previously funded projects should be considered in the local needs analysis process and a decision should be made locally on the priority to assign to the continuation of a project. HUD does not require that existing projects be renewed or given a higher priority than other projects. However, HUD is very concerned that the ongoing housing needs of persons currently being served by existing projects be taken into account as part of the decision-making process. The CoC should review each project at the time it seeks renewal to determine if the project is performing satisfactorily and is meeting the needs of persons it proposed to serve or whether local needs have changed and other subpopulations or types of assistance should be given preference.

11. What level of detail is needed to complete the Supportive Services and Operations Charts for renewal projects?

The charts enable you to include detailed information you already have available for renewal projects at the time of application, rather than at second submission. Requesting the detail normally included in the Technical Submission package streamlines your planning and eliminates duplication of effort following the conditional award.

12. How do I determine if my project is eligible for a S+C renewal?

Any S+C project whose grant term is expiring in calendar year 2005 and which is projected to run out of rental assistance funds in 2005 is eligible for renewal. (In addition, S+C grants that received an extension previously but which are projected to run out of funds in 2005 are also eligible.) The effective date of the grant (the date the agreement is executed by HUD) is the date used to determine whether the grant (including all of its TRA, PRA and SRA, and SRO component projects) is expiring.

It is entirely possible that within a single grant, one component project may have sufficient funds remaining to continue providing rental assistance beyond 2005 while another component project must be submitted for renewal. Therefore, the status of every S+C component project within an expiring grant should be analyzed separately to determine whether it can be extended or should be submitted for renewal.

HUD has developed procedures for extending the grant term for S+C projects expiring in calendar year 2005 with sufficient funds to carry the project into calendar year 2006. This extension process is independent from the CoC competition. In such a case, contact your HUD field office for information on seeking an extension of your project.

13. Is the special funding of Shelter Plus Care renewals going to continue in the 2004 competition and what will the requirements be for submission of these renewal applications?

Under the 2004 HUD Appropriations Act, eligible Shelter Plus Care Program grants whose terms are expiring in FY2005 and Shelter Plus Care Program grants that have been extended beyond their original five-year terms but which are projected to run out of funds in FY 2005 will be renewed for one-year provided that they are determined to be needed by the Continuum of Care and meet other programmatic and financial standards. In order to meet the Congressional intent that only Shelter Plus Care renewals determined to be needed by the Continuum of Care are funded, all Shelter Plus Care renewals must be submitted as part of a community's Continuum of Care submission and be included on the priority list. Therefore, S+C renewals must be given consideration as part of the local CoC planning process and, if approved for submission by the CoC, must be listed as the last entries on the CoC's Project Priority Chart. (Even though the selection for funding of eligible Shelter Plus Care projects is non-competitive, a Shelter Plus Care renewal application should be submitted by the deadline and in accordance with the other submission requirements described in the NOFA.)

Exhibit "3R" is for Shelter Plus Care renewal projects only. Submit a separate Exhibit 3R for each renewal project. (A renewal project may include no more than one component [i.e., TRA, SRA, PRA] and may be carried out by no more than one project sponsor.)

You may request up to the amount determined by multiplying the number of units under lease at the time of your application for renewal funding by the applicable current Fair Market Rent(s) by 12 months, except for Shelter Plus Care grants having been awarded one year of renewal funding in 2003, the number of units requested for renewal this year may not exceed the number of units funded in 2003. (Shelter Plus Care SRO component units use the contract rent in effect at the time of expiration rather than the FMR to calculate the renewal amount.) Upon renewal, the unspent balance of funds at the end of the previous grant period will be recaptured. The one-year term of non-competitively awarded Shelter Plus Care renewal projects may not be extended.

14. How much money can I request for my first S+C renewal or subsequent renewal?

For S+C projects seeking their first renewal in this year's competition, the renewal amount may not exceed the number of S+C units under lease at the time of application for renewal funding times the current Fair Market Rent (FMR as published in the Federal Register on October 1, 2003) times 12 months. (S+C renewal funding is now limited to one year by Congress.) However, for Shelter Plus Care grants having been awarded one-year of renewal funding in 2003, the number of units requested for renewal in 2004 may not exceed the number of units funded in 2003. (Please be advised that the actual FMRs used in calculating your grant will be those in effect at the time the grants are approved which may be higher or lower than those found in the October 1, 2003 FR Notice.)

Please Note: The renewal of S+C/SRO projects is not based on the FMR, but on the contract rent at the time of expiration.

15. For all S+C projects seeking renewal in 2004, how long must the renewal term be under the S+C program?

For 2004 S+C renewals, the grant term is fixed by law at one year.

16. How does a State apply to renew an SHP or S+C grant that is carried out in a location having a local Continuum of Care?

The State's renewal project would need to be part of the local CoC and entered on the local community's Project Priorities chart.

If the State grant is being carried out in various locations, a State may need to divide the renewal request among several CoC priority lists. For example, a State may have an expiring grant that is being carried out in three places—two cities with their own CoC strategies, and one area that is part of the State's CoC strategy. In that case, the first two projects would appear on those communities' Project Priority chart with the State as the applicant.

O. Homeless Management Information Systems (HMIS)

1. What is a Homeless Management Information System (HMIS) and how can communities use HUD competitive funds to develop them?

A number of communities and States have long-standing comprehensive HMISs that bring computer technology to client intake procedures and permit the tracking and reporting of a client's use of shelter and social services over time. Many other communities are in various stages of implementing such client-level systems. The 2001 HUD Appropriation established as a national goal that every jurisdiction collect unduplicated client-level HMIS data by 2004. Beginning in 2001, HMIS activities became eligible under SHP to help facilitate the implementation and operation of a CoC-wide HMIS. The HMIS match requirement applies to HMIS activities.

2. What elements of an HMIS are eligible for funding in the competition?

The law specifies that the costs of implementing and operating an HMIS are eligible. The three major eligible HMIS costs are: 1) purchasing HMIS software; 2) leasing or purchasing needed computer equipment for providers and the central server; and 3) staffing associated with operating the HMIS, including training providers, day-to-day administration of the HMIS, analyzing HMIS data and preparing reports for providers, the continuum and HUD using HMIS data.

3. What elements of an HMIS are not eligible?

Planning and development of HMIS systems are not eligible. Planning includes all costs incurred prior to implementation. In addition to planning activities, SHP funds may not be spent on the development of entirely new software systems. There are now sufficient vendors in the marketplace with quality software so that individual communities do not need to finance the development of new software. Finally, SHP funds may not be used to replace State and local government funding for an existing HMIS.

4. **Is HMIS now a separate eligible funded activity?**

Yes. HMIS projects are categorized as their own type or component, and they have a separate budget line item in the SHP project budget summary.

5. **Will HMIS projects count against my housing total in the Continuum of Care exhibit when calculating the "Housing Emphasis" points?**

No. HMIS is a line item this year that is separate and apart from supportive services. Only housing activities and supportive services are used in calculating the "Housing Emphasis" points. As such, HMIS requests will not be included in this calculation.

6. **How can we use HUD McKinney-Vento competitive funds to implement and operate a community-wide HMIS?**

HMIS projects can be shared or dedicated. If the costs of the HMIS implementation are shared, then the project is classified as the type of housing or activity that it is providing. For example, if a transitional housing facility is sharing the cost of the HMIS implementation with other providers, that project continues to be classified as TH.

Dedicated HMIS projects are now classified as their own component, or type in the project exhibit and Project Priorities Chart. In the past, HMIS projects were classified as SSO projects. In order to accurately portray the purpose of these projects, they will be categorized independently from SSO projects. If your project was funded as an SSO HMIS and you are requesting renewal funding, you should classify your project as an HMIS, not an SSO project.

7. **What standards will be used for assessing the cost-effectiveness of a proposed new or expanded HMIS?**

HUD has not placed any limits on the size of the grant to fund a new or expanded HMIS, given the different number and size of homeless providers, the size of the geography involved, and the varying administrative arrangements required for implementing and operating a CoC-wide HMIS. However, HUD will look at the scope and reasonableness of the proposed activities compared to other communities in the cost-effectiveness review.

P. Strategies for Accessing Mainstream Assistance Programs

1. Why is HUD emphasizing the use of mainstream assistance programs?

Significant resources are needed to address the various housing and supportive service needs of homeless persons nationwide. Congress appropriates several *hundred billion* dollars each year for mainstream assistance programs, such as Medicaid, TANF, Food Stamps and SSI. Homeless persons are typically eligible for one or more of these major assistance programs, which can provide many of the services that are currently funded by HUD's Supportive Housing Program (SHP). For a number of years, over half of all of HUD's competitive homeless assistance funds were used to provide supportive services. As providers assist homeless persons in identifying and successfully accessing mainstream assistance programs, the need to use HUD homeless resources to provide supportive services will decline, allowing HUD's funds to be increasingly used to develop more needed housing.

Because of the important role played by these mainstream programs, the law requires applicants to certify that if their organization's project(s) are selected for funding as a result of this competition, they will coordinate and integrate their homeless program with other mainstream health, social services, and employment programs for which homeless populations may be eligible.

2. How can mainstream programs target the needs of people who are homeless?

Conditions of homelessness, such as transience, instability, and lack of basic resources often make it difficult for homeless individuals and families to apply for, retain, and use mainstream services. There are strategies that can be used to improve access and use of mainstream programs for homeless individuals and families. These strategies include but are not limited to:

- Improving integration and coordination of programs, where multiple needs can be addressed at the same time
- Making the process of applying easier or simultaneous for programs
- Improving outreach efforts about program benefits and eligibility requirements to the homeless and holding mainstream programs accountable for serving homeless people
- Training program personnel about the many issues unique to the homeless, such as lack of stable housing, transportation, and access to a permanent mailing address and phone

3. What are some examples of specific activities or coordination of mainstream programs?

Following are several examples some applicants in the FY 2003 competition provided to demonstrate how they were improving integration and coordination of mainstream

programs. These are not all-inclusive, but represent a range of actions CoC's might consider.

- Provide case managers to accompany homeless persons to mainstream program offices and help in the eligibility process
- Develop a formal service agreement between homeless service providers and local mainstream program offices
- Create a single intake form to determine eligibility for all mainstream services
- Train mainstream program staff to conduct extensive outreach at area shelters
- Use a mobile support team for outreach and to bring clients in for mainstream services and case management and identify key contact persons to resolve barriers to services
- Distribute information and conduct presentations about mainstream programs at shelters, transitional housing, and places where homeless people congregate
- Place mental health, substance abuse, public housing and public assistance staff on-site at training or employment centers.

Q. Strategies for Discharge Planning Policy

1. What are some examples of specific discharge planning policies that communities can implement?

Following are several examples some applicants in the FY 2003 competition provided:

- Automatic notification by hospital to discharge planning agency when an individual is admitted.

- Written agreement between hospitals and the City to coordinate case management and discharge of homeless patients.

- County adopted policy that no person would be released or discharged from any of its publicly funded institutional programs into homelessness.
  - Initiated a countywide jurisdictional planning process
  - Include strategies in the Five Year Plan adopted by County Board
  - Actively participate in discharge activities that prevent homelessness

- For youth aging out of foster care, developed pre-discharge comprehensive needs assessment. Provide and follow up on referrals for housing, support services, self-help groups.

- Encourage community-based organizations to provide services to inmates soon to be discharged, while still in custody – to initiate community links.

- Housing Authority set aside housing vouchers for aging out youth.
  Memorandum of Understanding between Housing Authority and County Department of Social Services describing roles and responsibilities of parties.

- Created Community Coordinator position to work with providers and social services agencies to develop community support systems for reintegration of young offenders being released from state prison system.

Attachment 8: Applicant Certifications

(These certified statements are required by law.)

A. For the Supportive Housing (SHP), Shelter Plus Care (S+C), and Single Room Occupancy (SRO) programs:

1. Fair Housing and Equal Opportunity.

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, 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, disability, familial status or national origin.

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 persons 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 discrimination based on disability 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 disability who may qualify for assistance are unlikely to be reached, it will establish additional procedures to ensure that interested persons can obtain information concerning the assistance.

It will comply with the reasonable modification and accommodation requirements and, as appropriate, the accessibility requirements of the Fair Housing Act and section 504 of the Rehabilitation Act of 1973, as amended.

Additional for S+C:
If applicant has established a preference for targeted populations of disabled persons pursuant to 24 CFR 582.330(a), it will comply with this section's nondiscrimination requirements within the designated population.

B. For SHP Only.

1. Maintenance of Effort.

It will comply with the maintenance of effort requirements described at 24 CFR 583.150(a).

2. 20-Year Operation Rule.

For applicants receiving assistance for acquisition, rehabilitation or new construction: The project will be operated for no less than 20 years from the date of initial occupancy or the date of initial service provision for the purpose specified in the application.

3. 1-Year Operation Rule.

For applicants receiving assistance for supportive services, leasing, or operating costs but not receiving

assistance for acquisition, rehabilitation, or new construction: The project will be operated for the purpose specified in the application for any year for which such assistance is provided.

C. For S+C Only.

1. Maintenance of Effort.

It will comply with the maintenance of effort requirements described at 24 CFR 582.115(d).

2. Supportive Services.

It will make available supportive services appropriate to the needs of the population served and equal in value to the aggregate amount of rental assistance funded by HUD for the full term of the rental assistance and that it will fund the supportive services itself if the planned resources do not become available for any reason.

3. Components: Standards, Definitions, and $3,000 Minimum.

(a) For the SRO component only, the proposed site meets HUD's site and neighborhood standards (24 CFR 882.803(b)(4), and meets the regulatory definition of single room occupancy housing (24 CFR 882.802).

(b) For the SRO and PRA with rehabilitation components, the rehabilitation costs will meet the per unit rehabilitation minimum of $3,000.

D. For SRO Only.

1. Standards, Definitions, and $3,000 Minimum.

The proposed site meets HUD's site and neighborhood standards (24 CFR 882.803(b)(4)), meets the regulatory definition of single room occupancy housing (24 CFR 882.802), and the rehabilitation costs will met the per unit rehabilitation minimum of $3,000.

E. For SHP and SRO

1. Nonprofit Board of Directors.

For private nonprofit applicants, members of its Board of Directors serve in a voluntary capacity and receive no compensation, other than reimbursement for expenses, for their services.

F. For SHP and S+C.

1. Lead-Based Paint.

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.

G. For S+C and SRO.

1. PHA Qualification.

For PHA applicants, that it qualifies as a Public Housing Agency as specified in 24 CFR 882.102 and is legally qualified and authorized to carry out the proposed project(s).

H. Explanation.

Where the applicant is unable to certify to any of the statements in this certification, such applicant shall attach an explanation behind this page.

Signature of Authorized Certifying Official:	**Date:**
Title:	
Applicant:	**For PHA Applicants Only: (PHA Number)**

HUD-40076-CoC (2003)
OMB Approval No. 2506-0112 (exp. 08/31/2006)

Special Project Certification

Coordination and Integration of Mainstream Programs

All applicants must certify for their grant and submit this certification along with form SF-424 as part of their Continuum of Care application. (You may submit a single certification covering all of your projects.)

I hereby certify that if our organization's grant application is selected for funding as a result of this competition, we will coordinate and integrate our homeless program with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including SSI, Temporary Assistance for Needy Families, Medicaid, Food Stamps, State Children's Health Insurance Program, Workforce Investment Act and Veterans Health Care programs.

_____ _____

Authorized signature of applicant (***required for all applicants***) | Position Title

_____

Date

HUD-40076-CoC (2003)
OMB Approval No. 2506-0112 (exp. 08/31/2006)

Special Project Certification

Discharge Policy

Required of all State and local government applicants. Submit this certification along with form SF-424. (You may submit a single certification covering all of your projects.)

I hereby certify that as a condition for any funding received as a result of this competition, our government agrees to develop and implement, to the maximum extent practicable and where appropriate, policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent such discharge from immediately resulting in homelessness for such persons. I understand that this condition for award is intended to emphasize that States and units of general local government are primarily responsible for the care of these individuals, and that McKinney-Vento Act funds are not be to used to assist such persons in place of State and local resources.

_____ _____

Authorized signature of applicant Position Title
(required only for applicants that are States or units of general local government)

_____

Date

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA) PROGRAM

Billing Code 4210-32-C

Housing Opportunities for Persons With AIDS (HOPWA) Overview Information

A. *Federal Agency Name:* Department of Housing and Urban Development, Office of Community Planning and Development (CPD), Office of HIV/AIDS Housing.

B. *Funding Opportunity Title:* Housing Opportunity for Persons With AIDS (HOPWA).

C. *Announcement Type:* Initial announcement.

D. *Funding Opportunity Number:* The **Federal Register** number for this NOFA is: FR–4900–N–17. The OMB approval number for this program is 2506–0133.

E. *Catalog of Federal Domestic Assistance (CFDA) Numbers:* 14.241 Housing Opportunities for Persons With AIDS Program.

F. *Dates:* The application due date shall be on July 14, 2004, for the renewal of expiring HOPWA projects which provide permanent supportive housing. Refer to the General Section of the SuperNOFA for application submission, delivery, and timely receipt requirements.

G. *Additional Overview Information:*

1. *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 low-income persons with Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome (HIV/AIDS) and their families. Grant recipients will measure client outcomes in how housing assistance results in creating or maintaining stable housing, reduces risks of homelessness and improves access to health-care and other needed support. States, units of general local government, and nonprofit organizations interested in applying for funding under this grant program should carefully review the General Section of the SuperNOFA and this detailed information listed in the program NOFA. There is no separate Application Kit for this Program NOFA.

2. *Available Funds.* Approximately $29,227,000 in FY2004 funds is available to renew grant agreements for Special Projects of National Significance and projects in areas that do not receive HOPWA formula allocations. Funds will be made available under this program NOFA for the renewal of expiring HOPWA grants which provide permanent supportive housing as described in this Program NOFA.

3. *Eligible Applicants.* States, units of general local government, and nonprofit organizations that meet the requirements established in this notice for the renewal of expiring permanent supportive housing projects may apply for HOPWA competitive funding under this Program NOFA.

4. *Match.* As a new requirement under this notice, requests for HOPWA funding for supportive service activities must be matched on a one-to-one dollar amount; see instructions for match under Section III(B).

5. *Other Types of Projects.* HUD will issue a separate Notice of Funding Availability at a later date for new projects and projects which continue non-permanent supportive housing efforts, if funding remains after the award of funds under this program NOFA. Funding opportunities may also exist through states and cities, which receive HOPWA formula funds.

6. *Authorities.* If you are interested in applying for funding under this program, please review carefully the General Section of the SuperNOFA and the following sections of this Program NOFA. For more information on the program itself including eligible uses of funds, see the HOPWA program regulations at 24 CFR Part 574 and the AIDS Housing Opportunity Act (42 U.S.C. 12901–12912), which govern the information contained in this Program NOFA.

Full Text of Announcement:

I. Funding Opportunity Description

A. Program Description for the Renewal of Permanent Supportive Housing Grants

Under the provisions of the Consolidated Appropriations Act, 2004 (Pub. L. 108–199, approved January 23, 2004) (FY2004 Appropriations Act), the Secretary is required to renew qualifying expiring contracts for permanent supportive housing projects. Grants funded under prior HOPWA competitions that meet the stated eligibility requirements below and meet all program requirements will be renewed by HUD. Applications will be reviewed on a pass/fail threshold review system and are not required to address the Departmental policy priorities described in the General Section of the SuperNOFA.

1. Definitions

a. *Permanent Supportive Housing* is defined as housing in which the eligible person has a continuous legal right to remain in the unit and which provides the eligible person on-going supportive services through qualified providers. HUD will consider a grant to be providing permanent supportive housing if 51 percent or more of HOPWA program activity funds are used: (1) To provide permanent housing where on-going supportive services are made available through other resources; (2) to provide supportive services where permanent housing is provided through other resources; (3) or some combination of these. Projects primarily offering transitional, or emergency housing options are not eligible under this notice.

b. *Expiring Grant* is defined by the end date in the grant agreement signed with HUD on the existing project, including any amendment or one-year extension approved by HUD, under which the existing grant agreement will expire in federal fiscal year 2004 (*i.e.*, after October 1, 2003), or will expire within 18 months after the date of the publication of this notice).

B. Statutory and Regulatory Requirements

If you are interested in applying for funding under this program, please review carefully the General Section of the SuperNOFA and the following sections of this Program NOFA. For more information on the program itself including eligible uses of funds, see the HOPWA program regulations at 24 CFR Part 574 and the AIDS Housing Opportunity Act (42 U.S.C. 12901), which govern any information contained in this NOFA.

C. Availability of Other HOPWA Resources

1. *Other Competitive Funds.* HUD is not requesting applications for new projects or projects which would continue non-permanent supportive housing programs under this notice. HUD will issue a separate Notice of Funding Availability at a later date, if funding is available for additional projects, after the award of funds for the renewal of permanent supportive housing Grants.

2. *Formula Allocations.* You should also consider seeking funds from the formula component of the HOPWA program and from other resources. Ninety percent of the HOPWA program is allocated by formula to eligible states and qualifying cities. In FY2004, a total of $263,039,000 was allocated by formula to the qualifying cities for 79 eligible metropolitan statistical areas (EMSAs) and to 38 eligible states for areas outside of EMSAs and recipients must follow HUD's Consolidated Plan process. Information on consolidated planning, including HOPWA formula programs and descriptions of previously awarded competitive grants, is available on the HUD Web site at *www.hud.gov/grants.*

3. *National HOPWA Technical Assistance.* To apply for funding to

serve as a provider of HOPWA technical assistance, you must submit an application for funds under the Community Development Technical Assistance (CDTA) part of the SuperNOFA. The CDTA notice makes available up to $2,485,000 in FY2004 funds in HOPWA funds to organizations qualified to provide technical assistance support to HOPWA grantees and project sponsors on a national or regional basis. Organizations seeking help in managing their HOPWA project, such as in planning, operating, reporting to HUD and evaluating HOPWA programs, can request TA help by contacting the state or area CPD office.

II. Award Information

A. Total

Through this program NOFA, approximately $29,227,000 in FY2004 funds is being made available for HOPWA awards for the renewal of permanent supportive housing projects.

B. Number and Timing of Awards

HUD anticipates that 24–28 projects will be renewed under this notice and that awards will be announced by August 31, 2004. It is expected that the selected projects will continue program activities under a new grant agreement for an additional three years, to begin following the completion or termination of their existing grant agreement.

C. Maximum Grant Award

In order to fairly distribute available funding, the maximum grant award that you may receive for your project is:

1. For program activities: $1,300,000 (*e.g.*, activities that directly benefit eligible persons);
2. For grant administrative costs of the grantee: 3 percent of the awarded grant amount (*e.g.*, an additional $39,000 if the maximum grant is awarded);
3. For grant administrative costs for project sponsors: 7 percent of the amounts received by the project sponsor under the grant (*e.g.*, an additional $91,000 if the maximum grant is awarded);
4. For data collection on project outcomes: An additional $25,000; and
5. Total for maximum renewal grant amount: $1,455,000.

D. Average Grant Award

Based on the results of the 2003 HOPWA competition, the average grant award for the 28 grants selected was $1,056,000.

E. Restrictions

Funding restrictions are found in Section IV(E) of this Program NOFA.

III. Eligibility Information

A. Eligible Applicants

1. *General Eligibility on Expiring Grants for Permanent Supportive Housing.* Eligible applicants are states, units of general local government, and nonprofit organizations, which have been awarded funds under a previous HOPWA national competition and operated their project under a signed grant agreement with HUD. To be eligible, your project must provide permanent supportive housing to eligible persons under an expiring grant and meet the threshold requirements established under this program NOFA for your proposal to continue this project.

2. *Additional Eligibility for Grants to Nonprofit Organizations.* If you are a nonprofit organization, you must also continue to satisfy the nonprofit requirements established in the definition of eligible nonprofit organization found in 24 CFR 574.3. In the case that your nonprofit status has changed since the time of your original application to HUD under the prior competition, or, in the case that a nonprofit organization is being added to your continuing project in your application, you will also need to submit the related required information described in Section IV(B) of this program NOFA.

3. *Additional Eligibility for Grants That Meet Program Requirements.* To be eligible, you must be operating your existing project in a manner that meets program requirements. This is evidenced by having no unresolved grants management issues with your existing project, such as unresolved actions pending under a HUD notice of default on your current grant. This is evidenced by no unresolved problems or weak performance on your existing grant, during the active competitive period from the date of publication of this program NOFA until the selection of renewal applications. Unresolved problems may include HUD knowledge that planned activities remain significantly delayed in their implementation, a significant number of planned housing units are vacant, annual progress reports are not filed with HUD, or significant citizen complaints are unresolved or not responded to with justified reasons. Weak performance is also evident if more than 50 percent of grant funds remain recorded as unexpended as of the application due date for renewals under this program NOFA, as measured by reimbursements filed with HUD's financial system, PAS (Performance Accounting System).

B. Cost Sharing or Matching

A new requirement for this program NOFA is a matching of funds for supportive services. All applicants for HOPWA funds for renewal must document the commitment of other funds equal to or greater than the amount requested for supportive services. The list or chart of commitments should be attached to your application and must include: (1) The name of the organization or entity that will contribute match funds and if the organization will serve as a project sponsor; (2) describe the work to be accomplished, such as the type of supportive service activities to be undertaken to support the project; (3) the value of cash match contribution related to the HOPWA supportive service funding requested; and (4) a letter from the organization or entity confirming this commitment of resources. The Department expects to collect information in annual progress reports that the cash match funds are used, as committed, in undertaking the renewal project. Failure to evidence such use of the additional resources could result in a notice of default and affect the project's continued access to federal funds. Supportive service requests are also subject to funding restrictions found in Section IV(E) of this program NOFA.

C. Other Eligibility Requirements

1. Threshold Requirements

HUD will review your application to determine that you are eligible for renewal funding, as follows:

a. *Eligible Applicant.* (1) Your application is consistent with the requirements of Section III of this program NOFA for eligibility based on applicant requirements, project sponsors and the lack of any unresolved management issues; and

(2) Your application complies with the Dun and Bradstreet Data Universal Numbering System (DUNS) Number Requirement. Beginning in federal Fiscal Year 2004, any applicant seeking funding directly from HUD must obtain a DUNS number and include it in their SF–424 Application for Federal Assistance submission. Failure to provide a DUNS number can prevent you from obtaining an award. This policy is pursuant to OMB Policy issued in the **Federal Register** on June 27, 2003 (68 FR 38402). More information on the requirement of the DUNS Number can be found in the General Section of this NOFA.

b. *Expiring Grants.* Your application is consistent with the definition for a

HOPWA expiring grant in Section I(A)(1) of this program NOFA.

c. *Permanent Supportive Housing Projects.* Your application is consistent with the definition for a HOPWA expiring grant in Section I(A)(2) of this program NOFA.

d. *Eligible Project Sponsors.* Your application is consistent with the requirements for eligibility of project sponsors, as follows:

(1) If the project sponsor is a nonprofit organization, that organization must also continue to satisfy the nonprofit requirements established in the definition of eligible nonprofit organization found in 24 CFR 574.3. In the case that the organization's nonprofit status has changed since the time of your original application to HUD under the prior competition, or, in the case that a nonprofit organization is being added to your continuing project in your application, you will also need to submit the related required information described in Section IV(B) of this program NOFA.

The project should also continue with the same project sponsors, as documented in the prior HOPWA application or amendments to that application as approved by HUD. HUD will consider the merits for changing a project sponsor as sufficient if the new sponsor evidences the capacity to enhance project operations or improve responsiveness to eligible persons. Such examples for changing a project sponsor may be that a new project sponsor has greater management, financial, or program service delivery capacity to conduct program activities or a prior project sponsor is no longer in operation, had evidence of inefficient or unresponsive behavior under their prior service, or has merged with another entity.

2. Program Requirements

a. *General Provisions.* The provisions outlined within the General Section of the SuperNOFA apply to the HOPWA program unless otherwise stated within this program NOFA. Specifically, you are encouraged to review, Section III(C)—Other: Requirements and Procedures Applicable to All Programs. The threshold requirements in the General Section of the SuperNOFA apply to the HOPWA program and applicants must meet all threshold requirements to receive funding.

b. *Environmental Reviews.* All HOPWA assistance is subject to the National Environmental Policy Act and applicable related federal environmental authorities. This year's NOFA is limited to the renewal of expiring HOPWA projects that provide permanent supportive housing. While most eligible activities, such as tenant-based rental assistance, supportive services, operating costs, and administrative costs, are excluded from environmental review because of the lack of environmental impact, some activities may require environmental review. In accordance with Section 856(h) of the AIDS Housing Opportunities Act, environmental reviews for HOPWA activities are to be completed by responsible entities (including units of general local government, states, Indian tribes, and Alaska Native villages) in accordance with 24 CFR part 58. Applicants or grantees that are not states or units of general local government must request the unit of general local government to perform the environmental review. This statutory provision was implemented in a recent final amendment of the HOPWA regulation at 24 CFR 574.510 (68 FR 56130, published on September 29, 2003). HOPWA grantees and project sponsors may not commit or expend any grant or nonfederal funds on project activities until HUD has approved a Request for Release of Funds (RROF) and environmental certification from the responsible entity (other than those listed in 24 CFR 58.22(f), 58.34 or 58.35(b) for which the responsible entity documents its findings of exemption or exclusion for the environmental review record (24 CFR 58.34 (b) or 24 CFR 58.35 (d)). The recipient, its project partners and their contractors may not acquire, rehabilitate, convert, lease, repair, dispose of demolish, or construct property for a project, or commit or expend HUD or local funds for such eligible activities, until the responsible entity (as defined in 58.2) has completed the environmental review procedures required by 24 CFR part 58 and the environmental certification and RROF have been approved. The expenditure or commitment of HOPWA or nonfederal funds for such activities prior to this HUD approval may result in the denial of assistance for the project under consideration. The recipient shall supply all available, relevant information necessary for the responsible entity to perform, for each property, any environmental review required.

c. *Required HOPWA Performance Goals.* Grant recipients must conduct activities consistent with their planned annual housing assistance output goals, objectively measure actual achievements against anticipated achievements and report on their actual outputs. Please use the Renewal Project Information Form, found in Appendix A, for recording your summary of proposed accomplishments on housing assistance outputs. Also please use the HOPWA Renewal Budget Form, found in Appendix A, for recording the funding for housing assistance activities that is associated with these outputs, including any funding request for HOPWA funds and/or your commitment to use other funds for this purpose. If other funds were used in your current grant to provide the permanent housing support, please establish your annual output targets for continuing this housing assistance at a similar level of housing activity. Applicants should also establish a reasonable client outcome goal to be quantified as a baseline after each year of operation to demonstrate client outcomes.

(1) Required Output. The projected number of households by type of housing units, to be provided through your project during each operating year.

(2) Required Outcome. Increase the amount of housing assistance and related supportive services to eligible persons to establish or maintain housing stability, reduce the risk of homelessness, and access health care, and other support for eligible persons.

d. *Optional Program Performance Goals.*

(1) Outputs. Your application for the HOPWA Program may include other measures or annual indicators, such as the projected numbers of persons, client contacts by service, the number of permanent housing client plans established by case managers, the number of jobs created through a job training or skills development program or other measures of the numbers to be served through each activity during each project operating year.

(2) Outcomes. In addition, the applicant may establish other outcome goals, such as: Increase the access to permanent housing for eligible persons to enable these households to become more self-sufficient as evidenced by increase in income or reduced need for housing or other subsidies and support; improve the neighborhood housing conditions in which low-income and homeless eligible persons and their families live, by promoting the development of housing that is safe, decent, and sanitary. Results may be evidenced by increases in property values, improved neighborhood security, home-ownership rates, or other measurable indicators that would describe evidence of neighborhood stability and increased investment. In addition, outcomes should also address the challenge of homelessness for persons living with HIV/AIDS and their families, including persons who are

chronically homeless, by enabling them to move to permanent housing with appropriate supportive services assistance. Results may be measured in coordination with measures used by the area's homeless assistance efforts, such as decreases in the number of chronically homeless individuals in the community.

e. *HUD Logic Model.* To illustrate the planning for the use of resources, project activities, outputs, outcomes, and goals please use the Logic Model (Form HUD–96010) in the General Section of the SuperNOFA to meet these application requirements. Applicants must make use of the required elements in paragraph (a) in this form.

3. Eligible Activities

a. *Renewal Guidelines on Eligible Activities.*

(1) The activities to be renewed must be on-going forms of support over three years, such as rental assistance and short-term rent, mortgage, and utility payments which establish or maintain stable permanent housing, reduce current resident's risks of homelessness, and improves eligible persons' access to health care and other needed support. The permanent supportive housing may also help maintain the client's current residence, establish a new residence, or provide operating costs for housing facilities, leasing of housing facilities, related supportive service costs, housing information services, resource identification activities, and technical assistance related to community residences. Housing information services and permanent housing placement services may also be used in order to assist beneficiaries in moving to other permanent housing, such as outplacement to independent living arrangements, homeownership, or other on-going housing, which do not involve HOPWA funds.

(2) Operating costs for permanent supportive housing facilities that involved the use of funding for its acquisition, new construction or rehabilitation in the prior or original grant, will be eligible to maintain the operation of these projects over the term of the renewal grant.

(3) Administrative costs for grantees and project sponsors and funds for data collection on project outcomes is available as part of your renewal budget request. HUD expects that the use of data collection funds will help to ensure strong program management and result in accurate reporting on the provision of planned housing assistance outputs and related client outcomes in achieving housing stability, reduced risks of homelessness and improved access to health-care and other support for beneficiaries.

b. *General Guidelines on Eligible Activities.* In addition to the above, eligible activities with their standards and limitations may be found in the HOPWA regulations at 24 CFR 574.300–340. A copy of the regulations may be downloaded from *http://www.hud.gov/offices/cpd/aidshousing/lawsregs/index.cfm.* You are encouraged to review the HOPWA regulations before seeking funding.

(1) Housing Assistance. Your renewal project must clearly address the permanent supportive housing needs of eligible persons. If you are proposing to continue some level of emergency or transitional housing assistance, your plan must include linkages to the provision of permanent supportive housing and show that the permanent supportive housing activity is the primary activity of your grant.

(2) Supportive Services. Many of the eligible persons who will be served by HOPWA may need services in addition to housing. It is important that you design programs which enhance access to those needed services, including access to existing mainstream resources of health-care, AIDS drug assistance, and other services funded through the Ryan White CARE Act or other federal, state, local, or private funds. To the extent possible, HUD encourages projects to incorporate mainstream resources into their project plans to maximize the benefit of requested HOPWA funds. Mainstream resources may include private, other public, and mainstream services and housing programs that provide benefits to eligible persons. Applicants are encouraged to create community wide strategies to coordinate assistance to eligible persons through these mainstream programs. These mainstream programs include Medicaid, Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funded through the Mental Health Block Grant and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program. While HUD recognizes that there are many ways to ensure that eligible persons receive the services they need, to the extent possible, HUD encourages you to operate housing programs which do not require participation in services as a part of your or your project sponsor's tenancy requirements. Additional restrictions and limitations that apply to supportive services such as health care costs can be found in the program regulations at 24 CFR 574.300.

(3) Other Approved Activities. You may propose to continue other activities in your application based on HUD's prior approval of this activity under your current grant. Such other activities have included shallow rent subsidy programs and homeownership efforts. Please discuss the beneficial impact of these alternative activities in addressing housing needs of eligible persons in your application.

(4) Project Outcome Funding. You must request funding to conduct data collection on project outcomes to support accurate reporting to HUD on the performance outputs and outcomes of your service delivery model. Project outcome activities include:

(a) Defining monitoring questions that will be addressed and examined during the project period;

(b) Specifying additional measures, in addition to the use of standard HOPWA output and outcome measures, for your project as incorporated in the standard logic model.

(c) Developing instruments to assess project outcomes and systems outcomes;

(d) Training project staff in the collection of data, including the preparation of the standard HOPWA Annual Progress Report to HUD;

(e) Using Management Information System (MIS), including coordinating assistance for persons who are homeless and persons who are chronically homeless in collaboration with area Homeless Management Informative System (HMIS) efforts under the area's Continuum of Care;

(f) Monitoring data collection activities to assure that submissions are complete and accurate, including data coding and entry;

(g) Summarizing and analyzing data collected in an effort to identify project baseline data on outcomes and any statistical trends to determine program effectiveness for the clients served;

(h) Participating in HUD-sponsored collaborations and HUD-designated training events in order to prepare and disseminate the findings of reports on project accomplishments and lessons learned; and

(i) Applicants may include an expert third-party to conduct project outcome activities, but grantees are encouraged to train staff internally. Such training will increase the internal capacity of your organization and your partner organizations by learning how to make use of project outcome data in operating and adjusting assistance provided to eligible persons.

4. Ineligible Renewal Activities

Funds for acquisition, new construction or for rehabilitation costs

will not be renewed. These capital development activities are not ongoing or available for additional sites. If you wish to undertake additional capital development activities or to add funding for new activities, such as operating costs and services, you must apply under a separate notice that will be issued by HUD, if funds remain available.

IV. Application and Submission Information

A. Addresses To Request Application Package

For Applications. All information required to complete and return a valid application is included in the General Section and this program NOFA of the SuperNOFA, including appendices. Copies of the General Section, this program NOFA, and appendices, including the application, are available and may be downloaded from *http://www.grants.gov.* If you are unable to download any of the materials in the SuperNOFA, program NOFA and its appendixes, please call the SuperNOFA Information Center at 800–HUD–8929 (800–483–8929) for a copy of the General Section and this program NOFA of the SuperNOFA. Persons with hearing or speech challenges may access the above number via TTY (text telephone) by calling the Federal Information Relay Service at 800–877–8339 (this is a toll-free number).

B. Content and Form of Application Submission

Applicants are requested to submit the following information:

1. *Application for Federal Assistance (Form SF–424).* You should complete this form and include these responses, as applicable, for items 1 through 18:

—Item 7—The applicable letters are ''A'' for state; ''B, C, or D'' for a unit of local government; or ''O'' for Nonprofit;

—Item 9—Enter U.S. Department of Housing and Urban Development or HUD if not preprinted;

—Item 10—Enter 14–241 and the title ''Housing Opportunities for Persons With AIDS Program'' or ''HOPWA'' for the Catalog of Federal Domestic Assistance;

—Item 15—You must complete the budget on page 1 and the HOPWA Renewal Project Budget Form. Please make sure that both the Total Amount on page 1 and the ''Total Budget'' section on the HOPWA Renewal 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''.

2. *Executive Summary and Synopsis.* On no more than five double spaced pages, please provide an Executive Summary of the proposed renewal project, beginning with a two to three sentence synopsis of the focus or special purposes of your project. The summary should provide an overview of the main components of your planned HOPWA project, including any updated elements from the original project application. In the Executive Summary, please provide the name of the grantee and any project sponsors, along with contact names, phone numbers, and e-mail address.

3. *HOPWA Renewal Project Information Form (see Appendix A).* Complete the form including the following:

a. *Project Sponsor.* You must identify any organization that will receive HOPWA funds as a project sponsor and the amount of funds to be received.

b. *Service Areas.* Your application must identify the area(s) in which you are proposing to continue to provide housing, related supportive services and other assistance.

c. *Planned Results.* The form should summarize your proposed accomplishments in annual housing assistance outputs and the number of persons expected to be assisted for each year of the expected three-year operating period. As described in Section VI(C), the grantee is expected to report on client outcomes in achieving housing stability, reduced risks of homelessness and improved access to health-care and other needed support and an Outputs and Outcomes Worksheet is provided for informational purposes in developing your evaluation plans.

4. *Organizational Capacity Narrative.* If a new project sponsor(s) is added to the proposal, please describe the capacity of the project sponsor(s) to conduct program activities and attach to your application the documentation of the organization's nonprofit status and HIV/AIDS purposes, as described in Section III(A) on eligibility. Please provide this narrative information on no more than two double-spaced typed pages. If you are adding more than one project sponsor, you may include up to two additional pages per project sponsor. In your statement, please address the extent to which the project sponsor(s) have the past organizational experience and knowledge: In serving persons with HIV/AIDS and their families; in programs similar to those proposed in your application; in monitoring and evaluating program performance and disseminating information on project outcomes; and, in achieving the purpose for which funds were provided, as measured by expenditures and measurable progress in operating the project. In the case that your nonprofit status has changed since the time of your original application to HUD for which you were selected for funding, or, in the case that a nonprofit organization is being added to your continuing project in your application, you will also need to submit the related required information to establish that you are an eligible nonprofit organization and that your organizational documents include a purpose of significant activities related to providing services or housing to persons with HIV/AIDS. Please submit these items listed below.

a. We will accept as evidence of your nonprofit status:

(1) A copy of the Internal Revenue Service (IRS) ruling providing tax-exempt status under Section 501(c)(3), (4), (6), (7), (9) or (19) of the IRS code; or

(2) 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); or

(3) Documentation that the applicant is a certified United Way agency; or

(4) Copy of your most recent completed tax statement, Form IRS–990 or Form 990–EZ; or

(5) All of these:

(a) A certification by the appropriate official of the jurisdiction under whose laws the nonprofit was organized that your organization was so organized and is in good standing;

(b) A certification from a designated official of the organization that no part of the net earnings of the organization inures to the benefit of any member, founder, contributor, or individual; that the organization has a voluntary board; and that the organization practices nondiscrimination in the provision of assistance in accordance with applicable program requirements; and

(c) An opinion letter from an independent public accounting (IPA) firm that the nonprofit has a functioning accounting system that provides for each of these (the letter must mention all of them).

(i) Accurate, current, and complete disclosure of the financial results of each federally funded project;

(ii) Records that identify adequately the source and application of funds for federally funded activities;

(iii) Effective control over and accountability for all funds, property and other assets;

(iv) Comparison of outlays with budget amounts;

(v) Written procedures to minimize the time elapsing between the transfer of funds to the recipient from the U.S. Treasury and the use of funds for program purposes;

(vi) Written procedures for determining reasonableness, allocable, and allowable costs; and

(vii) Accounting records including cost accounting records that are supported by source documentation.

b. We will accept as evidence of your organization's HIV/AIDS-related purpose, a copy of the organization's articles of incorporation and by-laws, mission statement, program management plan, or other organizational policy document which evidences the organization's activities or objectives related to providing services or housing to persons with HIV/AIDS.

5. *Provision of Current Permanent Supportive Housing Narrative.* On no more than four double-spaced pages, demonstrate how your project provides permanent supportive housing through HOPWA and other resources, and report on how the project has been meeting housing assistance outputs compared to planned and approved number of households or units of housing under the current grant. Include the type of assistance and number of housing units being provided and a description of the supportive services provided. Additionally, your description should outline how HOPWA and other funding, if applicable, work together to provide permanent supportive housing, including any efforts that have helped clients achieve greater self-sufficiency through access to other on-going housing options, which do not depend on HOPWA funds. Describe how your project has been meeting planned performance benchmarks, as appropriate, in program development and operation; in meeting project performance goals, such as, that the number of persons assisted is comparable to the number that was planned at the time of the application; and in expending funds consistent with the existing agreement with HUD. Also describe how you evaluated project data on performance, adjusted program activities and shared information that you have gained from your lessons learned on these past activities.

6. *Need for Renewal Chart.* Additionally, you should complete the HOPWA Need for Renewal Chart, which demonstrates that your prior grant agreement with HUD will expired in federal fiscal year 2004 or will expire within eighteen months of the date of publication of this notice. You must complete the HOPWA Need for Renewal Chart (Appendix A).

7. *Achieving New Results and Program Evaluation Narrative.* On more than three pages identify the housing benefits or outcomes of your renewal program including your activities, benchmarks, and performance output indicators over the next three grant operating years. Your application should address your evaluation plan or your method for collecting data on HUD program measures to evidence achievement of your project's goals and objectives and to establish a baseline for client outcomes. You should also complete and attach to your application the Logic Model (Form HUD–96010) found in the General Section of the SuperNOFA, to illustrate you plans for the use of resources, project activities, outputs, outcomes, and goals.

8. *HOPWA Renewal Budget Form.* Please complete the HOPWA Renewal Budget Form (*see* Appendix A), which will provide a summary of the total budget for this project, the annual HOPWA amounts to be used in each of the three years of operations and description budget by project sponsor of the HOPWA funds to be used by each sponsor. You must provide a description of each of your requested budget line items and how the funds will be used, including the amount of requested funding by line item for you and your project sponsors.

9. *Documentation of Match for Supportive Services.* If your project requests funding for supportive services, you must match the HOPWA amount with evidence of commitments from other state, local, federal, or private resources to provide the housing or supportive services. You must document that such assistance will be provided throughout the term of the renewal grant. In your application, provide a list or chart of the commitments and include: (1) The name of the organization or entity that will contribute match funds and if the organization will serve as a project sponsor; (2) describe the work to be accomplished, such as the type of supportive service activities to be undertaken to support the project; (3) the value of cash match contribution; and (4) attach a letter from the organization or entity confirming this commitment of resources

10. *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. The following certifications must be included with your application. All certifications and forms, except those found in the General Section of the SuperNOFA, are included in the appendix in this program NOFA.

a. *Certifications found in the General Section of the SuperNOFA*

(1) Consolidated Plan Certification (HUD–2991). Except as stated below, you must include a Consolidated 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, or in one of the U.S. Territories of Guam, the Virgin Islands, American Samoa, or the Northern Mariana Islands, you are not required to include a Consolidated Plan certification with your application. The authorizing official from the state or local government must sign this certification.

(2) Assurances and Certifications (HUD–424 B).

(3) Consistency with the RC/EZ/EC Strategic Plan (HUD–2990)—if applicable to the service area of your project.

(4) Applicant/Recipient Disclosure/Update Report (HUD–2880).

(5) Disclosure of Lobbying Activities (SF–LLL).

b. *HOPWA Applicant Certifications (see Appendix A of this program NOFA—one form).*

(1) Fair Housing and Non-Discrimination for the HOPWA Eligible Population;

(2) Environmental Law and Authorities; and

(3) HOPWA Facility Use Periods.

C. Submission Dates

Application Due Date. Your completed applications (an original and one copy to HUD Headquarters and one additional copy to the CPD Division of HUD's state or area office that supports the applicants' project area) are due on July 14, 2004. Failure to meet this due date will make any application for renewal funding ineligible for funds to be awarded under this program NOFA. Please follow standards for the submission of your application which are established in the General Section of the SuperNOFA.

D. Intergovernmental Review

The HOPWA program is not subject to Executive Order (EO) 12372, Intergovernmental Review of Federal Programs.

E. Funding Restrictions

As an applicant for renewal funding, you must specify the annual amount needed to continue each activity for each of the planned three years if

continuing operations or specify the number of years and related amounts for your request. HUD will review your application to determine the amount of approved funds, as follows:

1. Your request for funding is consistent with the following limitations on maximum grant amounts:

a. *For program activities:* A maximum of no more than $1,300,000 (*e.g.*, activities that directly benefit eligible persons), subject to the limitations in this section;

b. *For grant administrative costs of the grantee:* A maximum of no more than an additional $39,000, subject to the limit on administrative costs of three percent of the amount requested for project activities in your application for grantees.

c. *For grant administrative costs for project sponsors:* A maximum of no more than an additional $91,000, subject to the limit on administrative costs of seven percent of the amount requested for project activities to be conducted by project sponsors in your application.

d. *For data collection on project outcomes:* A maximum of no more than an additional $25,000 for the purpose of the collection of data on program housing assistance outputs and client outcomes;

e. *Total for maximum renewal grant amount:* $1,455,000, subject to applicable limitations in this section and if funds are requested for a term of less than three years, HUD reserves the right to reduced these amounts in a proportionate manner.

2. Your request for the supportive services line item in program activities is consistent with the program limit of not more than 35 percent of the maximum program activity costs, (*i.e.*, not more than $455,000 over a three-year period), and any such costs must be matched with other resources consistent with the requirements of Section III of this program NOFA.

3. Your request for the technical assistance for the community residences and resource identification activities line item in program activities is consistent with the program limit of not more than 5 percent of the maximum program activity costs, (*i.e.*, not more than $65,000 over a three-year period).

4. Your request for program activity costs does not include a request for funds for acquisition, new construction, or for rehabilitation costs, or costs involving new housing facility sites, such as operating costs or leasing. These capital development activities are not on going and funds for additional facility sites are not being made available.

5. Your request for program activity costs requests amounts for continuing a previously approved project at about the same level of housing and/or services provided in the previous grant. The amounts must not be more than 120 percent of the amount awarded or approved by HUD in the current grant for an activity, including any amendments affecting this amount that were approved by HUD, prior to the publication of this program NOFA, except as provided in paragraph (6).

6. A reasonable amount of funds may be requested which exceed the limits of paragraph (5) in the case that:

(a) A permanent supportive housing project in which acquisition, new construction, or rehabilitation were the major components of the original project; or

(b) A project that was selected by HUD but the amount was reduced due to the lack of available competitive funds (*i.e.*, the amount was not reduced due to an applicant's mathematical errors or for deletion of ineligible activities).

The renewal application may establish a three-year budget for the annual on going housing, operating and related supportive services costs to maintain these permanent supportive housing projects based on the scope of their previously approved project or their application, as adjusted under Subsection

(c). The amount requested must be based on information for the current costs for operating the project but the request may not exceed the other limits established in paragraphs (1) through (4) above. HUD reserves the right to adjust requests under this paragraph to the scale of projects of similar size and purpose.

7. 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.

F. Other Submission Requirements

Where and How to Send Your Application. Your completed application shall consist of an original signed application and two copies. Submit the original application and one copy to: HUD Headquarters; Robert C. Weaver Federal Building; 451 Seventh Street, SW., Room 7251; Washington, DC 20410; Attn: HOPWA. Submit the additional one copy of your application to the CPD Division of the state or area office that serves the area in which activities are proposed. For multi-state efforts, you must submit the copy of your application to the field office that serves your main office. *See* the General Section of the SuperNOFA for addresses for area HUD state or area offices. When submitting your applications, please refer to HOPWA, and include your name, mailing address (including zip code), facsimile, email, and telephone number (including area code). For more information see the General Section of the SuperNOFA for specific procedures governing the form of application submission (*e.g.*, mailed applications, express mail, or overnight delivery).

V. Application Review Information

A. Criteria

1. *General.* HUD will conduct a threshold review of all renewal applications based on the requirements found under Section III. (C)(1) to determine eligibility for the renewal of HOPWA grants that provide permanent supportive housing under an expiring grant.

2. *Criteria on New Sponsors.* In the case that a project sponsor is being added, HUD will also conduct a substantive review of project capacity under the following criteria:

a. HUD will review the project sponsor's ability to develop and operate your proposed program as a pass/fail review based on the requirements for an eligible project sponsor established in Section III and on a substantive review under this section. With regard to new project sponsor(s), HUD will consider the organization's past experience and knowledge: in serving persons with HIV/AIDS and their families; in programs similar to those proposed in your application; in monitoring and evaluating program performance and disseminating information on project outcomes; and in achieving the purpose for which funds were provided, as measured by expenditures and measurable progress in operating the project. A proposed sponsor, that fails to meet the conditions established for adding a sponsor or fails to demonstrate sufficient capacity will be ineligible to receive program funds.

b. In reviewing the elements of organizational capacity as stated above, HUD will rate the proposed sponsor on the basis of 20 points, with a minimum of 14 points required for selection of this sponsor as eligible in demonstrating sufficient capacity. HUD will consider the extent to which your proposal demonstrates the following capacity, and award the highest points (20 to 16 points) to those with direct, extensive, clear and satisfactory experience, moderate scores (15 to 10 points) to those with direct but not as extensive experience or where the experience

covers most but not all of these items; and lower scores (9 to 2 point) if the experience is limited, indirect on only some of the items or for which only limited or no information is provided. An organization with unresolved management issues affecting their HOPWA proposal will be scored at the lowest level (1 point):

(1) 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. The project sponsor will be reviewed in terms of recent, relevant, and successful experience of staff to undertake eligible program activities, including experience and knowledge in serving low-income persons with HIV/AIDS and their families.

(2) The project 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.

(3) If the project sponsor received funding in previous years in the program area for which you are currently seeking funding, the sponsor's past experience will be reviewed in terms of its ability to attain demonstrated measurable progress in the implementation of the grant award. Measurable progress is defined as: meeting performance benchmarks, as applicable, in program development and operation; 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; submitting timely performance reports; and expending prior funding as outlined in the prior proposal with no outstanding audit or monitoring issues.

B. Reviews and Selection Process

1. *Selection of Renewal Applications.* To the degree that funds are available, the Department will select for funding all renewal requests from applicants that meet program requirements and pass a threshold review for a need for renewal. HUD will also review requests and adjust funding consistent with funding restrictions found in Section IV. (E). If the amount of the approvable request for renewal activities for all eligible applicants is greater than the amount made available by this notice, HUD will select all of the approvable applications and allocate awards to each based on a pro rata reduction to the amount available under this notice. This action will help to ensure that all eligible and performing renewal grants receive funding that allows their continued operation.

2. *HUD Reviews.* HUD staff will conduct this review, including staff from Headquarters' Office of HIV/AIDS Housing and in HUD's state and area field offices.

3. *Policy Priorities.* Applicants seeking renewal funding under this program NOFA are not required to address HUD's policy priorities. Applicants are encouraged to review and voluntarily address relevant HUD's policy priorities as outlined in the General Section of the SuperNOFA. Please note in your application if you undertake any of this optional program effort.

C. Anticipated Announcement and Award Dates

The anticipated announcement of the FY2004 HOPWA renewal awards is no later than August 31, 2004.

VI. Award Administration Information

A. Award Notices

1. *Applicant Notification.* HUD will notify the eligible applicants of their selection for award or non-selection by letter to be mailed to the applicant's authorized official and the address provided in your application. The CPD Division of HUD's state or area office will provide a second letter with a copy of a proposed grant agreement along with instructions on any adjustments to the grant amount requested and other conditions identified during the review for conducting planned activities and on the close out of the current grant. After the issuance of the selection notice letter, a grantee may be eligible for pre-award costs if necessary to continue delivery of the project activities. Such costs are subject to the recipient's own risk and other limitations, and require HUD approval to incur pre-award costs.

2. *Applicant Debriefing.* Applicants requesting to be debriefed must send a written request to: U. S. Department of Housing and Urban Development; Attention: Office of HIV/AIDS Housing; 451 Seventh Street, SW., Room 7212; Washington, DC 20401–7000. Telephone number is (202) 708–1934. Persons with hearing or speech challenges may access the above number via TTY (text telephone) by calling the Federal Information Relay Service at 800–877–8339 (this is a toll-free number). Additional information regarding debriefing can be found in the General Section of the SuperNOFA.

B. Administrative and National Policy Requirements

1. Grant Purposes and Agreements to Operate Eligible Permanent Supportive Housing Grants

Subject to penalties for false representation, and as a requirement for the receipt of these federal funds, the grant applicant agrees to maintain project eligibility and related documentation on the following:

a. *Agreement to Continue the Provision of Permanent Housing.* In applying for these renewal funds, your application constitutes an agreement that you will continue to provide permanent supportive housing support to HOPWA eligible persons over the operating period of this grant. This agreement must insure that at least 51 percent of the HOPWA program activity funds awarded to your grant are used for this purpose and any new funds and related commitment of other funds will continue to provide permanent supportive housing to eligible persons for the planned annual outputs. These output goals will be established in your application by recording your summary of proposed accomplishments on housing assistance outputs for each of the planned three years of operation. The output goals were established in connection with the plan for funding the housing assistance activities, including any funding request for HOPWA funds and/or your commitment to use other funds for this purpose. If other funds were used in your current grant to provide the permanent housing support, your application will establish your annual output targets for continuing this housing assistance, as addressed in the next paragraph. To determine whether your grant continues to meets this purpose, you may also adapt the use the Permanent Supportive Housing Worksheet found in the appendix. Failure to maintain this project purpose would constitute a grant default.

b. *Agreement to Continue the Use of Other Resources.* If your project has relied on other state, local, federal, or private resources to provide the permanent housing or supportive services portion of your project, you must agree to ensure that the other resources will continue to be available for that purpose throughout the term of the renewal grant. The continuing assistance must be substantially similar to the type or resources, which were documented within the original application to HUD (including any amendments approved by HUD and renewals), and the continuing resources will be used in conjunction with

requested HOPWA funds. As a new requirement in 2004, the application must demonstrate commitments that match or exceed the amount of HOPWA funds requested for supportive services. See instruction under Section III. (B) for match requirements. Failure to maintain this project use of other resources would constitute a grant default.

c. *Agreement to Evidence of Permanent Client Occupancy.* Except for funds used for short-term mortgage, rent and utility payments, you must agree to maintain evidence that the client has a continuous legal right to remain in the unit or property and has access to on-going supportive services provided through qualified providers. You must include in your grant files a copy of the standard lease form or occupancy agreement used for residents of the project. The lease or occupancy agreement must be for a term of at least one month. The lease or occupancy agreement must also be automatically renewable upon expiration, except on reasonable prior notice by either the tenant or the landlord. The requirements governing termination of housing are located in 24 CFR 574.310(e). Failure to maintain this project documentation of the client's lease or occupancy agreement would constitute a grant default.

2. *Performance Benchmark Requirements.* All grantees receiving funds under this program NOFA are expected to meet the following benchmark requirements and operate activities in a consistent and on going manner over the expected three-year operating period. If a selected project does not meet the appropriate performance benchmark, HUD reserves the right to cancel or withdraw the grant funds.

a. *Execution of Grant Agreement.* Selected applicants must execute grant agreements, as soon as practicable but no later than six months after the notice of selection. HOPWA grants are obligated upon grant execution and the FY2004 Appropriations Act requires HUD to obligate funds by no later than September 30, 2005.

b. *Disbursement of Funds.* Grantees receiving awards under this program NOFA should fully expend their grant in a consistent and on going manner and complete the use of the funds by no later than three years following the effective date or the operation start date in the grant agreement. As a vehicle constraint on funding, the National Defense Authorization Act for Fiscal Year 1991 requires expenditure of all HOPWA funds awarded under the FY2004 Appropriations Act by September 30, 2010. After September 30, 2010, any unexpended funds (whether obligated or unobligated) shall be canceled and, thereafter, shall not be available for obligation or expenditure for any purpose.

3. *Affirmatively Furthering Fair Housing. See* Section III.C. of the General Section of the SuperNOFA for the information on how to meet this requirement.

4. *Local Resident Employment (Section 3 Requirements).* For grants in excess of $200,000, to the extent that grant funds are used for housing rehabilitation (including reduction and abatement of lead-based paint hazards, but excluding routine maintenance, repair, and replacement) or housing construction, the activity is subject to Section 3 of the Housing and Urban Development Act of 1968 and the implementing regulations at 24 CFR part 135. Section 3 requires recipients to ensure that training, employment, and economic opportunities shall, to the greatest extent feasible, will be directed 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 (*also see* Section III.C.4.c. of the General Section of the SuperNOFA).

5. *Executive Order 13202, Preservation of Open Competition and Government Neutrality Toward Government Contractor's Labor Relations on Federal and Federally Funded Contract Project.* See Section III.C. of the General Section of the SuperNOFA for the information on how to meet this requirement.

6. *Procurement of Recovered Materials.* See Section III.C. of the General Section of the SuperNOFA for the information on how to meet this requirement.

C. Reporting

1. *Measuring Performance.* You must report after each year of operation on the annual accomplishments of your projects under the HOPWA Annual Progress Report (form HUD–40110–B), including the required performance measures described in Section III. (C)2, including reporting on client outcomes in achieving housing stability, reduced risks of homelessness, and improved access to health-care and other needed support. See the Outputs and Outcomes Worksheet in attachment A to be used for informational purposes in developing your evaluation plans. HUD will use these reports and information obtained from HUD financial systems, along with any remote or on-site monitoring, to measure your progress and achievements in evaluating your performance on your HOPWA grant.

2. *Beneficiary Information.* HUD requires that funded recipients collect racial and ethnic beneficiary data. It has adopted the Office of Management and Budget's Standards for the collection of Racial and Ethnic Data. In view of these requirements, you should use one of the following:

- HUD–27061, Racial and Ethnic Data Reporting Form (instructions for its use) found on *http://www.HUDclips.org;*
- A comparable program form (HOPWA—Annual Performance Report (APR) form); or
- A comparable electronic data system for this purpose.

VII. Agency Contacts

A. For Further Information and Technical Assistance (TA)

You may call the HUD field office serving your area (find the telephone number on HUD's Web site: *www.hud.gov/offices/cpd/about/local/index.cfm)* or you may contact the Office of HIV/AIDS Housing, HUD at (202) 708–1934. HUD staff may assist with program questions, but may not assist in preparing your application. Persons with hearing or speech challenges may access the above number via TTY (text telephone) by calling the toll-free Federal Information Relay Service at 800–877–8339.

B. Seeking Technical Assistance (TA) in Developing a HOPWA Application

HOPWA TA providers may not provide technical assistance in the drafting of responses to HUD's NOFA due to the unfair advantage such assistance gives to one organization over another. If HUD determines that HOPWA technical assistance has been used to draft a HOPWA application, HUD reserves that right to reject the application for funding. If, after your application has been selected for an award, HUD determines that HOPWA technical assistance was used to draft your application, the award will be withdrawn and you may be liable to return to HUD any funds already spent.

C. Satellite Broadcast

HUD will hold information broadcasts 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/grants.*

VIII. Other Information

Paperwork Reduction Act. The information collection requirements

contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2506–0133. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average 413 hours per annum per respondent for the application and grant administration. This includes the time collecting, reviewing, and reporting the data for the application, semi-annual reports and final report. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

BILLING CODE 4210–32–P

U.S. Department of Housing and Urban Development
Office of Community Planning and Development
Office of HIV/AIDS Housing

OMB Approval No. 2506-0133
(exp. 05/30/2004)

The information collection requirements contained in this notice of funding availability will be used to rate applications, determine eligibility, and establish grant amounts.

Selection of applications for funding under the **HOPWA Program** is based on the rating factors for this program listed in the SuperNOFA for Housing and Community Development Programs.

Public reporting burden for the collection of information for the **HOPWA Program** is estimated to average 38 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.

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)

HOPWA RENEWAL OF PERMANENT SUPPORTIVE HOUSING GRANTS

OMB Approval No. 2506-0133
(exp. 04/30/2004)

Appendix A

HOPWA Renewal Application Checklist

Checklist of Exhibits (for forms, see general section * or (A) as attached to this appendix)

Please insert page numbers

- [ ] Transmittal Letter (that identifies the HOPWA renewal amount requested)--optional
- [ ] Application for Federal Assistance (SF-424)*
- [ ] Executive Summary and Synopsis
- [ ] HOPWA Renewal Project Information (and updated nonprofit status, if applicable)-(A)
- [ ] Organizational Capacity Narrative (if applicable due to new or changed sponsor)
- [ ] Provision of Permanent Supportive Housing Narrative
- [ ] Certification of Permanent Supportive Housing (A) and Evidence of Permanent Housing (lease or occupancy agreement)
- [ ] Permanent Supportive Housing Worksheet with Documentation of Other Resources (A)
- [ ] Need for Renewal Narrative
- [ ] HOPWA Need for Renewal Chart (A)
- [ ] Achieving Results and Project Evaluation Narrative (include required output and outcome measures)
- [ ] HOPWA Renewal Budgets -- Total Grant and for each Project Sponsor (A)
- [ ] Statutory Certifications * (Consistency with the Consolidated Plan HUD-2991; Applicant Assurances and Certifications HUD-424B; RC/EC/EZ Strategic Plan HUD-2990-if applicable; Disclosure Report HUD-2880; and Lobbying Activities Disclosure SF-LLL)
- [ ] HOPWA Applicant Certifications -- Fair Housing, Facility Use Periods and Environmental requirements (A)

HOPWA Renewal Project Information Form

A. Grant Number
Please provide the grant number of the HOPWA grant for which you are seeking renewal.

Grant Number		**Year Funded:**	

B. Service Area. Please identify the grant service area, i.e., the name of the community or metropolitan area, or, if activities are being undertaken in a state-wide or regional basis:

C. Project Sponsors and Sites. On a separate page, if needed, identify all the project sponsors that are involved in your renewal project, the sponsor's mailing address, telephone, email address, fax number, and the name of a contact person.

Are new project sponsor(s) being added to the renewal project? Yes ☐ / No ☐
Please note you must provide an Organizational Capacity Narrative if a new project sponsor is added or a change is being proposed to your renewal project. If yes, attach updated or applicable nonprofit status information.

Sites. For projects involving sites, for example, a structure where HOPWA funds will be used for operating costs, and/or project-based rental assistance, please attach or provide the address of the project site.

Confidentiality. Please indicate if the site location is confidential or a public site by checking the appropriate box below.

☐ 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.

D. Summary of Proposed Accomplishments--Outputs.

Summary of Housing Assistance: Please provide best estimates in the following table based on your continuing activities. Enter number of units of housing served if renewal project is funded and is fully implement and operational—these are the annual housing assistance output goals.

		Accomplishment by Year		
1. Facility-based Housing: Enter total units to be provided.		Year 1	Year 2	Year 3
Short-term facility				
Single room occupancy dwelling	☐ Permanent ☐ Non-Permanent			
Community residence	☐ Permanent ☐ Non-Permanent			
Other housing facility (specify) _____	☐ Permanent ☐ Non-Permanent			
2. Scattered-site Payments		Year 1	Year 2	Year 3
Tenant-based rental assistance				
Short-term rent, mortgage, and utility payments				
Total Units				

Example: If your four-unit community residence will be funded and operational in each of the next three years, enter 4 in each of the 3 boxes after community residences.

Summary of Persons Assisted. Please provide best estimates in the following table:

	Accomplishment by Year		
	Year 1	Year 2	Year 3
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 reported above in row 1 and 2 who are likely to be chronically homeless (based on your plans for outreach and support for this special needs populations)			
4. Number of persons with HIV/AIDS and family members who will only be receiving some form of supportive services (persons receiving both services and housing are reported in items 1 and 2 above).			
5. Number of persons who will be receiving housing information services.			

Example: If some clients transition out of your 4 unit community residence each year and new clients enter the project, enter your best estimate of all the persons projected to be served for each year.

NOTE on item 3: Chronic homeless is an unaccompanied homeless individual with a disabling condition who has either been continuously homeless for a year or more OR has had at least four (4) episodes of homelessness in the past three (3) years. To be considered chronically homeless a person must have been on the streets or in an emergency shelter (i.e. not transitional housing) during these stays. If some persons may meet this definition, but no specialized outreach and service plan is directed at this population, enter zero (0).

E. 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 likely serve based on program service delivery design and outreach plans? (Check all that apply)

☐ Severely Mentally Ill ☐ Chronic Substance Abuse ☐ Veterans

☐ Multiply-Diagnosed ☐ Victims of Domestic Violence

2. Will the proposed project be located or primarily serve persons 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

F. Outputs and Outcomes Worksheet – informational purposes only in this application.

This worksheet is designed to help grantees and project sponsors consider how to plan to aggregate results for housing stability

The HOPWA program is intended to achieve the overall outcome that persons assisted have been enabled to establish and/or better maintain a stable living environment in housing that is safe, decent and sanitary and to reduce the risks of homelessness and improve access to health-care and other supportive services. In addition, output is measured each year on the number of units of housing/households supported with HOPWA funds.

At the end of each year of assistance, HOPWA recipients should consider the effects of their efforts and compare results to the planned outputs and the prior year's outcome baseline as part of an assessment of program success. These assessments will help inform the community as well as HUD in assessing past performance and helping to direct future efforts. For example, if an assessment shows that some activities are not helping beneficiaries achieve the desired outcome, recipients should consider what alternatives or enhancements to program efforts might better meet this goal.

OUTCOME ASSESSED: The HOPWA assisted households were able to establish and/or better maintain stable housing, to reduce their risks of homelessness and improve their access to health-care and other needed support.

OUTCOME INDICATOR is the total as follows (see codes below) as measured in client outcomes at the end of each project operating year:

a. for STRMU assistance: **Stable Housing** is the sum of the number of clients who left the assistance with a reasonable expectation that they will survive on their own after HOPWA assistance (as this is a time-limited form of housing support) as shown as items: 3, 4, 5, and 6 along with any under item 9. **Unstable Situations** is the sum of those remaining in STRMU program at year end (who have not yet reached their 21-week limit) plus the numbers reported under items 1, 2, 7 and 8.

b. for Tenant-Based Rental Assistance: **Stable Housing** is the sum of the number of clients who (i) remain in the housing and (ii) those who left the assistance as shown as items: 3, 4, 5 and 6 along with any under item 9. **Unstable Situations** is the sum of numbers reported under items 1, 2, 7 and 8.

c. for facility-based forms of housing assistance: **Stable Housing** is the sum of the number of clients who (i) remain in the housing and (ii) those who left the assistance as shown as items: 1, 2, 3 and 6 along with any under item 9. **Unstable Situations** is the sum of numbers reported under items 4, 5, 7 and 8.

Housing Stability Outcomes Assessment Worksheet

Type of Housing Assistance	1 Number in stable housing	2 Number in unstable situations	3 Percent Stable/total
Short-Term Rent, Mortgage, and Utility Assistance			
Tenant-Based Rental Assistance			
Facility-Based Housing Assistance			
Total HOPWA Housing Assistance			

*** Codes Short-term Housing**
1 = Emergency shelter or no housing destination
2 = Temporary housing - moved in with family/friends or other short-term arrangement, such as Ryan White subsidy

Stable Housing/Ongoing Participation 3 = Housing in the private rental or home ownership market
4 = Other HOPWA-funded housing assistance
5 = Other subsidized house or apartment (non-HOPWA, e.g. Section 8)
6 = Institutional setting with greater support (e.g., hospital, in-house dependency treatment, long-term care facility, etc.)

Life Events 7 = Jail /prison
8 = Disconnected/disappeared/ from project support or unknown destination
9 = Death, i.e. remained in housing until death

HOPWA Permanent Supportive Housing Certification

The Applicant, in order to induce HUD to renew the Applicant's Grant with HUD for HOPWA Project Number _____, pursuant to HUD's authority under the FY 2004 Appropriations Act, hereby assures and certifies HUD that no less than 51 percent of the HOPWA funds awarded to the Project were and continue to be used to provide permanent supportive housing to low income persons with HIV/AIDS and their families. Permanent housing is defined as housing in which the resident has a lease for a term of at least one year, which is renewable by the tenant and which may be terminated by the landlord for cause. Permanent supportive housing is permanent housing, which provides the tenant with on-going supportive services through qualified providers.

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.

HOPWA Applicant Certifications

Name of Applicant

Signature of Authorized Certifying Official & Date

Typed Name of Signatory

Title of Signatory

Date

HOPWA Need for Renewal Chart

Please complete the following chart and submit it with your Need for Renewal Narrative. HUD will review this chart and determine your eligibility for renewal funding based on grant agreement dates and the financial records for reimbursement of expenditures that are filed under HUD's financial system (PAS).

To be eligible, the HOPWA grant must be an expiring grant, defined by the end date in the grant agreement signed with HUD on the existing project (i.e. the term of the grant agreement will have expired in FY2004 or expires within 18 months of the date of publication of this notice). The applicant must demonstrate to HUD that all funds awarded in the grant it seeks to renew will be expended within the period established in the approved grant agreement (including amendments or extensions approved by HUD).

Line 1	Indicated the amount of the prior HOPWA award and grant agreement start and end dates. The grant agreement date of signing or start date, if later, was: and, based on the three year use period, this agreement ends: , or was extended for a fourth year until:	$
Line 2	Indicate the amount expended as of 3-30-04.	$
Line 3	Balance Subtotal: subtract Line 2 from Line 1. (See Item 1 below.)	$
Line 4	Indicate the amount to be expended in the balance of FY2004. (By September 30, 2004)	$
Line 5	Indicate the amount to be expended in FY2005. (By September 30, 2005)	$
Line 6	Subtotal: Subtract Lines 4 and 5 from Line 3. (See Item 2 below)	$

1. Please insert grant agreement dates (dd/mm/yy) and attach the extension agreement with HUD if the grant agreement was extended for a fourth year.

2. If the grant agreement dates extended the use period beyond FY2005, and a balance of grant funds is expected to remain, please consider seeking funding in a future year. If balances are expected to remain in FY2005, but the three year use period is going to end in FY 2004, please review the need to make a timely one-year extension request with the area CPD Field Office.

3. HUD may deobligate any amount of HOPWA grant funds that have been renewed under this notice and have not been expended within three (3) years from the date of obligation or program start date, if established as a later date in the new grant agreement.

Permanent Supportive Housing Worksheets
Renewal Applications

Applicants seeking renewal under the HOPWA NOFA must demonstrate that the HOPWA project supported by the prior HOPWA grant and continued through this renewal provides permanent supportive housing to eligible clients. Permanent supportive housing is defined in the HOPWA program NOFA. To meet this definition, you must document that at least 51 percent of the HOPWA program activity funds awarded to the grant you are seeking to renew provided direct permanent supportive housing assistance or provided supportive services to clients living in permanent housing you provided with resources other than HOPWA funds. Complete the following worksheet to determine if your project at least meets this 51 percent threshold.

INSTRUCTIONS

Part 1: Calculation of Funding

1. **HOPWA Project Funding – Funding amount of the original or amended HOPWA grant, which you seek to renew.**

Column A - Original or Amended HOPWA Grant. In Column A, for HOPWA funds only, enter the total program activity costs requested and approved in the prior HOPWA grant. Please note, these costs do not include administrative or project outcome costs. Total Column A.

2. **Permanent Supportive Housing Funding – Percentage of funding dedicated to permanent supportive housing, as defined in the HOPWA NOFA.**

Column B - HOPWA. In Column B, enter the amount of HOPWA funds from the prior HOPWA grant expended or pending use as approved in the grant that directly provide permanent supportive housing. HOPWA funds used for services or housing of clients in emergency, short-term, or transitional situations, may not be included (expect in relation to short-term rent, mortgage, or utility payments). For example, if part of the supportive services provided actually provides services in a short-term, transitional housing situation or to clients not receiving housing assistance, then only the amount of funds directly providing the permanent supportive housing may be used in the calculation.

Please note, HUD has determined that only the following activity categories allow expenditures that meet the definition of permanent supportive housing under your prior grant. You may only account for the percentage of funds that were expended or will be expended on permanent housing activities through:

Acquisition and new construction Rehabilitation, repair, and conversion Rental Assistance Short-term rent, mortgage, or utility payments	Lease and Operating Costs Supportive Services (for residents of permanent housing only) Other HUD approved permanent housing activities

Other HOPWA funded activities, like housing information or resource identification, do not meet the definition of permanent supportive housing. Total Column B.

Column C – Other Funding. If applicable, enter the amount of other funds that provide permanent supportive housing. Other funding resources must be documented in the prior HOPWA grant and documentation that such assistance will continue during the term of the renewal grant must be provided to HUD. Total Column C.

Eligible Activity	**HOPWA Project Funding**	**Permanent Supportive Housing***	
	A. Original or Amended	**B. HOPWA**	**C. Other**
1. Acquisition	$	$	$
2. Rehabilitation, Repair, & Conversion	$	$	$
3. New Construction	$	$	$
4. Lease	$	$	$
5. Operating Costs	$	$	$
6. Supportive Services	$	$	$
7. Housing Information	$		
8. Technical Assist. & Resource Identification	$		
9. Rental Assistance	$	$	$
10. Short-term rent, mortgage, & Utility Payments	$	$	$
11. Other (name the type of alternative activity – must be approved in the prior HOPWA grant) _____	$		
12. Total	$	$	$

* Enter only the amounts of HOPWA or other resources that directly provide permanent supportive housing. You may not consider funds providing other types of housing assistance.

Part 2: Calculation

To determine if your project uses at least 51 percent of funding to provide permanent supportive housing, please make the following calculation:

a. Amount of HOPWA funds providing permanent supportive housing (Total of Column B)	
b. Total amount of project activities (Total of Column A)	
c. Divide Row (a) by Row (b) and multiply by 100.	X100
d. Percentage of project funds providing permanent supportive housing.	*

***Please note:**

1) If the percentage is less than 51 percent, you are not eligible to apply for renewal under "Renewal of Permanent Support Housing Grants".
2) If the percentage is 51 percent or over, you are eligible to apply for renewal under "Renewal of Permanent Support Housing Grants" and must complete the "Certification of Permanent Supportive Housing".

Part 3: Documentation of Other Resources

If your project relies on other state, local, Federal, or private resources to provide the permanent housing or supportive services portion of your project, you must demonstrate that the other resources will continue to be available for that purpose throughout the term of the renewal grant. The continuing assistance must have been documented within the original application to HUD and be used in conjunction with requested HOPWA funds. Evidence of continuing assistance must be provided, see Application Contents paragraph (f) on Documentation of Other Resources.

Permanent Housing. Permanent housing provided through other resources must be documented in the renewal application through a leveraging letter. The letter must outline the amount of funds for the housing to be provided, the term the funds will be made available, and be signed by the organization providing such housing or funding for the housing.

Supportive Services. Supportive services provided through other resources must be documented through a commitment letter, which outlines the type of support that will be provided to eligible persons, the organizations providing such support, and the length of time such supportive services will be available and be signed by the organization providing such funding for services for residents of your housing project. Supportive services must be provided throughout the term of the renewal grant and the amount must at least match any amount requested for HOPWA funding for supportive services.

Chart on Other Resources. The list or chart of leveraging commitments should be attached to your application and must include: (1) the name of the organization or entity that will contribute match or leveraged funds and if the organization will serve as a project sponsor; (2) describe the work to be accomplished, such as the type of activities undertaken to support the project; (3) the

value of cash match contribution related to the HOPWA supportive service funding requested; (4) additional leveraged funds being contributed for permanent housing or other activities, if any; (5) the total amount of items 3 and 4; and (6) a letter from the organization or entity confirming this commitment of resources.

	A.	B.	C.	D.
1. Name of Organization				
2. Work to be accomplished				
3. Value of cash contributions for Supportive Services	$	$	$	$
4. Value of contributions for permanent housing	$	$	$	$
5. Total for leveraging	$	$	$	$
6. Commitment letter attached				

	E.	F.	G.	H.
1. Name of Organization				
2. Work to be accomplished				
3. Value of cash contributions for Supportive Services	$	$	$	$
4. Value of contributions for permanent housing	$	$	$	$
5. Total for leveraging	$	$	$	$
6. Commitment letter attached				

HOPWA Renewal Budget Form

A. Renewal Project Summary Total Budget. In column A, enter the amount of HOPWA funding that was awarded under the prior HOPWA award (including any changes approved by HUD). In column B, enter the total amount of new HOPWA funds being requested. In column C, enter any other funds (i.e. private, local, or state resources) that will be used in conjunction with the requested HOPWA renewal funds to undertake the project. Enter the sum total of requested *HOPWA funds* and *Other funds* (sum of columns B and C) in column D. Enter the totals of each column in line 13 of the budget form.

Eligible Activity	**HOPWA Project Funding**			
	A. Original/Amt.	**B. Renewal Amt.***	**C. Other**	**D. Total**
1. Lease	$	$	$	$
2. Operating Costs	$	$	$	$
3. Supportive Services	$	$ (not greater than 35% of line 9	$	$
4. Housing Information	$	$	$	$
5. Technical Assistance & Resource Identification	$	$ (not greater than 5% of line 9)	$	$
6. Rental Assistance	$	$	$	$
7. Short-term Rent, Mortgage, and Utility Payments to Prevent Homelessness	$	$	$	$
8. Other (please indicate the activity) _____	$	$	$	$
9. Subtotal of Activity Costs	$	$ (not to exceed $1,300,000)	$	$
10. Grantee's Administrative Costs (not to exceed 3% of Subtotal)	$	$	$	$
11. Project Sponsor's Administrative Costs (not to exceed 7% of amounts received by sponsors)	$	$	$	$
12. Collect data on Project Outcomes	$	$ (not to exceed $25,000)	$	$
13. Total HOPWA Request	$ (see line 14 total)	$	$	$
14. FYI Amounts for capital development activities in the original or amended HOPWA grant and related new leveraging	$	N/A	$	$

*Notes: Column B above should reflect the total of funding requested for all years as outlined below in Table B and should not be greater than 120% of amounts shown in Column A, except in special circumstances allowed under the NOFA. In item 14 provide the total of HOPWA funds awarded for acquisition, new construction, rehabilitation under the existing grant and amounts of this nature being leveraged from other sources for the renewal project, if any.

B. Annual Budget Summary. In columns A through C enter the requested amount of HOPWA funds by year. The term of the grant is expected to be 3 years. You may request up to 20 percent more than the original award for renewal by activity, but the total requested funds must not exceed $1,300,000. For additional details on eligible activities and limitations, consult the program NOFA and regulations at 24 CFR 574.300-340. One-time capital development costs are not eligible for renewal. In column D, enter the total amount of requested HOPWA funds for each year by summing columns A through C. The totals in Column D should equal the totals in Column B in Section A-"Renewal Project Summary Budget" and should represent your total request for HOPWA funds. Enter the totals of each column in line 13 of the budget form.

Eligible Activity	HOPWA Project Funding			
	A. Year 1	B. Year 2	C. Year 3	D. Total *
1. Lease	$	$	$	$
2. Operating Costs	$	$	$	$
3. Supportive Services	$	$	$	$ (not greater than 35% of line 9
4. Housing Information	$	$	$	$
5. Technical Assistance & Resource Identification	$	$	$	$ (not greater than 5% of line 9)
6. Rental Assistance	$	$	$	$
7. Short-term Rent, Mortgage, and Utility Payments to Prevent Homelessness	$	$	$	$
8. Other (please indicate the activity)	$	$	$	$
9. Subtotal of Activity Costs	$	$	$	$ (not to exceed $1,300,000)
10. Grantee's Administrative Costs (not to exceed 3% of Subtotal)	$	$	$	$
11. Project Sponsor's Administrative Costs (not to exceed 7% of amounts received by sponsors)	$	$	$	$
12. Collect data on Project Outcomes	$	$	$	$ (not to exceed $25,000)
13. Total	$	$	$	$

*Note: Totals in this column should equal the totals in Column B, Section A – "Renewal Project Summary Budget".

C. Renewal Project Descriptive Budget Instructions:

1. For the grantee and each project sponsor receiving HOPWA renewal funds under this application, please complete the Renewal 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 by 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 numbered 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).

2. Enter the name of the organization (grantee or project sponsor).

3. As applicable, mark if you are completing this form for the grantee or project sponsor.

4. 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.

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.*	

EXAMPLE 2:

Eligible Activity and Description	**HOPWA Request**
Supportive Services	$120,000
Description: *One employee (0.5FTE) will 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.*	

5. For each HOPWA Eligible Activity (lines 1-10), enter the amount of requested HOPWA renewal funds. NOTE: 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 Section A-Column B of the Renewal Project Summary Budget.

A. HOPWA Renewal Project Budget Form *Form* ☐ *of* ☐

B. Name of Grantee/Project Sponsor: _____

C. Mark one of the following:
Grantee ☐ **Project Sponsor** ☐

Is the organization a religious organization, or a religiously affiliated or motivated organization?
☐ Yes ☐ No

D. Eligible Activity and Description	E. HOPWA Renewal Request
1. Lease	$
Description:	
2. Operating Costs	$
Description:	
3. Supportive Services	$
Description:	
4. Housing Information	$
Description:	
5. Technical Assistance and Resource Identification	$
Description:	
6. Rental Assistance	$
Description:	
7. Short-term Rent, Mortgage & Utility Payment to Prevent Homelessness	$
Description:	
8. Other (please indicate the activity)	$
Description:	
9. Administrative Costs (Grantee or Project Sponsor)	$
Description:	
10. Collect data on Project Outcomes (not to exceed $25,000)	$
Description:	

HOPWA Applicant Certifications

These certified statements are required by law.

The Applicant hereby assures and certifies that:

1. **Fair Housing**. 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 discrimination based on handicap in Federally-assisted programs and activities.

It will comply with the accessibility requirements of Section 504 of the Rehabilitation Act of 1973, and where applicable, the design and construction requirements of the Fair Housing Act.

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.

2. Environmental Requirements. The grantee, its project sponsors and their contractors may not acquire, rehabilitate, convert, lease, repair, dispose of, demolish, or construct property for a project, or commit or expend HUD or local funds for such eligible activities, until the responsible entity (as defined in §58.2) has completed the environmental review procedures required by 24 CFR part 58 and the environmental certification and HUD approval of form HUD-7015.15, "Request for Release of Funds and Certification" (RROF) of compliance with the National Environmental Policy Act and implementing regulations at 24 CFR part 58 (Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities). HUD will not release grant funds if the recipient or any other party commits grant funds (i.e., incurs any costs or expenditures to be paid or reimbursed with such funds) before the recipient submits and HUD approves its RROF (where such submission is required).

3. HOPWA Facility Use Period. 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.

HOPWA Applicant Certifications

Signature of Authorized Certifying Official & Date

X

Title

Name of Applicant

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTED LIVING CONVERSION PROGRAM (ALCP) FOR ELIGIBLE MULTIFAMILY HOUSING PROJECTS

Billing Code 4210-32-C

Assisted Living Conversion Program (ALCP) for Eligible Multifamily Housing Projects Overview Information

A. *Federal Agency Name:* Department of Housing and Urban Development, Office of Housing Assistance and Grant Administration.

B. *Funding Opportunity Title:* The Assisted Living Conversion Program for Eligible Multifamily Projects.

C. *Announcement Type:* Initial announcement.

D. *Funding Opportunity Number:* The OMB Approval Number is: 2502–0542. The **Federal Register** number for this NOFA is: FR–4900–N–16.

E. *Catalog of Federal Domestic Assistance (CFDA) Number:* The Assisted Living Conversion Program for Eligible Multifamily Housing Projects is 14.314.

F. *Dates:* Application Deadline Date: The application is due to the appropriate HUD Multifamily Hub Office on July 22, 2004.

G. *Optional, Additional Overview Content Information:* The purpose of this program is to provide grants for the conversion of some or all of the dwelling units in an eligible project into assisted living facilities (ALFs) for frail elderly persons. Private nonprofit owners of eligible developments interested in applying for funding under this grant program should carefully review the General Section of the SuperNOFA and the detailed information listed in this program NOFA. Funding will only be provided for those items related to the conversion. There is no separate Application Kit for this NOFA.

The ALCP will fund those applications that may impact federal problem solving and policymaking and that are relevant to HUD's policy priorities and annual goals and objectives. (Refer to the General Section of the SuperNOFA for discussion of these priorities and annual goals and objectives).

Full Text of Announcement

I. Funding Opportunity Description

Program Description. Assisted living facilities (ALFs) are designed to accommodate frail elderly persons and people with disabilities who need certain support services (*e.g.*, assistance with eating, bathing, grooming, dressing, and home management activities). ALFs must provide support services such as personal care, transportation, meals, housekeeping, and laundry. Frail elderly person means an individual 62 years of age or older who is unable to perform at least three activities of daily living (ADLs) as defined by the regulations for HUD's Section 202 Program (Supportive Housing for the Elderly) at 24 CFR 891.205. Assisted living is defined in section 232(b)(6) of the National Housing Act (12 U.S.C. 1715w).

The ALCP provides funding for the physical costs of converting some or all of the units of an eligible multifamily development into an ALF, including unit configuration and related common and services space and any necessary remodeling, consistent with HUD or the state's statute/regulations (whichever is more stringent). Typical funding will cover basic physical conversion of existing project units, as well as related common and services space. There must be sufficient community space to accommodate a central kitchen or dining facility, lounges, recreation, and other multiple-areas available to all residents of the project, or office/staff spaces in the ALF. When food is prepared at an off-site location, the preparation area of the facility must be of sufficient size to allow for the installation of a full kitchen, if necessary. You must provide supportive services for the residents either directly or through a third party. Your application must include a firm commitment for the supportive services to be offered within the ALF as part of the application. You may charge assisted living residents for meals and/or service fees. Residents may contract with third party agencies directly for nursing, therapy, or other services not offered by the ALF.

The Assisted Living Conversion Program is authorized by Section 202(b) of the Housing Act of 1959 (12 U.S.C. 1701q–2) and the Consolidated Appropriations Act, 2004 (Pub. L. 108–199, approved January 23, 2004) (FY2004 Appropriations Act). The FY2004 Appropriations Act provides $24,852,500 (which reflects a .59 percent across-the-board rescission pursuant to Public Law 108–199) for grants under Section 202b of the Housing Act of 1959 for the conversion of eligible projects to assisted living or related use and for emergency capital repairs. The Department has set-aside $10 million for emergency capital repairs. The eligibility requirements for obtaining funding for emergency capital repairs will be described in a separate Notice. Any unused funds from the emergency capital repairs set-aside will be returned to the funds allocated for eligible multifamily assisted projects.

II. Award Information

A. Available Funds

This NOFA makes available approximately $55.5 million including carryover funds. Approximately $7,500,000 will be provided for the conversion of up to two unused or underutilized commercial properties to ALFs. The remaining $47,980,500 will be fair shared and used for the physical conversion of eligible multifamily assisted housing projects or portions of projects to ALFs.

The allocation formula used to fair share the $47,980,500 for the ALCP reflects demographic characteristics of age and incidence of frailty that would be expected for program participants. The FY2004 formula consists of one data element from the 2000 decennial census: The number of non-institutional elderly population aged 75 years or older with a disability. A fair share factor for each state was developed by taking the sum of the persons aged 75 or older with a disability within each state as a percentage of the sum of the same number of persons for the total United States. The resulting percentage for each state was then adjusted to reflect the relative difference in the cost of providing housing among the states. The total of the grant funds available was multiplied by the adjusted fair share percentage for each state, and the resulting funds for each state were totaled for each Hub.

The ALCP grant funds fair share allocations, based on the formula above, to the 18 multifamily Hubs are as shown on the following chart:

B. FY2004 Allocation

FY2004 ALLOCATION FOR THE ASSISTED LIVING CONVERSION PROGRAM (ALCP) OF ELIGIBLE ASSISTED MULTIFAMILY PROJECTS

HUB	Grant authority
Boston	$2,907,396
Buffalo	1,286,468
New York	2,766,642
Philadelphia	5,245,844
Baltimore	1,958,343
Greensboro	2,015,569
Atlanta	3,514,056
Jacksonville	4,149,827
Chicago	3,664,614
Columbus	2,057,739
Detroit	1,681,452
Minneapolis	1,748,837
Fort Worth	3,673,859
Kansas City	2,978,315
Denver	1,063,086
Los Angeles	2,813,804
San Francisco	2,860,287

FY2004 ALLOCATION FOR THE ASSISTED LIVING CONVERSION PROGRAM (ALCP) OF ELIGIBLE ASSISTED MULTIFAMILY PROJECTS—Continued

HUB	Grant authority
Seattle	1,594,360
Total	47,980,500

The ALCP Grant Agreement, when fully executed, obligates and contracts the HUD funds. This Agreement establishes the legal relationship between HUD and the ALCP award recipient. The period of performance will be based on the scope of work.

III. Eligibility Information

A. Eligible Applicants

Only private nonprofit owners of eligible multifamily assisted housing developments specified in section 683(2) (B), (C), (D), (E), and (F) of the Housing and Community Development Act of 1992 (Pub. L. 102–550, approved October 28, 1992) and private nonprofit owners of an unused or underutilized commercial property are eligible for funding.

1. *Ineligible Applicants.* Ineligible applicants are:

a. Owners of developments designed specifically for people with disabilities.

b. Owners of Section 232 developments.

c. Property management companies and agents of property management companies.

d. Limited dividend partnerships.

e. Nonprofit Public Agencies.

f. Owners of unused/underutilized hospitals or other health-related facility which are considered to be eleemosynary institutions rather than commercial enterprises.

2. *Eligible Developments.* Eligible projects must be owned by a private, nonprofit entity and designated primarily for occupancy by elderly persons. Projects must have been in occupancy for at least five years from the date the form HUD–92485, Permission to Occupy Project Mortgage, was approved by HUD's Construction Manager as Chief Architect, and have completed final closing. Additionally, eligible projects must meet one of the following criteria:

a. Section 202 direct loan projects with or without Section 8 rental assistance,

b. Section 202 capital advance projects receiving rental assistance under their Project Rental Assistance Contract (PRAC),

c. Section 515 rural housing projects receiving Section 8 rental assistance,

d. Other projects receiving Section 8 project-based rental assistance,

e. Projects subsidized with Section 221(d)(3) below-market interest mortgage,

f. Projects assisted under Section 236 of the National Housing Act.

g. Unused and underutilized commercial properties owned by a private nonprofit.

B. Cost Sharing or Matching

No matching required.

C. Other

1. Eligible conversion activities are:

a. Retrofitting to meet Section 504 accessibility requirements, minimum property standards for accessibility and/or building codes and health and safety standards for ALFs in that jurisdiction. Examples are items such as addition of:

(1) Sprinkler systems;

(2) An elevator or upgrades thereto;

(3) Lighting upgrades;

(4) Major physical or mechanical systems of projects necessary to meet local code or assisted living requirements;

(5) Upgrading to accessible units for the ALF with moveable cabinetry, accessible appliances, sinks, bathroom and kitchen fixtures, closets, hardware and grab bars, widening of doors, etc.;

(6) Upgrades to safety and emergency alert systems;

(7) Addition of hallway railings; and

(8) Medication storage and work stations;

b. Retrofitting to add, modify and/or outfit common space, office or related space for ALF staff including a service coordinator and file security, and/or a central kitchen/dining facility to support the ALF function (*e.g.*, outfit lounge/common space/dining furniture, kitchen equipment for cooking/serving and dishware).

c. Retrofitting to upgrade a regular unit to an accessible unit for a person/family with disabilities who is being displaced from an accessible unit in the portion of the project that is being converted to the ALF, where another accessible unit is not available.

d. Temporary relocation (not applicable to commercial property).

e. Consultant, architectural, and legal fees.

f. Vacancy payments not more than 30 days after conversion to an ALF.

g. Any excess Residual Receipts (over $500/unit) and Reserve for Replacement funds (over $1000/unit) in Project Accounts that are not approved for another use at the time of application to HUD under this NOFA are considered available funds and must be applied toward the cost of conversion activities. Before making this determination, however, HUD staff will consider the extent of repair/replacement needs indicated in the most recent Real Estate Assessment Center (REAC) physical inspection and not yet approved and any ongoing commitments such as non-grant-based service coordinator or other funding, where existing, deduct the estimated costs of such items from the reserve for replacement and residual receipts balances to determine the extent of available residual receipts and reserve for replacement funds for the ALCP. (This paragraph is not applicable to commercial properties.)

2. Threshold Requirements. Applicants must meet the following requirements to receive funding for this program.

a. Be an eligible applicant. HUD will only award funding to eligible applicants.

b. Obtain a DUNS number. To receive ALCP funds, you must obtain a DUNS number. (Refer to Section III.C.2.b. of the General Section of the SuperNOFA for information regarding the DUNS requirement.)

c. You must be in compliance with all fair housing and civil rights laws, statutes, regulations, and executive orders as enumerated in Section III.C. of the General Section of the SuperNOFA.

d. You cannot request more funds than advertised in this NOFA.

e. You must provide commitment and funding support letters from the appropriate funding organizations and the appropriate licensing agency(ies). HUD will reject your application if the commitment and support letter(s) from the appropriate funding organizations and the appropriate licensing agency(ies):

(1) Are not submitted with your application;

(2) Indicate that the ALF units, facilities, meals and supportive services to be provided are not designed to meet the special needs of the residents who will reside in the ALF as defined in this NOFA;

(3) Do not show commitment for funding the meals and supportive services proposed; or

(4) Indicate that the project as proposed will not meet the licensing requirements of the appropriate state/local agency(ies).

f. You must comply with all applicable statutory requirements to the project specified in Section 202(b) and statutory requirements under Section 232(b)(6).

g. Minimum Size Limits for an ALF. An ALF must be economically feasible.

Consistent with HUD Handbook 4600.1, CHG–1, the minimum size for an ALF is five units.

h. Conduct Business in Accordance with Core Values and Ethical Standards. ALCP applicants must develop and maintain a written code of conduct to receive an award. (Refer to Section III.C. of the General Section of the SuperNOFA for further information on this requirement.)

i. Name Check Review. Name checks are intended to reveal matters that reflect your management and financial integrity, or if any key individuals have been convicted or are presently facing criminal charges. HUD may deny funding based upon information obtained and verified through the Name Check Review. (Refer to Section III.C. of the General Section of the SuperNOFA for specific procedures regarding this requirement.)

j. False Statements. A false statement in this application is grounds for denial or termination of the ALCP award and grounds for possible punishment as provided in 18 U.S.C.1001.

3. Program Requirements.

a. Have a residual receipts account separate from the Reserve for Replacement account, or agree to establish this account as a condition for getting an award(s).

b. You must be in compliance with your Loan Agreement, Capital Advance Agreement, Regulatory Agreement, Housing Assistance Payment contract, Project Rental Assistance Contract, Rent Supplement or LMSA contract, or any other HUD grant or contract document. (Not applicable to applicants of unused and underutilized commercial property.)

c. You must file a form HUD–2530 for all construction contractors, architects, consultants, and service provider organizations under direct contract with you that will be engaged under this NOFA.

d. Your project must meet HUD's Uniform Physical Conditions Standards at 24 CFR part 5, subpart G. Meeting these standards as described, means that the project, based on the most recent REAC physical inspection report and responses thereto, must have a ''satisfactory'' rating as evidenced by a score of 60 or better or a HUD-approved and on schedule repair plan for developments scoring less than 60. Additionally, the project must have no uncorrected and outstanding Exigent Health and Safety violations. Finally, the project must not have on file a management review with a rating of ''minimally satisfactory'' or ''unsatisfactory'' with open and unresolved findings. (Not applicable to applicants of unused or underutilized commercial property)

e. You must submit an agreement to pursue appropriate ALF licensing in a timely manner.

f. Meals and Supportive Services. You must develop and submit a Supportive Services Plan (SSP) for the services and coordination of the supportive services, which will be offered in the ALF to the appropriate state or local organization(s), which are expected to fund those supportive services. (See below in Section IV.B.8. for information, which must be in the SSP.) You must submit one copy of your SSP to each appropriate state or local service funding organizations well in advance of the application deadline, for appropriate review. The state or local funding organization(s) must return the SSP to you with appropriate comments and an indication of the funding commitment, which you will then include with the application you submit to HUD.

g. Licensing Requirements. You must ALSO submit the SSP to the appropriate organization(s), which license ALFs in your jurisdiction. The licensing agency(ies) must approve your plan, and must also certify that the ALF and the proposed supportive services identified in your SSP, are consistent with local statute and regulations and well designed to serve the needs of the frail elderly and people with disabilities who will reside in the ALF portion of your project.

h. Your ALF facility must be licensed and regulated by the state (or if there is no state law providing such licensing and regulation, by the municipality or other subdivision in which the facility is located). Each assisted living unit must include its own kitchen, bathroom, bedroom, living/dining area (1 bedroom unit) or kitchen, bathroom, bedroom/living/dining area (efficiency unit) and must meet the state and/or local licensing, building, zoning, and other requirements for an ALF.

i. Your ALF must be available to qualified elderly persons and persons with disabilities, consistent with the rules and payment plans of the state, who need and want the supportive services in order to remain independent and avoid premature institutionalization.

j. Your ALF's residents must be tenants or residents of the multifamily project and must comply with the requirements applicable to the project. Thus, you cannot charge additional rent over what is charged to residents in the non-ALF portion of the project. All admissions to the ALF must be through the applicable project admissions office. However, persons accepted into the ALF also must sign an ALF admissions agreement, which shall be an addendum to the applicable project lease. (Not applicable to applicants of unused or underutilized commercial property.)

k. At a minimum, your ALF must provide room, board, and continuous protective oversight (CPO). CPO involves a range of activities and services that may include such things as awareness by management and staff of the occupant's condition and location as well as an ability to intervene in a crisis for dependent and relatively independent occupants on a 24-hour basis. The two occupant groups in an ALF are:

(1) *Independent Occupants:* Awareness by management and staff of the occupant's condition and whereabouts as well as the availability of assistance for the occupants as needed.

(2) *Dependent occupants:* Supervision of nutrition, assistance with medication and continuous responsibility for the occupants' welfare.

l. Anyone moving into an ALF unit must agree to accept as a condition of occupancy the board and services required for the purpose of complying with state and local law and regulation.

m. Your ALF must provide three meals per day to each resident.

(1) Residents whose apartments have kitchens must take at least the number of meals a day provided by the facility, per their mandatory meals requirement, or as required by state or local rules, if more stringent. If the facility does not have a mandatory meals plan, then state and local rules govern.

(2) Residents in projects which were originally constructed without kitchens in their units must take such meals as required by their mandatory meals agreement, or by the state's mandated requirements if more stringent (*e.g.*, two meals, two snacks daily).

In either case, ALF management must coordinate meal requirements with the needs of residents who are out part of the day (*e.g.*, in day care). The meal program may not be operated at a profit by the project owner.

n. Priority admissions for ALF units are as follows: (Not applicable to applicants of unused or underutilized commercial structures.)

(1) Current residents desiring an ALF unit and meeting the program requirements (no resident can be required to accept an ALF unit).

(2) Qualified individuals or families needing ALF services who are already on the project's waiting list;

(3) Qualified individuals or families in the community needing ALF services

wanting to be added to the project's waiting list.

(4) Qualified disabled non-elderly persons needing assisted living services are eligible to occupy these units on the same basis as elderly persons, except for section 202 project rental assistance contracts (PRAC) projects and unused/underutilized commercial properties.

o. The management of the project must set up a separate waiting list for ALF units. ALF units must be for eligible residents who meet the admissions/discharge requirements as established for assisted living by state and local licensing, or HUD frailty requirements under 24 CFR 891.205 if more stringent.

p. Upon receipt of a grant under this program, all project owners participating in the ALCP must provide a Declaration of Restrictive Covenants (DRC), which will be recorded with the land, to retain the low income character of the housing, and to maintain the project (including the ALF), as a moderate-, low-, or very low-income facility (as appropriate) for at least 20 years beyond the current 40-to-50-year term of the mortgage loan or capital advance. Recipients of grant funds to convert unused or underutilized commercial property must provide a DRC for at least 20 years or for the term of the mortgage on the property whichever is longer.

q. The ALCP requires service coordination for linking the ALF to available services in the community for low-income persons. All projects funded under this NOFA must have sufficient service coordination in place, or request additional funds, if appropriate, to ensure that services meeting licensing requirements are available to ALF residents on an ongoing basis. Service coordination must be described in the application (see Section IV.B.8.b. and c. of this NOFA). If you need to enhance an existing service coordination program or add one where it does not exist, you may apply for funding through the Service Coordinator NOFA, published elsewhere in this SuperNOFA, and attach a copy of the form SF–424 indicating the request to the ALCP application. Alternatively, you may show evidence that funding for the enhanced service coordination is provided by other sources and indicate such funding on the form SF–424 which is exhibit 10(a) of your ALF application. If you are funded under this NOFA and requested new or enhanced service coordination you will be funded first under the service coordinator NOFA.

(1) The ALF must be staffed either directly or through coordination with local agencies, depending on state regulations or local requirements. These may also serve non-ALF residents of the project on a time available and appropriate fee basis.

(2) If you are a Section 202 PRAC project owner or an owner with unused or underutilized commercial properties, you are NOT eligible to request funding under the service coordinator NOFA. Section 202 PRAC owners can pay for the service coordinator out of PRAC funds.

(3) The ALF may cater to the special needs of residents depending on their condition or diagnosis, such as Alzheimer's disease. If it does so, the design/environment of such facilities must accommodate those needs, *e.g.*, dementia special care unit. However, the ALF CANNOT provide a service it is not licensed by the state or locality to provide.

(4) Owners of Section 202/PRAC projects are reminded that they may include a PRAC payment of up to $15/unit/month not to exceed 15 percent of the total program cost, consistent with 24 CFR 891.225(b)(2) to cover part of the cost of meals and/or supportive services for frail elderly residents, including residents of the ALF.

(5) Training for ALF staff is an eligible project cost under existing operating procedures. For further information on ALFs, please refer to Handbook 4600.1, CHG–1, ''Mortgage Insurance for Residential Care Facilities,'' Chapter 13. This Handbook and recent ALF program Notices are accessible through HUDCLIPS on HUD's Web site. The URL for the HUDCLIPS Database Selection Screen is *http://www.hudclips.org/cgi/index.cgi.* These notices are in the Handbooks and Notices—Housing Notices database. Enter only the number without the letter prefix (*e.g.*, 99–16) in the ''Document number'' to retrieve the program notice.

For further guidance on service coordinators, please refer to Handbook 4381.5 REV–2, CHANGE–2, Chapter 8, ''The Management Agent's Handbook,'' which is also available through the HUDCLIPS database.

r. Your ALF's operation must be part of the project owner's management organization. Some or all of its functions may be contracted out. The ALF must predicate its budget on a two-tiered structure under which board and supportive service income and expenses must be maintained separately and independently from the regular income and expenses of the applicable project. The two components of ALF costs are:

(1) Charges/payment for board, which may be on a sliding scale or any other equitable fee system; and

(2) Charges/payment for necessary supportive services, which may include a combination of resident fees, Medicaid and/or other third party payments.

s. Prohibition Against Lobbying Activities. The Byrd Amendment prohibits ALCP recipients of federal contracts, grants, or loans from using appropriated funds for lobbying activities. (Refer to Section III.C. of the General Section of the SuperNOFA for further instructions regarding this requirement.)

4. Additional Non-discrimination and Other Requirements. Comply 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, which requires that the project be marketed to those least likely to apply including those who are not generally served by the agency administering the program, and other applicable federal, state, and local laws prohibiting discrimination and promoting equal opportunity including affirmatively furthering fair housing, and other certifications listed in the application. (Refer to Section III.C.4.of the General Section of the SuperNOFA for additional requirements and information.)

a. Comply with section 232 of the National Housing Act, as applicable; 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 the Americans with Disabilities Act of 1990 for all portions of the development physically affected by this proposal.

b. Comply with the Davis-Bacon requirements and the Contract Work Hours and Safety Standards Act as applied to this program. While it has been determined that Davis-Bacon does not apply statutorily to the ALCP, the Department has administratively determined that Davis-Bacon standards and overtime rates in accordance with the Contract Work Hours and Safety Standards Act will be adhered to in any ALCP conversion grant in which the total cost of the physical conversion to an ALF (and including any additional renovation work undertaken at the same time) is $500,000 or more (this includes ALCP grant funds, owner funds, or any third party funds loaned or granted in support of the conversion or other renovation for the project associated with this grant), AND in which the ALF

portion of the project is 12 units or more.

c. Ensuring the Participation of Small Business, Small Disadvantaged Businesses, and Woman-Owned Businesses. HUD is committed to ensuring that small businesses, small disadvantage businesses, and woman-owned businesses participate fully in HUD's direct contracting and in contracting opportunities generated by HUD's financial assistance. (Refer to Section III.C.4.c. of the General Section of the SuperNOFA for further instructions regarding this requirement.)

d. Executive Order 13166, Improving Access to Persons with Limited English Proficiency (LEP). ALCP applicants must seek to improve access to persons with limited English proficiency by providing materials and information in languages other than English.

e. Executive Order 13279, Equal Protection of the Laws for Faith-Based and Community Organizations. HUD has undertaken a review of all policies and regulations that have implications for faith-based and community organizations, and has established a policy priority to provide full and equal access to grassroots faith-based and other community-based organizations. (Refer to Section III.C.4.g. of the General Section of the SuperNOFA for specific instructions regarding this requirement.)

f. Accessible Technology. The Rehabilitation Act Amendments of 1998 apply to all electronic information technology (EIT) used by an ALCP recipient for transmitting, receiving, using, or storing information to carry out the responsibilities of the ALCP awards. (Refer to Section III.C.4.h. of the General Section of the SuperNOFA for specific instructions regarding this requirement.)

g. Participation in HUD-Sponsored Program Evaluation. As a condition of the receipt of ALCP funds, successful applicants are required to cooperate with all HUD staff or contractors performing HUD-funded research and evaluation studies.

h. Comply with Executive Order 13202, Preservation of Open Competition and government Neutrality toward Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects. (Refer to Section III.C.4.k. of the General Section of the SuperNOFA for additional information on this requirement).

i. OMB Circulars and Government-wide Regulations Applicable to Financial Assistance. ALCP applicants are subject to the Administrative Requirements of OMB Circular A–133, Audits of States, Local Governments and Non-Profit Organizations; OMB Circular A–122, Cost Principles for Non-Profit Institutions; the administrative requirements of 24 CFR Part 84; and the procurement requirements of 24 CFR 84.44. (Refer to the General Section of the SuperNOFA for additional information on this requirement).

j. Environmental Requirements. All ALCP projects must conform to the 500-year flood plain limitation. Your ALCP application is subject to the National Environmental Policy Act of 1969 and applicable related federal environmental authorities. (*See* 24 CFR part 50, as applicable.) An environmental review will be completed by HUD before awarding any grant under this program. Pursuant to 24 CFR part 55, ALCP projects are critical actions for purposes of flood plain management review.

Note: If your eligibility status changes during the course of the grant term, making you ineligible to receive the grant (*e.g.*, prepayment of mortgage, sale/TPA of property, or opting out of a Section 8 Housing Assistance Payment (HAP) contract), HUD retains the right to terminate the grant and recover funds made available through this NOFA.

IV. Application and Submission Information

A. *Addresses to Request Application Package.* All information for requesting an application is included in this NOFA and Section IV. A. of the General Section of the SuperNOFA. You may obtain an ALCP application by calling the NOFA Information Center at (voice) 800–HUD–8929 (800–483–8929). Persons with a hearing or speech impairment may call the Center's TTY number at 800-HUD–2209. Please be sure to provide your name, address (including zip code), and telephone number (including area code). The application is also available on the Internet through the Web site at *http://www.hud.gov/grants/index.cfm.*

1. Application Kits. There is no application kit for the ALCP. All the information you need to apply for this program is available in this NOFA and available on *http://www.hud.gov/grants/index.cfm.* (Refer to Section IV. A. 1. of the General Section of the SuperNOFA for further information.)

2. For Technical Assistance. Before the ALCP application due date, HUD staff will be available to provide you with general guidance and technical assistance. However, HUD staff is not permitted to assist in preparing your application.

B. Content and Form of Application Submission. There are ten required exhibits under the ALCP, including prescribed forms and certifications. In cases where your articles of incorporation and by-laws have NOT changed since the project was originally approved by HUD, self-certification to that effect—that the documents on file with HUD are current—is sufficient. Exhibits for which self-certification of currency is possible are denoted below by double asterisks (**.)

In addition to the relief of paperwork burden, you will not have to submit certain new/recent information and exhibits you have previously prepared. See individual item descriptions, below to identify such items. An example of such an item may be the FY2003 Annual Financial Statement. Your application must include all of the information, materials, forms, and exhibits listed below:

1. Application Summary for the Assisted Living Conversion Program, Form HUD–92045, and Evidence that you are a private nonprofit organization or nonprofit consumer cooperative and have the legal ability to operate an ALF program, per the following:

a. Articles of Incorporation, constitution, or other organizational documents, or self-certification of these documents if there has been no change in the Articles since they were originally filed with HUD** and

b. By-laws, or self-certification of by-laws, if there has been no change in the by-laws since they were originally filed with HUD**

2. A description of your community support:

a. A description of your links to the community at large and to the minority and elderly communities in particular; and

b. A description of your efforts to involve elderly persons, including minority elderly persons and persons with disabilities in:

(1) The development of the application;

(2) The development of the ALF operating philosophy;

(3) Review of the application prior to submission to HUD; and

(4) Your intent whether or not to involve eligible ALF residents in the operation of the project.

Also, make applications and other materials available in languages other than English that are common in the community, if speakers of these languages are found in significant numbers and come into frequent contact with the program. For further guidance on serving persons with Limited English Proficiency (LEP) in HUD assisted programs, see the recently published HUD LEP Guidance at 68 FR 70968 or Section III of the General Section of the SuperNOFA.

c. A description of your involvement in your community's Consolidated Planning and Analysis of Impediments to Fair Housing (AI) processes including:

(1) An identification of the lead/facilitating agency(ies) that organizes and/or administers the process;

(2) A listing of the Consolidated Plan/AI issue areas in which you participate; and

(3) The level of your 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 and AI processes. (Consult the local HUD office for the identification of the Consolidated Plan community process for the appropriate area.)

d. A description of how the assisted living facility will implement practical solutions that will result in assisting residents in achieving independent living and improved living environment. The description should include a discussion of performance goals with performance indicators (refer to Section V.B.1. of the General Section of the SuperNOFA for further detail).

3. Evidence of your project being occupied for at least five years prior to the date of application to HUD. (Not applicable to applicants of unused or underutilized commercial property.)

4. A market analysis of the need for the proposed ALF units, including information from both the project and the housing market, containing:

a. Evidence of need for the ALF by current project residents: (Not applicable to applicants of unused or underutilized commercial property.)

(1) A description of the demographic characteristics of the elderly residents currently living in the project, including the current number of residents, distribution of residents by age, race, and sex, an estimate of the number of residents with frailties/limitations in activities of daily living, and an estimate of the number of residents in need of assisted living services. (Not applicable to applicants of unused or underutilized commercial property.)

(2) A description of the services currently available to the residents and/or provided on or off-site and what services are lacking; (Not applicable to applicants of unused or underutilized commercial property.)

b. Evidence of the need for ALF units by very low-income elderly and disabled households in the market area; a description of the trend in elderly and disabled population and household change; data on the demographic characteristics of the very low-income elderly in need of assisted living services (age, race, sex, household size, and tenure) and extent of residents with frailty/limitations in existing federally assisted housing for the elderly (HUD and Rural Housing Service); and an estimate of the very low-income elderly and disabled in need of assisted living taking into consideration any available state or local data.

c. A description of the extent, types, and availability and cost of alternate care and services locally, such as home health care; adult day care; housekeeping services; meals programs; visiting nurses; on-call transportation services; health care; and providers of supportive services who address the needs of the local low income population.

d. A description of how information in the community's Analysis of Impediments to Fair Housing Choice was used in documenting the need for the ALF (covering items in Section IV.B.4.2.c. above.

5. A description of the physical construction aspects of the ALF conversion, including the following:

a. How you propose to carry out the physical conversion (including a timetable and relocation planning).

b. A short narrative stating the number of units, special design features, community and office space/storage, dining and kitchen facility and staff space, and the physical relationship to the rest of the project. Also, you must describe how this design will facilitate the delivery of services in an economical fashion in the most integrated setting appropriate to the needs of the participating residents with disabilities and accommodate the changing needs of the residents over at least the next 10 years.

c. A copy of the original plans for all units and other areas of the development, which will be included in the conversion. (If you are applying to convert an unused or underutilized commercial facility to assisted living, provide a copy of the original plans of the facility as well as a copy of the plans of the facility as most recently operated, if different).

d. A description of the conversion must clearly address how the units will conform to the accessibility requirements described in the Uniform Federal Accessibility Standards (UFAS). (For example, all door openings must have a minimum clear opening of 32 inches; and, all bathrooms and kitchens must be accessible to and functional for persons in wheelchairs.)

e. Architectural sketches of the conversion to a scale of 1/4 inch to one foot that indicate the following:

(1) All doors being widened;

(2) Typical kitchen and bathroom reconfiguration: show all wheelchair clearances, wall reinforcing, grab bars, and elevations of counters and work surfaces;

(3) Bedroom/living/dining area modification, if needed;

(4) Any reconfigured common space;

(5) Added/reconfigured office and storage space;

(6) Monitoring stations, and

(7) The kitchen and dining facility.

All architectural modifications must meet section 504 and ADA requirements as appropriate.

f. A budget showing estimated costs for materials, supplies, fixtures, and labor for each of the items listed in Section IV.B.5.e, items (1) through (7), above.

g. Include firm financial commitment letters with specific dollar amounts from appropriate organization(s) for conversion needs (within the scope of the ALF conversion NOFA) which will be supported by non-HUD funding.

h. A description of any relocation of current tenants including a statement that: (Not applicable to applicants of unused or underutilized commercial property.)

(1) Indicates the estimated cost of temporary relocation payments and other related services;

(2) Identifies the staff organization that will carry out the relocation activities; and

(3) Identifies all tenants that will have to be temporarily moved to another unit within the development OR from the development during the period that the physical conversion of the project is under way.

Note: If any of the relocation costs will be funded from sources other than the ALCP grant, you must provide evidence of a firm financial commitment of these funds. when evaluating applications, HUD will consider the total cost of proposals (*i.e.*, cost of conversion, temporary relocation, service coordinator, and other project costs).

6. A description of any retrofit or renovation that will be done at the project (with third party funds) that is separate and distinct from the ALF conversion. With such description, attach firm commitment letters from third party organizations in specific dollar amounts that will cover the cost of any work outside the scope of this NOFA.

7. A letter from the local zoning official indicating evidence of

permissive zoning. Also, showing that the modifications to include the ALF into the project as proposed are permissible under applicable zoning ordinances or regulations.

8. A supportive services plan (SSP), a copy of which must be submitted to the appropriate state and/or local agency as instructed in Section III.C.2.f. above in this NOFA. For those applicants needing to contact state Medicaid offices, a list is provided on the Internet at *http://www.cms.hhs.gov/medicaid.* The SSP must include:

a. A description of the supportive services needed for the frail elderly the ALF is expected to serve. This must include at least (1) meals and such other supportive services required locally or by the state, and (2) such optional services or care to be offered on an ''as needed'' basis.

Examples of both mandatory and optional services (which will vary from state to state) are: Two meals and two snacks or three meals daily; 24-hour protective oversight; personal care; housekeeping services; personal counseling, and transportation.

b. A description of how you will provide the supportive services to those who are frail and have disabilities (*i.e.*, on or off-site or combination of on or off-site), including an explanation of how the service coordination role will facilitate the adequate provision of such services to ALF residents, and how the services will meet the identified needs of the residents. Also indicate how you intend to fund the service coordinator role.

c. A description of how the operation of your ALF will work. Address: (1) General operating procedures; (2) ALF philosophy and how it will promote the autonomy and independence of the frail elderly and persons with disabilities; (3) what will the service coordination function do and the extent to which this function already exists, or will be augmented or new; (4) ALF staff training plans; and (5) the degree to which and how the ALF will relate to the day-to-day operations of the rest of the project.

d. The monthly individual rate for board and supportive services for the ALF listing the total fee and components of the total fee for the items required by state or local licensing, and list the appropriate rate for any optional services you plan to offer to the ALF residents. Provide an estimate of the total annual costs of the required board and supportive services you expect to provide and an estimate of the amount of optional services you expect to provide.

e. List who will pay for the board and supportive services (*e.g.*, $_____for meals by sponsor; $_____ for housekeeping services by city government; $_____ for personal care by State Department of Health; $_____ for _____ by state _____ program; $_____ in fees by tenants; and, $_____ by _____).

The amounts and commitments from both tenants and/or providers must equal the estimated amounts necessary to cover the monthly rates for the number of people expected to be served. If you include tenant fees in the proposal, list and show any proposed scaling mechanism. All amounts committed/collected must equal the annualized cost of the monthly rates calculated by the expected percentage of units filled.

f. A support/commitment letter from *EACH* listed proposed funding source per paragraph e. above, for the planned meals and supportive services listed in the application. The letter must cover the total planned annual commitment (and multiyear amount total, if different), length of time for the commitment, and the amounts payable for each service covered by the provider/paying organization. There must be a letter from *EACH* participating organization listed in paragraph e, above.

g. A support letter from *EACH* governmental agency that provides licensing for ALFs in that jurisdiction.

h. A description of your relevant experience in arranging for and/or delivering supportive services to frail residents. (If you are applying to convert an unused or underutilized commercial facility to assisted living, provide information on your relevant experience in arranging for and/or delivering supportive services to frail elderly persons). The description should include any supportive services facilities owned/operated; your past or current involvement in any project-based programs that demonstrates your management capabilities. The description should include data on the facilities and specific meals and/or supportive services provided on a regular basis, the racial/ethnic composition of the populations served, if available, and information and testimonials from residents or community leaders on the quality of the services.

Note: If a funds request for service coordination for the ALF and/or the whole project is included as part of this application, the Form SF–424, indicating the dollars requested must be attached as Exhibit 10(a). Do NOT attach the whole service coordinator application.

9. A description of your project's resources: (Items (9)(a)–(b) are not applicable to applicants of unused or underutilized commercial property.)

a. A copy of the most recent project Reserve and Replacement account statement, and a Reserve for Replacement analysis showing plans for its use over the next five years, and any approvals received from the HUD field office to date.

b. A copy of the most recent Residual Receipts Account statement. Indicate any approvals for the use of such receipts from the field office for over $500/unit.

c. Annual Financial Statement (AFS). If your FY2004 AFS was due to REAC more than 120 days BEFORE the due date for this application, in the interest of reducing work burden, only include the date that it was sent to REAC. If the AFS was due to REAC 120 days or less from the due date of this application, you MUST include a paper copy of your AFS. For commercial properties, submit the most recent financial statement or annual report.

10. *Forms and Certifications.* The following exhibits, forms, certifications, and assurances are required:

a. *Form SF–424, Application for Federal Assistance*,* and compliance with Executive Order 12372 (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 (refer to the General Section of the SuperNOFA for instructions in submitting this form).

b. SF–424 Supplement, Survey for Ensuring Equal Opportunity for Applicants* (optional)

c. *Form HUD–424B, Applicant Assurances and Certifications**

d. *Form HUD–2880, Applicant/Recipient Disclosure/Update Report*, including Social Security and Employment Identification numbers.* A disclosure of assistance from other government sources received in connection with the project.

e. *Form HUD–2991, Certification of Consistency with the Consolidated Plan** for the jurisdiction in which the proposed ALF 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 herein. The Plan regulations are published in 24 CFR part 91.

f. *Form HUD–2530, Previous Participation Certification. This form will provide HUD with a report of all your previous participation in HUD multifamily projects. This is in addition to the ''Name Check Review'' process. Refer to the General Section of the SuperNOFA for information on this requirement under ''Name Check Review''.*

g. *Standard Form–LLL, Disclosure of Lobbying Activities*.*

h. *Form HUD–96010, Program Outcome Logic Model*.*

i. *Form HUD–27300, Removal of Regulatory Barriers**

**Copies of these forms may be found in Appendix 1 of the General Section of the SuperNOFA.*

C. Submission Date and Time

1. Application Due Date. Your completed application (one original and four copies) is due to the appropriate local HUD Multifamily Hub on July 22, 2004. (Refer to Section IV.F. of the General Section of the SuperNOFA for further instructions on the delivery and receipt of applications.

D. Intergovernmental Review

1. Executive Order 12372. ALCP applicants are subject to the Executive Order 12372 process. Standard Form 424, Application for Federal Assistance, includes compliance with Executive Order 12372 (a certification that you have submitted a copy of your application, if required, to the state agency (Single Point of Contact) for state review. (Also, refer to Section IV.D. of the General Section of the SuperNOFA for instructions on the intergovernmental review process.)

2. You must submit a Supportive Services Plan (SSP) for the services and coordination of the supportive services that will be offered in the assisted living facility (ALF) to the appropriate state or local organization(s) which are expected to fund those supportive services. You must submit one copy of your SSP to each appropriate state or local service funding organizations well in advance of the application deadline, for appropriate review. The state or local funding organization(s) must return the SSP to you with appropriate comments and an indication of the funding commitment, which you will then include with the application you submit to HUD.

You must also submit the SSP to the appropriate organization(s) that license ALFs in your jurisdiction. The licensing agency(ies) must approve your plan, and must also certify that the ALF and the proposed supportive services identified in your SSP, are consistent with local statute and regulations and well designed to serve the needs of the frail elderly and people with disabilities who will reside in the ALF portion of your project.

E. Funding Restrictions

1. Costs of meals and supportive services are NOT covered by this HUD grant. These items must be paid for through other sources (*e.g.*, a mix of resident fees and/or third party providers). Evidence of third party commitment(s) must be included as part of the application. The assisted living supportive services program must promote independence and provide personal care assistance based on individual needs in a home-like environment. In accordance with Section 504 of the Rehabilitation Act of 1973 and HUD's regulations at 24 CFR 8.4(d), the project must deliver services in the most integrated setting appropriate to the needs of qualified individuals with disabilities.

2. This program does not allow permanent displacement of any resident living in the project at the time the application was submitted to HUD. (HUD will only provide temporary relocation costs for current tenants if they must vacate their unit while conversion work is underway (normal temporary relocation costs include increases in rent, reconnection of telephones, moving costs, and appropriate out-of-pocket expenses). (Not applicable to applicants of commercial property.)

3. Ineligible Activities. You may not use funds available through this NOFA to:

a. Add additional dwelling units to the existing project (not applicable to applicants of commercial property);

b. Pay the costs of any of the necessary direct supportive services needed to operate the ALF;

c. Purchase or lease additional land;

d. Rehabilitate (see definition at 24 CFR 891.105) the project for needs unrelated directly to the conversion of units and common space for assisted living.

e. Use the ALCP to reduce the number of accessible units in the project that are not part of the ALF (not applicable to applicants of commercial property);

f. Permanently displace any resident out of the project (permanent relocation is prohibited under this program)

g. Increase the management fee.

h. Cover the cost of activities not directly related to the conversion of the units and common space. (*i.e.*, if an applicant is applying to convert 24 units on 2 floors of a 5-story elderly housing development and the inspection by the Fire Marshal reveals that sprinklers must be installed in the entire building, ALCP funds will be used only to install sprinklers for the 24 units on the 2 floors requested in the application. The cost to install sprinklers in the remaining units must be paid for out of other resources.

F. Other Submission Requirements:

1. Mailing and Receipt Procedures. HUD has implemented new procedures that impact application submission procedures. Refer to Section IV.F.1. of the General Section of the SuperNOFA for specific procedures for the mailing of applications.

2. Proof of Timely Submission. ALCP applicants must be able to provide proof of timely submission of their application. (Refer to the General Section of the SuperNOFA for specific procedures regarding proof of timely submission of applications.)

3. Addresses for submitting applications. The official place for receipt of your application is only in the appropriate HUD Multifamily Hub office. Submit an original and four copies of the ALCP application to the Director of the appropriate HUD Multifamily Hub office with jurisdiction over your development. (Refer to Appendix 1 of this NOFA for a list of HUD Multifamily Hub offices. For your use in determining the appropriate HUD Multifamily Hub office to which you must submit your application, HUD Program Centers are under each Hub.) Note: Do not use the list of addresses in the General Section for the mailing of ALCP applications.

V. Application Review Information

A. *Criteria.* HUD will rate ALCP applications that successfully complete technical processing using the Rating Factors set forth below and in accordance with the application submission requirements identified in Section IV.B. above. The maximum number of points an application may receive under this program is 100.

HUD wants to make its programs more effective, efficient, and accessible by expanding opportunities for grassroots organizations to participate in developing solutions for their own neighborhood. The Department encourages applicants to partner, fund, or sub-contract with grassroots organizations, including faith-based and other community-based organizations in

conducting their work programs. (Refer to the General Section of the SuperNOFA for the definition of ''grassroots organizations'').

1. Rating Factor 1: Capacity of the Applicant and Relevant Organizational Staff (20 Points)

This factor addresses your capacity to carry out the conversion in a timely, cost-conscious and effective manner. It also addresses your experience with the supportive services the ALF intends to provide to elderly residents, especially in such areas as meals, 24-hour staffing and on-site health care. Submit information responding to this factor in accordance with Application Submission Requirements in Sections IV.B.5.a. and b. and 8.a. through c. and h. of this NOFA.

In rating this factor, HUD will consider the extent to which your application demonstrates your ability to carry out a successful conversion of the project and to implement the plan to deliver the supportive services on a long term basis, considering the following:

a. (9 points). The time frame planned for carrying out the physical conversion of the development to the ALF.

b. (10 points). Your past experience in providing or arranging for supportive services either on or off site for those who are frail. (If you are applying to convert an unused or underutilized commercial facility to assisted living and you do not own or operate a project with frail elderly residents, you must provide information on any past experience in providing or arranging supportive services for those who are frail.) Examples are: Meals delivered to apartment of resident or in a congregate setting (2 points), arranging for or providing personal care (3 points), providing 24-hour staffing (1 point), providing or making available on-site preventive health care (2 points) and other support services (2 points).

c. (1 point). The Department will provide 1 point to those applicants who currently or propose to partner, fund, or subcontract with grassroots organizations. HUD will consider an organization a ''grassroots organization'' if the organization is headquartered in the local community and has a social services budget of $300,000 or less; or has six or fewer full-time equivalent employees. (Refer to the General Section of the SuperNOFA for further information on grassroots organizations.)

2. Rating Factor 2: Need/Extent of the Problem (20 Points)

This factor addresses the extent to which the conversion is needed by the categories of elderly persons and persons with disabilities that the ALF is intended to serve (very low-income elderly persons and persons with disabilities who have limitations in three or more activities of daily living). The application must include evidence of current needs among project residents (not applicable to applicants proposing to convert unused or underutilized commercial facilities) and needs of potential residents in the housing market area for such persons including economic and demographic information on very low-income, frail, elderly, and persons with disabilities and information on current assisted living resources in the market area.

The factor also addresses your inability to fund the repairs or conversion activities from existing financial resources. In making this determination, HUD will consider project financial information or the organization's financial information for unused or underutilized commercial facilities. Submit information responding to this factor in accordance with Application Submission Requirements in Section IV.B.4. a. through d., 2.c. and 9. a. through c. of the NOFA. In evaluating this factor, HUD will consider:

a. (7 points). The need for assisted living among the elderly and disable residents of the project taking into consideration those currently in need and the depth of future needs given aging in place. (Not applicable to applications to convert unused or underutilized commercial facilities to assisted living.)

b. (3 points (10 points for applications to convert unused or underutilized commercial facilities to assisted living.)). The need for assisted living among very low-income elderly persons and persons with disabilities in the housing market area.

c. (9 points). Insufficient funding for any needed conversion work, as evidenced by the project's financial statements and specifically the lack of excess Reserve for Replacement dollars and residual receipts. If the available Reserve for Replacement and residual receipts are less than 10 percent of the total funds needed = 9 points; if the available Reserve for Replacement and residual receipts are 10–50 percent of need = 5 points; and, if the available Reserve for Replacement and residual receipts are 51 percent or more of the total funds needed = 0 points). For commercial properties, if the available working capital is 10 percent or more of the total conversion = 5 points; if the working capital is less than 10 percent of the total conversion = 9 points.

d. (1 point). The Department will provide one point to those applications which establish a connection between the proposed ALF 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.

3. Rating Factor 3: Soundness of Approach (40 Points)

This factor addresses the quality and effectiveness of your proposal in addressing the proposed conversion, effectiveness of service coordination and management planning and the meals and supportive services which the ALF intends to provide and the extent to which you have evidenced general support for conversion by participating in your community's Consolidated Planning Process, involving the residents in the planning process (not applicable to applications proposing to convert unused or underutilized commercial facilities). There must also be a relationship between the proposed activities, the project's and 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 Sections IV.B.2.a. through c., IV.B.5.b. through e., IV.B.8.a. through e., g., and h. of this NOFA. In evaluating this factor, HUD will consider the following:

a. (12 points). The extent to which the proposed ALF design will meet the special physical needs of frail elderly persons or persons with disabilities expected to be served at reasonable cost (consider the ALF design: Meets needs = 12 points; ALF design partially meets needs = 6 points; and ALF design does not meet needs = 0 points).

b. (12 points). The extent to which the ALF's proposed management and operational plan ensures that the provision of both meals and supportive services planned will be accomplished over time. (Consider ALF design/management plan: Meets needs of management operations = 12 points; ALF design/management plan partially meets needs of management operations = 6 points; and ALF design/management plan does not meet needs of management operations = 0 points.)

c. (7 points). The extent to which the proposed supportive services meet the anticipated needs of the frail elderly and disabled residents (does meet = 7 points; partially meets needs = 4 points; and, does not meet needs = 0 points); and

d. (7 points). The extent to which the service coordination function is addressed and explained as onsite and sufficient, onsite and augmented or new, and addresses the ongoing procurement of needed services for the residents of the ALF (does meet = 7 points, partially meets = 4 points, does not meet = 0 points).

e. (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 your community's Consolidated Planning/AI processes to identify and address a need/problem that is related in whole or part, directly or indirectly to the proposed project;

4. Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure other community resources that can be combined with HUD's grant funds to achieve program purposes. For the ALCP to succeed, you must generate local funding for the necessary supportive services to operate the ALF. HUD also encourages local funding for some of the necessary conversion work, or other work needed in the project (*e.g.*, general modernization) which is not specifically linked to the ALF).

Submit information responding to this factor in accordance with Application Submission Requirements in Section IV.B.5.f., g., and B.6. and B.8.f. of this NOFA.

a. (5 points). The extent to which there are commitments for the funding needed for the meals and the supportive services planned for the ALF and that the total cost of the estimated budget of the ALF is covered. Consider 90 percent or more commitment of the total budget with no more than 10 percent for meals and services = 5 points; 80–89.9 percent with no more than 20 percent for meals and services = 4 points; 65–79.9 percent with no more than 35 percent for meals and services = 3 points; 40–64.9 percent with more than 60 percent for meals and services = 2 points; less than 40 percent commitment of the total budget with no more than 60 percent support for meals and services = 0 points.

b. (3 points). The extent of local organizations' support which is firmly committed to providing at least 50 percent of the total cost of ALF conversion (consider 50% or more = 3 points, 20–49.9 percent = 2 points, and under 20 percent = 0 points).

c. (2 points). The extent of local organizational support which is firmly committed to providing funds for additional repair or retrofit necessary for the project NOT specifically directed to activities eligible under this NOFA (funds firmly committed = 2 points, funds not committed = 0 points).

5. Rating Factor 5: Achieving Results and Program Evaluation (10 Points)

This factor reflects HUD's goal to embrace high standards of ethics, management and accountability. This factor emphasizes HUD's commitment to ensure that promises you make in the application are kept; and to ensure performance goals with outcomes are established and are met (refer to Section V.B.1. of the General Section of the SuperNOFA for more detail). Outcomes may include the extent to which your project will implement practical solutions that will result in assisting residents in achieving independent living and an improved living environment, as well as the extent to which the project will be viable absent HUD funds but rely more on state, local, and private funds. Submit information responding to this factor in accordance with Application Submission Requirements in Section IV.B.5.a. through g., 2.d., 8.a. through e. of this NOFA.

a. (4 points). Describe the extent to which your conversion time frame reflects the length of time it will take to convert the units describing how residents will benefit from the conversion of the units; and how the converted units will result in ALF residents being able to age in place;

b. (2 points). Describe the extent to which your assisted living facility will implement practical solutions that will result in assisting residents in achieving independent living and improved living environment.

c. (2 points). Demonstrate how the project will be viable absent HUD funds while relying more on state, local, and private funds.

d. (2 point). Describe the extent to which the ALFs operating philosophy promotes the autonomy and independence of the frail elderly persons it is intended to serve (is fully addressed = 2 points, no or not addressed = 0 points).

B. Reviews and Selection Process

1. The ALCP will fund those applications that may impact federal problem solving and policymaking and that are relevant to HUD's policy priorities and annual goals and objectives. (Refer to the General Section of the SuperNOFA for discussion of these priorities and annual goals and objectives).

2. *Review for Curable Deficiencies.* You should ensure that your application is complete before submitting it to HUD.

HUD will screen all applications received by the deadline for curable deficiencies. With respect to correction of deficient applications, HUD may not, after the application due date and consistent with HUD's regulations in 24 CFR part 4, subpart B, consider any unsolicited information an applicant may want to provide. HUD may contact an applicant to clarify an item in the application or to correct curable deficiencies. Please note, however, that HUD may not seek clarification of items or responses that improve the substantive quality of a response to any rating factors. In order not to unreasonably exclude applications from being rated and ranked, HUD may contact applicants to ensure proper completion of the application and will do so on a uniform basis for all applicants. Examples of curable (correctable) deficiencies include failure to submit the proper certifications or failure to submit an application that contains an original signature by an authorized official. In each case, under this NOFA, the appropriate HUD Multifamily Hub office will notify you in writing by describing the clarification or curable deficiency. You must submit clarifications or responses to curable deficiencies in accordance with the information provided by the Hub office within 14 calendar days of the date of 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 the deficiency is not corrected within this time period, HUD will reject the application as incomplete, and it will not be considered for funding. The following is a list of the deficiencies that will be considered curable in ALCP applications:

Exhibits

- *Application Summary.
- *Articles of Incorporation, or certification of Articles of Incorporation.
- *By-laws, or certification of by-laws.
- Evidence of occupancy for at least five years (not applicable to commercial facilities).
- Original project plans.
- Relocation Plan (not applicable to commercial property).
- Evidence of Permissive Zoning.

3. *Certifications and Forms.*

a. Standard Form–424, Application for Federal Assistance, including Compliance with Executive Order 12372.

b. SF–424 Supplement, Survey for Ensuring Equal Opportunity for Applicants (optional).

c. Form HUD–424B, Applicant Assurances and Certifications, Certification to Influence Federal Transaction and Standard Form–LLL, Disclosure of Lobbying Activities and

d. Form HUD–2880, Applicant/Recipient Disclosure/Update Report including Social Security and Employment Identification numbers.

e. Form HUD–2991, Certification of Consistency with the Consolidated Plan (Plan), for the Jurisdiction in which the Proposed ALF will be located.

f. Form HUD–2530, Previous Participation Certification.

g. Standard Form–LLL, Disclosure of Lobbying Activities.

h. Form HUD–96010, Program Outcome Logic Model.

i. Form HUD–27300, Removal of Regulatory Barrier.

The appropriate Hub office will notify you in writing if your application is missing any of the exhibits listed above 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 exhibits identified by an asterisk (*) must be dated on or before the application deadline date. If not so dated the application will be rejected.

After the completeness review, HUD staff will review your application to determine whether the application meets the threshold requirements.

4. *Threshold Review.* Only those ALCP applications that meet all threshold requirements will be eligible to receive an award. Applications that do not pass threshold will be rejected. (See Section III.C 2. above of this NOFA for threshold requirements).

5. *Appeal Process.* Upon rejection of an ALCP application, HUD must send a letter to the Owner outlining all reasons for rejection. The Owner has 14 calendar days from the date of the letter to appeal the rejection. If the Owner submits an appeal, which causes the rejection to be overturned, the application is then rated, ranked, and submitted to the selection panel for consideration. If the Owner does not appeal or does appeal but the rejection is not overturned, the application remains a reject.

6. *Review Panels.* The Office of Housing's Multifamily Hubs will establish panels to review all eligible applications that have passed threshold.

7. *Rating of Applications* (See paragraph below for selection of applications for commercial properties).

HUD staff teams will review and rate ALCP applications in accordance with the Ranking and Selection procedures outlined below. 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 selection factors in Section V.A. above of this NOFA. HUD reserves the right to reduce the amount requested in the application if any proposed components are ineligible or if the cost of items is not deemed reasonable. HUD will not reject an ALCP application based on technical review without notifying you of that rejection with all the reasons for the rejection, and providing you an opportunity to appeal. As discussed above, you will have 14 calendar days from the date of HUD's written notice to appeal a technical rejection to the Multifamily Hub where the applications were sent originally. HUD staff will make a determination on an appeal before finalizing selection recommendations.

8. *Ranking and Selection Procedures.* (Paragraphs (5)(a)–(d) are not applicable to applications from owners of commercial properties.)

Applications submitted in response to this NOFA that are eligible, pass threshold and have a total score of 75 points (or more) are eligible for ranking and selection. (Applications for the conversion of commercial properties with a score of at least 75 points will not be ranked but will be submitted to HUD Headquarters for selection.)

a. Hub staff teams will be established for ALCP review in each Hub to do the application ratings.

b. From within rank order, Hub staff teams in each of the 18 Hubs will select the highest ranked applications from within that Hub in rank order, which can be funded from within the dollars available. Each Hub will select applications based on rank order up to and including the last application that can be funded out of each Hub's allocation. Hubs must not skip over any applications in order to select one based on the funds remaining.

c. After making the initial selections, however, Hubs may use any residual funds to select the next rank-ordered application by reducing the dollars requested by no more than 10 percent and reducing the number of units proposed, but in no case reducing the number of units below the financial threshold feasibility of five ALF units.

d. Funds remaining after these processes are completed will be returned to HUD Headquarters. HUD Headquarters will use these funds to restore units to any project reduced as a result of using the residual grant funds in a Hub. Finally, HUD will use these funds for selecting one or more additional applications based on the Hubs rating and rankings, beginning with the highest rated application within the 18 Hubs. Only one application will be selected per Hub from the national residual amount. If there are no approvable applications in other Hubs, the process will begin again with the selection of the next highest rated application within the remaining Hubs. This process will continue until all approvable applications are selected using the available remaining funds. If there is a tie score between two or more applications, and there are insufficient residual funds to cover all tied applications, HUD Headquarters staff will choose the winning application(s) by lottery and/or reduction of grant requests consistent with the instructions above.

e. Up to two applications will be selected using the $7.5 million set-aside to provide grant funds to nonprofit applicants proposing to convert unused or underutilized commercial properties into assisted living. HUD Multifamily Hubs will review applications for commercial properties for completeness and compliance with the eligibility criteria set forth in Section III.C. of this NOFA. Hub staff will forward applications to Headquarters providing the application was received by the deadline date, meets all eligibility criteria, proposes reasonable costs for eligible activities, includes all technical corrections by the designated deadline date and must have received a score of 75 points or more. Headquarters will select no more than two applications on a first-come, first-served basis that can be funded within the money available.

Note: Only applications that can be fully funded will be selected. Any remaining funds after this selection process will be returned to the funds allocated for eligible multifamily assisted projects.

VI. Award Administration Information

A. Award Notices

1. The Grant Agreement, and the Form HUD–1044, signed by both the Recipient and Grant Officer, shall serve as the authorizing award documents. Unsuccessful applicants will be notified, by mail, within 30 days of the announcement of the awards.

2. Adjustments to Funding.

a. HUD will not fund any portion of your application that is not eligible for funding under specific program statutory or regulatory requirements; does not meet the requirements of this notice; or may be duplicative of other

funded programs or activities. Only the eligible portion of your application will be funded.

3. Applicant Debriefing. All requests for debriefing must be made in writing and submitted to the local Hub in which you applied for assistance. Materials provided to you during your debriefing will include the final scores you received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied. Information regarding this procedure may be found in the General Section of the SuperNOFA.

B. Administrative and National Policy Requirements

None.

C. Reporting

1. Recipients of funding under this program NOFA shall submit a progress report every six months after the effective date of the Grant Agreement. Progress reports shall include reports on both performance and financial progress.

VII. Agency Contacts

A. *For Further Information and Technical Assistance.* You should contact the Multifamily Hub where you will be mailing your ALCP Application. (Please refer to Hub telephone numbers in Appendix 1 of this NOFA.)

You also may contact Faye Norman, Housing Project Manager at (202) 708–3000, extension 2482 or Aretha Williams, Director, Grant Policy and Management Division, Room 6138 at (202) 708–3000, extension 2480 for questions regarding the ALF grant award process. These are not toll-free numbers. Ms. Norman can be reached by e-mail at *Faye_L._Norman@hud.gov* and Ms. Williams at *aretha_m._williams@hud.gov.* Both Ms. Norman and Ms. Williams are located at the Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410.

If you have a hearing or speech impairment, you may access the telephone number via TTY by calling the Federal Information Relay Service at 800–877–8339.

Application. All information for the submission of your application is included in this NOFA and the General Section of the SuperNOFA. You may also obtain an ALCP application by calling the SuperNOFA Information Center at (voice) 800–HUD–8929 (800–483–8929). Persons with a hearing or speech impairment may call the Center's TTY number at 800–HUD–2209. Please be sure to provide your name, address (including zip code), and telephone number (including area code). The application is also available on the Internet through the HUD Web site at *http://www.hud.gov.grants/index.cfm.*

Note: There is a separate application for service coordinator funds (which is necessary for those needing to enhance or add service coordination per Section III.C.3. of this NOFA).

VIII. Other Information

A. Paperwork Reduction Act. The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (4 U.S.C. 3501–3520) and assigned OMB control number 2502–0542. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average 2,550 hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting data for the application, semi-annual reports, and final report. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

B. Appendices. Appendix 1 presents the list of HUD offices. Appendix 2 to this NOFA provides the forms that are specific to this NOFA.

BILLING CODE 4210–32–P

APPENDIX 1

HUD - BOSTON HUB	HUD - PHILADELPHIA HUB
HARTFORD OFFICE One Corporate Center 19th Floor Hartford, CT 06103-3220 (860) 240-4800 TTY Number: (860) 240-4665 **BOSTON, MA OFFICE** **MANCHESTER, NH OFFICE** **PROVIDENCE, RI OFFICE**	**PHILADELPHIA OFFICE** The Wanamaker Building 100 Penn Square East Philadelphia, PA 19107-3380 (215) 656-0609 TTY Number: (215) 656-3452 **CHARLESTON, WV OFFICE** **NEWARK, NJ OFFICE** **PITTSBURGH, PA OFFICE**
HUD - NEW YORK HUB	**HUD - BALTIMORE HUB**
NEW YORK OFFICE 26 Federal Plaza, Room 3200 New York, NY 10278-0068 (212) 264-8000 TTY Number: (212) 264-0927	**BALTIMORE OFFICE** Fifth Floor City Crescent Building 10 South Howard Street Baltimore, MD 21201-2505 (410) 962-2520 TTY Number: (410) 962-0106 **RICHMOND, VA OFFICE** **WASHINGTON, DC OFFICE**
HUD - BUFFALO HUB	**HUD - GREENSBORO HUB**
BUFFALO OFFICE Lafayette Court Building 465 Main Street, 2nd Floor Buffalo, NY 14203-1780 (716) 551-5755, ext. 5000 TTY Number: (716) 551-5787	**GREENSBORO OFFICE** Asheville Building 1500 Pinecroft Road, Suite 401 Greensboro, NC 27407-3838 (336) 547-4000 TTY Number: (336) 547-4020 **COLUMBIA, SC OFFICE**

HUD - ATLANTA HUB **ATLANTA OFFICE** ATTN: Multifamily Housing, 12th Floor 40 Marietta Street - Five Points Plaza Atlanta, GA 30303- 2806 (404) 331- 4976 TTY Number: (404) 730-2654 **SAN JUAN OFFICE** **LOUISVILLE OFFICE** **KNOXVILLE OFFICE** **NASHVILLE OFFICE**	**HUD - DETROIT HUB** **DETROIT OFFICE** Patrick V. McNamara Federal Building 477 Michigan Avenue, Suite 1635 Detroit, MI 48226-2592 (313) 226-7900 TTY Number: (313) 226-6899 **GRAND RAPIDS OFFICE**
HUD - JACKSONVILLE HUB **JACKSONVILLE OFFICE** Suite 2210 Southern Bell Tower 301 West Bay Street Jacksonville, FL 32202-5121 (904) 232-2626 TTY Number: (904) 232-2631 **BIRMINGHAM OFFICE** **JACKSON OFFICE**	**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**
HUD - CHICAGO HUB **CHICAGO OFFICE** Ralph H. Metcalfe Federal Building 77 West Jackson Boulevard, 23rd Floor Chicago, IL 60604-3507 (312) 353-5680 TTY Number: (312) 353-5944 **INDIANAPOLIS OFFICE**	**HUD - MINNEAPOLIS HUB** **MINNEAPOLIS OFFICE** 920 Second Avenue South, Suite 1300 Minneapolis, MN 55402-4012 (612) 370-3000 TTY Number: (612) 370-3186 **MILWAUKEE OFFICE**

HUD - FT. WORTH HUB **FT. WORTH OFFICE** 801 Cherry Street P.O. Box 2905 Fort Worth, TX 76113-2905 (817) 978-5965 TTY Number: (817) 978-5595 **NEW ORLEANS OFFICE** **LITTLE ROCK OFFICE** **HOUSTON OFFICE** **SAN ANTONIO OFFICE**	**HUD - SAN FRANCISCO HUB** **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) 436-8356 TTY Number: (415) 436-6594 **HONOLULU OFFICE** **PHOENIX OFFICE**
HUD – KANSAS CITY HUB **KANSAS CITY OFFICE** Room 200 Gateway Tower II 400 State Avenue Kansas City, KS 66101-2406 (913) 551-5462 TTY Number: (913) 551-6972 **DES MOINES OFFICE** **OMAHA OFFICE** **ST. LOUIS OFFICE** **OKLAHOMA CITY OFFICE**	**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 - DENVER HUB **DENVER OFFICE** UMB Bank Building 23rd Floor 1670 Broadway Denver, CO 80202 (303) 672-5343 TTY Number: (303) 672-5113	**HUD - SEATTLE HUB** **SEATTLE OFFICE** 909 First Avenue, Suite 200 Seattle, WA 98104-5254 (206) 220-5208 TTY Number: (206) 220-5254 **ANCHORAGE OFFICE** **PORTLAND OFFICE**

Multifamily Housing Assisted Living Conversion Program APPLICATION SUMMARY SHEET

U.S. Department of Housing and Urban Development
Office of Housing
Federal Housing Commissioner

OMB Approval No. 2502-0542
(exp. 11/30/2006)

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. HUD 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 required for HUD's Assisted Living Conversion Program (ALCP). This program is authorized under Section 522(c) of the Appropriations Act of 2000. The information is necessary to assist HUD in determining applicant eligibility and ability to convert multifamily housing projects designated for the elderly (in whole or in part) into assisted living facilities. 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 collection of information does not collect any sensitive information. HUD does not ensure confidentiality.

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 _____

Project Type (e.g., 236) _____ No. of Units _____

Location (Urban, suburban, or rural) _____

Number of Residents _____ Estimated Number of Frail Elderly _____

Estimated Number of Non-elderly People with Disabilities _____

Estimated Number of At-risk Elderly _____

Are you applying for a Service Coordinator Grant? _____ Yes _____ No

Will this development share a service coordinator with other developments? _____ Yes _____ No

If yes, please give name and address of the development(s) if different.

_____

_____

_____

Senators 1. _____ 2. _____

Congressional Representative(s) Name(s) 1. _____ District(s) 1. _____

2. _____ 2. _____

Previous Participation Certification

U.S. Department of Housing and Urban Development
Office of Housing/Federal Housing Commissioner

U.S. Department of Agriculture
Farmers Home Administration

OMB Approval No. 2502-0118
(exp. 7/31/2006)

Part I To be completed by Principals of Multifamily Projects. See Instructions
Reason for Submitting Certification

For HUD HQ/FmHA use only

1. Agency Name and City where the application is filed

2. Project Name, Project Number, City and Zip Code contained in the application

3. Loan or Contract Amount	4. Number of Units or Beds	5. Section of Act	6. Type of Project (check one)
			☐ Existing ☐ Rehabilitation ☐ Proposed (New)

List of All Proposed Principal Participants

7. Names and Addresses of All Known Principals and Affiliates (people, businesses & organizations) proposing to participate in the project described above. (list names alphabetically; last, first, middle initial)	8. Role of Each Principal in Project	9. Expected % Owner ship Interest in Project	10. Social Security or IRS Employer Number

Certifications: I (meaning the individual who signs as well as the corporations, partnerships or other parties listed above who certify) hereby apply to HUD or USDA-FmHA, as the case may be, for approval to participate as a principal in the role and project listed above based upon my following previous participation record and this Certification.

I certify that all the statements made by me are true, complete and correct to the best of my knowledge and belief and are made in good faith, including the data contained in Schedule A and Exhibits signed by me and attached to this form. **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)

I further certify that:

1. Schedule A contains a listing of every assisted or insured project of HUD, USDA-FmHA and State and local government housing finance agencies in which I have been or am now a principal.
2. For the period beginning 10 years prior to the date of this certification, and except as shown by me on the certification.
   a. No mortgage on a project listed by me has ever been in default, assigned to the Government or foreclosed, nor has mortgage relief by the mortgagee been given;
   b. I have not experienced defaults or noncompliances under any Conventional Contract or Turnkey Contract of Sale in connection with a public housing project;
   c. To the best of my knowledge, there are no unresolved findings raised as a result of HUD audits, management reviews or other Governmental investigations concerning me or my projects;
   d. There has not been a suspension or termination of payments under any HUD assistance contract in which I have had a legal or beneficial interest;
   e. I have not been convicted of a felony and am not presently, to my knowledge, the subject of a complaint or indictment charging a felony. (A felony is defined as any offense punishable by imprisonment for a term exceeding one year, but does not include any offense classified as a misdemeanor under the laws of a State and punishable by imprisonment of two years or less);
   f. I have not been suspended, debarred or otherwise restricted by any Department or Agency of the Federal Government or of a State Government from doing business with such Department or Agency.
   g. I have not defaulted on an obligation covered by a surety or performance bond and have not been the subject of a claim under an employee fidelity bond.
3. **All** the names of the parties, known to me to be principals in this project(s) in which I propose to participate, are listed above.
4. I am not a HUD/FmHA employee or a member of a HUD/FmHA employee's immediate household as defined in Standards of Ethical Conduct for Employees of the Executive Branch in 5 C.F.R. Part 2635 (57 FR 35006) and HUD's Standard of Conduct in 24 C.F.R. Part O and USDA's Standard of Conduct in 7 C.F.R. Part O Subpart B.
5. I am not a principal participant in an assisted or insured project as of this date on which construction has stopped for a period in excess of 20 days or which has been substantially completed for more than 90 days and documents for closing, including final cost certification have not been filed with HUD or FmHA.
6. To my knowledge I have not been found by HUD or FmHA to be in noncompliance with any applicable civil rights laws.
7. I am not a Member of Congress or a Resident Commissioner nor otherwise prohibited or limited by law from contracting with the Government of the United States of America.
8. Statements above (if any) to which I cannot certify have been deleted by striking through the words with a pen. I have initialed each deletion (if any) and have attached a true and accurate signed statement (if applicable) to explain the facts and circumstances which I think helps to qualify me as a responsible principal for participation in this project.

Typed or Printed Name of Principal	Signature of Principal	Certification Date (mm/dd/yyyy)	Area Code and Telephone No.

This form was prepared by (Please print name)	Area Code and Telephone No.

Schedule A: List of Previous Projects and Section 8 Contracts. By my name below is the complete list of my previous projects and my participation history as a principal; in Multifamily Housing programs of HUD/FmHA, State, and Local Housing Finance Agencies. **Note:** Read and follow the instruction sheet carefully. Abbreviate where possible. Make full disclosure. Add extra sheets if you need more space. Double check for accuracy. If you have no previous projects write, by your name, **"No previous participation, First Experience."**

1. List each Principal's Name (list in alphabetical order, last name first)	2. List Previous Projects (give the I.D. number, project name, city location, & government agency involved if other than HUD)	3. List Principals' Role(s) (indicate dates participated, and if fee or identity of interest participant)	4. Status of Loan (current, defaulted, assigned, or foreclosed)	5. Was Project ever in Default, during your participation? Yes	No	If "Yes," explain	6. Last Mgmt. and/or Physical Inspctn Rating

Part II – For HUD Internal Processing Only

Received and checked by me for accuracy and completeness; recommend approval or transferral to Headquarters as checked below:

Date (mm/dd/yyyy)	Telephone Number and Area Code	☐ A. No adverse information; form HUD-2530 approval is recommended.	☐ C. Disclosure or Certification problem
Staff	Processing and Control	☐ B. Name match in system	☐ D. Other, our memorandum is attached.
Supervisor		Director of Housing / Director, Multifamily Division	Approved ☐ Yes ☐ No — Date (mm/dd/yyyy)

Instructions for Completing the Previous Participation Certificate, form HUD-2530

Carefully read these instructions and the applicable regulations. A copy of those regulations published at 24 C.F.R. 200.210 to 200.245 can be obtained from the Multifamily Housing Representative at any HUD Office. Type or print neatly in ink when filling out this form. Mark answers in all blocks of the form. If the form is not filled completely, it will delay approval of your application.

Attach extra sheets as you need them. Be sure to indicate "Continued on Attachments" wherever appropriate. Sign each additional page that you attach if it refers to you or your record. If you have many projects to list (20 or more) and expect to be applying frequently for participation in HUD projects, you should consider filing a Master List. See Master List instructions below under "Instructions for Completing Schedule A."

Carefully read the certification before you sign it. Any questions regarding the form or how to complete it can be answered by your HUD Office Multifamily Housing Representative.

Purpose: This form provides HUD with a certified report of all previous participation in HUD multifamily housing projects by those parties making application. The information requested in this form is used by HUD to determine if you meet the standards established to ensure that all principal participants in HUD projects will honor their legal, financial and contractual obligations and are acceptable risks from the underwriting standpoint of an insurer, lender or governmental agency. HUD requires that you certify your record of previous participation in HUD/USDA-FmHA, State and Local Housing Finance Agency projects by completing and signing this form, before your project application or participation can be approved.

HUD approval of your certification is a necessary precondition for your participation in the project and in the capacity that you propose. If you do not file this certification, do not furnish the information requested accurately, or do not meet established standards, HUD will not approve your certification.

Note that approval of your certification does not obligate HUD to approve your project application, and it does not satisfy all other HUD program requirements relative to your qualifications.

Who Must Sign and File Form HUD-2530: Form HUD-2530 must be completed and signed by all parties applying to become principal participants in HUD multifamily housing projects, including those who have no previous participation. The form must be signed and filed by all principals and their affiliates who propose participating in the HUD project. Use a separate form for each role in the project unless there is an identity of interest.

Principals include all individuals, joint ventures, partnerships, corporations, trusts, nonprofit organizations, any other public or private entity, that will participate in the proposed project as a sponsor, owner, prime contractor, turnkey developer, managing agent, nursing home administrator or operator, packager, or consultant. Architects and attorneys who have any interest in the project other than an arms length fee arrangement for professional services are also considered principals by HUD.

In the case of partnerships, all general partners regardless of their percentage interest and limited partners having a 25 percent or more interest in the partnership are considered principals. In the case of public or private corporations or governmental entities, principals include the president, vice president, secretary, treasurer and all other executive officers who are directly responsible to the board of directors, or any equivalent governing body, as well as all directors and each stockholder having a 10 percent or more interest in the corporation.

Affiliates are defined as any person or business concern that directly or indirectly controls the policy of a principal or has the power to do so. A holding or parent corporation would be an example of an affiliate if one of its subsidiaries is a principal.

Exception for Corporations – All principals and affiliates must personally sign the certificate except in the following situation. When a corporation is a principal, all of its officers, directors, trustees and stockholders with 10 percent or more of the common (voting) stock need not sign personally if they all have the same record to report. The officer who is authorized to sign for the corporation or agency will list the names and title of those who elect not to sign. However, any person who has a record of participation in HUD projects that is separate from that of his or her organization must report that activity on this form and sign his or her name. The objective is **full** disclosure.

Exemptions – The names of the following parties do not need to be listed on form HUD-2530: Public Housing Agencies, tenants, owners of less than five condominium or cooperative units and all others whose interests were acquired by inheritance or court order.

Where and When Form HUD-2530 Must Be Filed: The original of this form must be submitted to the HUD Office where your project application will be processed at the same time you file your initial project application. This form must be filed with applications for projects, or when otherwise required in the situations listed below:

- Projects to be financed with mortgages insured under the National Housing Act (FHA).
- Projects to be financed according to Section 202 of the Housing Act of 1959 (Elderly and Handicapped).
- Projects in which 20 percent or more of the units are to receive a subsidy as described in 24 C.F.R. 200.213.
- Purchase of a project subject to a mortgage insured or held by the Secretary of HUD.
- Purchase of a Secretary-owned project.
- Proposed substitution or addition of a principal, or principal participation in a different capacity from that previously approved for the same project.
- Proposed acquisition by an existing limited partner of an additional interest in a project resulting in a total interest of 25 percent or more, or proposed acquisition by a corporate stockholder of an additional interest in a project resulting in a total interest of 10 percent or more.
- Projects with U.S.D.A., Farmers Home Administration, or with state or local government housing finance agencies that include rental assistance under Section 8 of the Housing Act of 1937. For projects of this type, form HUD-2530 should be filed with the appropriate applications directly to those agencies.

Review of Adverse Determination: If approval of your participation in a HUD project is denied, withheld, or conditionally granted on the basis of your record of previous participation, you will be notified by the HUD Office. You may request reconsideration by the HUD Review Committee. Alternatively, you may request a hearing before a Hearing Officer. Either request must be made in writing within 30 days from your receipt of the notice of determination.

If you do request reconsideration by the Review Committee and the reconsideration results in an adverse determination, you may then request a hearing before a Hearing Officer. The Hearing Officer will issue a report to the Review Committee. You will be notified of the final ruling by certified mail.

Specific Line Instructions:

Reason for submitting this Certificatioin: e.g., refinance, management, change in ownership, transfer of physical assets, etc.

Block 1: Fill in the name of the agency to which you are applying. For example: HUD Office, Farmers Home Administration District office, or the name of a State or local housing finance agency. Below that, fill in the name of the city where the office is located.

Block 2: Fill in the name of the project, such as "Greenwood Apts." If the name has not yet been selected, write "Name unknown." Below that, enter the HUD contract or project identification number, the Farmers Home Administration project number, or the State or local housing finance agency project or contract number. Include **all** project or contract identification numbers that are relevant to the project. Also enter the name of the city in which the project is located, and the ZIP Code of the site location.

Block 3: Fill in the dollar amount requested in the proposed mortgage, or the annual amount of rental assistance requested.

Block 4: Fill in the number of apartment units proposed, such as "40 units." For hospital projects or nursing homes, fill in the number of beds proposed, such as "100 beds."

Block 5: Fill in the section of the Housing Act under which the application is filed.

Block 7: Definitions of all those who are considered principals and affiliates are given above in the section titled "Who Must Sign and File...."

Block 8: Beside the name of each principal, fill in the role that each will perform. The following are possible roles that the principals may perform: Sponsor, Owner, Prime Contractor, Turnkey Developer, Managing Agent, Packager, Consultant, General Partner, Limited Partner (include percentage), Executive Officer, Director, Trustee, Major Stockholder, or Nursing Home Administrator. Beside the name of each affiliate, write the name of the person or firm of affiliation, such as "Affiliate of Smith Construction Co."

Block 9: Fill in the percentage of ownership in the proposed project that each principal is expected to have. Also specify if the participant is a general or limited partner. Beside the name of those parties who will not be owners, write "None."

Block 10: Fill in the Social Security Number or IRS employer number of every party listed, including affiliates.

Instructions for Completing Schedule A:

Be sure that Schedule A is filled-in completely, accurately and the certification is properly dated and signed, because it will serve as a legal record of your previous experience. All Multifamily Housing projects involving HUD/FmHA, and State and local Housing Finance Agencies in which you have previously participated **must** be listed. Applicants are reminded that previous participation pertains to the individual principal within an entity as well as the entity itself. A newly formed company may not have previous participation, but the principals within the company may have had extensive participation and disclosure of that activity is required. To avoid duplication of disclosure, list the project and then the entities or individuals involved in that project. You may use the name or a number code to denote the entity or individual that participated. The number code can then be used in column 3 to denote role.

Column 2 List the project or contract identification of each previous project. **All previous projects must be included or your certification cannot be processed.** Include the name of all projects, the cities in which they are located and the government agency (HUD, USDA-FmHA or State or local housing finance agency) that was involved. At the end of your list of projects, draw a straight line across the page to separate your record of projects from that of others signing this form who have a different record to report.

Column 3 List the role(s) of your participation, dates participated, and if fee or identity of interest with owners.

Column 4 Indicate the current status of the loan. Except for current loans, the date associated with the status is required. Loans under a workout arrangement are considered assigned. An explanation of the circumstances surrounding the status is required for all non-current loans.

Column 5 Explain any project defaults during your participation.

Column 6 Enter the latest Management and/or Physical Inspection Review rating. If either of the ratings are below average, the report issued by HUD is required to be submitted along with the applicant's explanation of the circumstances surrounding the rating.

No Previous Record: Even if you have never participated in a HUD project before, you must complete form HUD-2530. If you have no record of previous projects to list, fill in your name in column 1 of Schedule A, and write across the form by your name – "No previous participation, first experience."

Master List System: If you expect to file this form frequently and you have a long list of previous projects to report on Schedule A, you should consider filing a Master List. By doing so, you will avoid having to list all your previous projects each time you file a new application.

To make a Master List, use form HUD-2530. On page 1, in block 1, enter (in capital letters) the words "**Master List**." In blocks 2 through 6 enter in "N.A." meaning Not Applicable. Complete blocks 7 through 10.

In the box below the statement of certification, fill in the names of all parties who wish to file a Master List together (type or print neatly). Beside each name, every party must sign the form. In the box titled "Proposed Role," fill in "N.A." Also, fill in the date you sign the form and provide a telephone number where you can be reached during the day. No determinations will be made on these certificates.

File one copy of the Master List with each HUD Office where you do business and mail one copy to the following address:

HUD-2530 Master List
Participation and Compliance
Division – Housing
U.S. Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410

Once you have filed a Master List, you do not need to complete Schedule A when you submit form HUD-2530. Instead, write the name of the participant in column 1 of Schedule A and beside that write "See Master List on file." Also give the date that appears on the Master List that you submitted. Below that, report all changes and additions that have occurred since that date. Be sure to include any mortgage defaults, assignments or foreclosures not listed previously.

If you have withdrawn from a project since the date the Master List was filed, be sure to name the project. Give the project identification number, the month and year your participation began and/or ended.

Certification:

After you have completed all other parts of form HUD-2530, including Schedule A, read the Certification carefully. In the box below the statement of certification, fill in the name of all principals and affiliates (type or print neatly). Beside the name of each principal and affiliate, each party must sign the form, with the exception in some cases of individuals associated with a corporation (see "Exception for Corporations" in the section of the instructions titled "Who Must Sign and File form HUD-2530"). Beside each signature, fill in the role of each party (the same as shown in block 8). In addition, each person who signs the form should fill in the date that he or she signs, as well as providing a telephone number where he or she can be reached during business hours. By providing a telephone number where you can be reached, you will help to prevent any possible delay caused by mailing and processing time in the event HUD has any questions.

If you cannot certify and sign the certification as it is printed because some statements do not correctly describe your record, use a pen and strike through those parts that differ with your record, then sign and certify to that remaining part which does describe you or your record.

Attach a signed letter, note or an explanation of the items you have struck out on the certification and report the facts of your correct record. Item A(2)(e) relates to felony convictions within the past 10 years. If you have been convicted of a felony within 10 years, strike out all of A(2)(e) on the certificate and attach your statement giving your explanation. A felony conviction will not necessarily cause your participation to be disapproved unless there is a criminal record or other evidence that your previous conduct or method of doing business has been such that your participation in the project would make it an unacceptable risk from the underwriting standpoint of an insurer, lender or governmental agency.

The Department of Housing and Urban Development (HUD) is authorized to collect this information by law (42 U.S.C. 3535(d) and 24 C.F.R. 200.217) and by regulation at 24 CFR 200.210. This information is needed so that principals applying to participate in multifamily programs can become HUD-approved participants. The information you provide will enable HUD to evaluate your record with respect to established standards of performance, responsibility and eligibility. Without prior approval, a principal may not participate in a proposed or existing multifamily project. HUD uses this information to evaluate whether or not principals pose an unsatisfactory underwriting risk. The information is used to evaluate the potential principals and approve only individuals and organizations who will honor their legal, financial and contractual obligations.

Privacy Act Statement: The Housing and Community Development Act of 1987, 42 U.S.C. 3543 requires persons applying for a Federally-insured or guaranteed loan to furnish his/her Social Security Number (SSN). HUD must have your SSN for identification of your records. HUD may use your SSN for automated processing of your records and to make requests for information about you and your previous records with other public agencies and private sector sources. HUD may disclose certain information to Federal, State and local agencies when relevant to civil, criminal, or regulatory investigations and prosecutions. It will not be otherwise disclosed or released outside of HUD, except as required and permitted by law. You must provide all of the information requested in this application, including your SSN.

Public reporting burden for this collection of information is estimated to average 1 hour 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.
A response is mandatory. Failure to provide any of the information will result in your disapproval for participation in this HUD program.

Previous editions are obsolete

ref Handbook 4065.1 form **HUD-2530** (5/2001)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SERVICE COORDINATORS IN MULTIFAMILY HOUSING

Billing Code 4210-32-C

Service Coordinators in Multifamily Housing Overview Information

A. *Federal Agency Name:* Department of Housing and Urban Development, Office of the Assistant Secretary for Housing-Federal Housing Commissioner.

B. Funding Opportunity Title: Service Coordinators In Multifamily Housing.

C. Announcement Type: Initial announcement.

D. Funding Opportunity Number: The **Federal Register** number for this NOFA is FR–4900–N–19. The OMB approval number for this program is 2502–0447.

E. Catalog of Federal Domestic Assistance (CFDA) Number: 14.191, Multifamily Housing Service Coordinators.

F. Application Due Date: The application due date is July 22, 2004.

G. Optional Additional Overview Information:

1. *Available Funds.* Approximately $25 million, Fiscal Year 2004 funds.

2. *Purpose of the program:* The Service Coordinator program allows multifamily housing owners to assist elderly individuals and people with disabilities living in HUD-assisted housing and in the surrounding area to obtain needed supportive services from the community, in order to enable them to continue living as independently as possible in their own homes.

3. *Eligible Applicants:* Only owners of eligible multifamily assisted developments may apply for and become the recipient of grant funds.

Full Text of Announcement

I. Funding Opportunity Description

A. The Service Coordinator Program. The Service Coordinator Program provides funding for the employment and support of Service Coordinators in insured and assisted housing developments that were designed for the elderly and persons with disabilities and continue to operate as such. Service Coordinators help residents obtain supportive services from the community that are needed to enable independent living and aging in place. A Service Coordinator is a social service staff person hired or contracted by the development's owner or management company. The Service 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 their current homes. All services should meet the specific desires and needs of the residents themselves. The Service Coordinator may not require any elderly individual or person with a disability to accept any specific supportive service(s).

You may want to review the Management Agent Handbook 4381.5 REVISION–2, CHANGE–2, Chapter 8 for further guidance on service coordinators. This Handbook is accessible through HUDCLIPS on HUD's Web site at *http://www.hudclips.org.* The Handbook is in the Handbooks and Notices—Housing Notices database. Enter the Handbook number in the ''Document Number'' field to retrieve the Handbook.

B. Authority

Section 808 of the Cranston-Gonzalez National Affordable Housing Act (Pub. L. 101–625, approved November 28, 1990), as amended by sections 671, 674, 676, and 677 of the Housing and Community Development Act of 1992 (Pub. L. 102–550, approved October 28, 1992), and section 851 of the American Homeownership and Economic Opportunity Act of 2000 (Pub. L. 106–569, approved December 27, 2000).

C. Definition of Terms Used in this Program NOFA

1. ''*Activities of daily living (ADLs)*'' means eating, dressing, bathing, grooming, and household management activities, as further described below:

a. Eating—May need assistance with cooking, preparing, or serving food, but must be able to feed self;

b. Bathing—May need assistance in getting in and out of the shower or tub, but must be able to wash self;

c. Grooming—May need assistance in washing hair, but must be able to take care of personal appearance;

d. Dressing—Must be able to dress self, but may need occasional assistance; and

e. Home management activities—May need assistance in doing housework, grocery shopping, laundry, or getting to and from activities such as going to the doctor and shopping, but must be mobile. The mobility requirement does not exclude persons in wheelchairs or those requiring mobility devices.

2. ''*At-risk elderly person*'' is an individual 62 years of age or older who is unable to perform one or two ADLs, as defined in the above paragraph.

3. ''*Frail elderly person*'' means an individual 62 years of age or older who is unable to perform at least three ADLs as defined in the above paragraph.

4. ''*People with disabilities*'' means those individuals who:

a. Have a disability as defined in Section 223 of the Social Security Act;

b. Have a physical, mental, or emotional impairment expected to be of long, continued, and indefinite duration that impedes the individual's ability to live independently; or

c. Have a developmental disability.

5. ''*Reasonable costs*'' mean that costs are consistent with salaries and administrative costs of similar programs in your Field office's jurisdiction.

D. Functions of a Service Coordinator. The major functions of the Service Coordinator include the following:

1. Refer and link the residents of the development to supportive services provided by the general community. Such services may include case management, personal assistance, homemaker, meals-on-wheels, transportation, counseling, occasional visiting nurse, preventive health screening/wellness, and legal advocacy.

2. Educate residents on service availability, application procedures, client rights, etc.

3. Establish linkages with agencies and service providers in the community. Shop around to determine/develop the best ''deals'' in service pricing, to assure individualized, flexible, and creative services for the involved resident. Provide advocacy as appropriate.

4. Provide case management when such service is not available through the general community. This might include evaluation of health, psychological and social needs, development of an individually tailored case plan for services, and periodic reassessment of the resident's situation and needs. Service Coordinators can also set up a Professional Assessment Committee (PAC) to assist in performing initial resident assessments. (*See* the guidance in the Congregate Housing Services Program (CHSP) regulations at 24 CFR 700.135 (or 1944.258 for Rural Housing developments).

5. Monitor the ongoing provision of services from community agencies and keep the case management and provider agency current with the progress of the individual. Manage the provision of supportive services where appropriate.

6. Help the residents build informal support networks with other residents, family and friends.

7. Work and consult with tenant organizations and resident management corporations. Provide training to the development's residents in the obligations of tenancy or coordinate such training.

8. Create a directory of providers for use by both development staff and residents.

9. Educate other staff of the management team on issues related to aging in place and Service Coordination, to help them to better work with and assist the residents.

E. Basic Qualifications of Service Coordinators and Aides

1. Service Coordinator qualifications include the following:

a. A Bachelor of Social Work or degree in Gerontology, Psychology or Counseling is preferable; a college degree is fully acceptable. You may also consider individuals who do not have a college degree, but who have appropriate work experience.

b. Knowledge of the aging process, elder services, disability services, eligibility for and procedures of federal and applicable state entitlement programs, legal liability issues relating to providing Service Coordination, drug and alcohol use and abuse by the elderly, and mental health issues.

c. Two to three years experience in social service delivery with senior citizens and people with disabilities. Some supervisory or management experience may be desirable if the Service Coordinator will work with aides.

d. Demonstrated working knowledge of supportive services and other resources for senior citizens and non-elderly people with disabilities available in the local area.

e. Demonstrated ability to advocate, organize, problem-solve, and provide results for the elderly and people with disabilities.

2. Aides working with a Service Coordinator should either have a college degree or appropriate experience in working with the elderly and/or people with disabilities. An example of an aide position could be an internship or work-study program with local colleges and universities to assist in carrying out some of the Service Coordinator's functions.

II. Award Information

A. Available Funding. The Consolidated Appropriations Act, 2004 (Pub. L. 108–199, approved January 23, 2004) provides $29,823,000, which reflects a .59 percent across-the-board rescission, to fund Service Coordinators and the continuation of existing Congregate Housing Services Program (CHSP) grants. Of this amount, approximately $25 million will be used to fund new Service Coordinator programs. The remaining amount, plus carryover funds, will be used to fund one-year extensions to expiring Service Coordinator and CHSP grants.

B. Maximum Grant Award. There is no maximum grant amount. The grant amount you request will be based on the Service Coordinator's salary and the number of hours worked each week by that Service Coordinator (and/or aide). You should base your determination of the appropriate number of weekly work hours on the number of people in the development who are frail, at-risk, or non-elderly people with disabilities. Under normal circumstances, a full-time Service Coordinator should be able to serve about 50–60 frail or at-risk elderly or non-elderly people with disabilities on a continuing basis. Your proposed salary must also be supported by evidence of comparable salaries in your area. Gather data from programs near you to compare your estimates with the salaries and administrative costs of currently operating programs. HUD Field staff can provide you with contacts at local program sites. HUD provides funding in the form of three-year grants. HUD may renew grants subject to the availability of funds and acceptable program performance.

III. Eligibility Information

A. Eligible Applicants

1. You must meet all of the applicable eligibility requirements of Section III.C of the General Section of the SuperNOFA.

2. You must be an owner of a development assisted under one of the following programs:

a. Section 202 Direct Loan;

b. Project-based Section 8 (including Section 8 Moderate Rehabilitation), or

c. Section 221(d)(3) below-market interest rate, and 236 developments that are insured or assisted.

3. You must be approved to conduct new business with the Department, based on HUD's evaluation of the applicant's previous participation activities as reported on the ''Previous Participation Certification'', form HUD–2530.

4. Additionally, developments listed in paragraph III.A.2, above, are eligible only if they meet the following criteria:

a. Have frail or at-risk elderly residents and/or non-elderly residents with disabilities who together total at least 25 percent of the building's residents. (For example, in a 52-unit development, at least 13 residents must be frail, at-risk, or non-elderly people with disabilities.)

b. Were designed for the elderly or persons with disabilities and continue to operate as such. This includes any building within a mixed-use development that was designed for occupancy by elderly persons or persons with disabilities at its inception and continues to operate as such, or consistent with title VI, subtitle D of the Housing and Community Development Act of 1992 (Pub. L.102–550). If not so designed, a development in which the owner gives preferences in tenant selection (with HUD approval) to eligible elderly persons or persons with disabilities, for all units in that development.

c. If FHA insured or financed by a Section 202 Direct Loan, are current in mortgage payments or are current under a workout agreement.

d. 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 on the last physical inspection or by an approved plan for developments scoring less than 60.

e. Are in compliance with their regulatory agreement, Housing Assistance Payment (HAP) Contract, and any other outstanding HUD grant or contract document.

f. Have no available project funds (*i.e.*, Section 8 operating funds, residual receipts, or excess income) that could pay for a Service Coordinator program. (''Available funds'' are those that require HUD approval for their use and are not needed to meet critical project needs.) Field office staff will make this determination based on financial records maintained by the Department and information provided by the applicant in the grant application.

5. 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 HAP contract), HUD has the right to terminate your grant.

6. Ineligible Applicants and Developments.

a. Property management companies, area agencies on aging, and other like organizations are *not* eligible applicants for Service Coordinator funds. Such agents may prepare applications and sign application documents if they provide written authorization from the owner corporation as part of the application. In such cases, the owner corporation *must* be indicated on all forms and documents as the funding recipient.

b. Developments not designed for the elderly, people with disabilities, or those no longer operating as such;

c. Section 221(d)(4) and Section 515 developments without project-based Section 8 assistance;

d. Section 202 and 811 developments with a Project Rental Assistance Contract (PRAC). Owners of Section 202 PRAC developments may obtain funding by requesting an increase in their PRAC payment consistent with Handbook 4381.5 REVISION–2, CHANGE–2, Chapter 8;

e. Conventional public housing, as such term is defined in section 3(b) of the United States Housing Act of 1937), and Units assisted by project-based Housing Choice Vouchers, as set forth in 24 CFR Part 983.

f. Renewals of existing Section 8 Service Coordinator subsidy awards or grants. HUD currently provides one-year extensions to these subsidy awards and grants through a separate funding action.

B. Cost Sharing or Matching Requirement.

None required.

C. Other

1. Eligible Activities.

a. Service Coordinator Program grant funds may be used to pay for the salary, fringe benefits, and related support costs of employing a service coordinator. Support costs may include quality assurance, training, travel, purchase of office furniture, equipment, and supplies, computer hardware, software, and Internet service, and indirect administrative costs.

b. You may use grant funds to pay for Quality Assurance (QA) in an amount that does not exceed ten percent of the Service Coordinator's salary. Eligible QA activities are those that evaluate your program, to assure that the position and program are effectively implemented. A qualified, objective third party must perform the program evaluation work and must have work experience and education in social or health care services. Your QA activities must identify short and long term program outcomes and performance indicators that will help you measure your performance. On-site housing management staff cannot perform QA and you may not augment current salaries of in-house staff for this purpose.

c. You may propose reasonable costs associated with setting up a confidential office space for the Service Coordinator. Such expenses must be one-time only administrative start-up costs. Such costs may involve acquisition, leasing, rehabilitation, or conversion of space. HUD Field office staff must approve both the proposed costs and activity and must perform an environmental assessment on such proposed work prior to grant award.

d. You may use funds to augment a current Service Coordinator program, by increasing the hours of a currently employed Service Coordinator, or hiring an additional Service Coordinator or aide on a part- or full-time basis. Likewise, ALCP applicants may apply for new or augmented Service Coordinator costs to serve Assisted Living residents and/or all residents of the development.

e. You may use funds to continue a Service Coordinator program that has previously been funded through other sources. In your application, you must provide evidence that this funding source has already ended or will discontinue within six months following the application deadline date and that no other funding mechanism is available to continue the program. This applies only to funding sources other than the subsidy awards and grants provided by the Department through program Notices beginning in FY1992. HUD currently provides one-year extensions to these subsidy awards and grants through a separate funding action.

f. You may provide service coordination to low-income elderly individuals or people with disabilities living in the vicinity of an eligible development. Community residents should come to your housing development to meet with and receive service from the Service Coordinator, but you must make reasonable accommodations for those individuals unable to travel to the housing site.

2. Threshold Requirements.

a. At the time of submission, grant applications must contain the materials in Section IV.B.2.a and d of this Program NOFA in order to be considered for funding. If any of these items is missing, HUD will immediately reject your application.

b. In cases where field office staff request information in response to technical deficiencies in applications, applicants must submit the response by the designated deadline date. If requested responses are not received by this date, HUD will reject the application.

c. DUN and Bradstreet Universal Numbering System (DUNS) Number Requirement. Refer to the General Section of the SuperNOFA for information regarding the DUNS requirement. You will need to obtain a DUNS number to receive an award from HUD.

3. Program Requirements. In managing your Service Coordinator grant, you must meet the requirements of this Section. These requirements apply to all activities, programs, and functions used to plan, budget, and evaluate the work funded under your program

a. You must make sufficient separate and private office space available for the Service Coordinator and/or aides to meet with residents, without adversely affecting normal activities.

b. The Service Coordinator must maintain resident files in a secured location. Files must be accessible ONLY to the Service Coordinator, unless residents provide signed consent otherwise. These policies must be consistent with maintaining confidentiality of information related to any individual per the Privacy Act of 1974.

c. Grantees must ensure that the Service Coordinator receives appropriate supervision, training, and ongoing continuing education, consistent with statutory and HUD administrative policies. This includes 36 hours of training in age-related and disability issues during the first year of employment, if the Service Coordinator has not received recent training in these areas, and 12 hours of continuing education each year thereafter.

d. Grantees are responsible for any budget shortfalls during the three-year grant term.

e. As a condition of receiving a grant, Section 202 developments without a dedicated residual receipts account must amend their regulatory agreement and open such an account, separate from their Reserve for Replacement account.

f. Subgrants and Subcontracts. You may directly hire a Service Coordinator or you may contract with a qualified third party to provide this service.

g. Environmental Requirements. It is anticipated that most activities under this program are categorically excluded from the National Environmental Policy Act (NEPA) and related environmental authorities under 24 CFR 50.19(b)(3), (4), (12), or (13). If grant funds will be used to cover the cost of any activities which are not exempt from environmental review requirements—such as acquisition, leasing, construction, or building rehabilitation, HUD must perform an environmental review to the extent required by 24 CFR part 50, prior to grant award.

4. Submission Information.

a. Single Applications.

(1) You may submit one application for one or more developments that your corporation owns.

(2) You may submit more than one application to a single field office, if you wish to increase your chances of selection in the lottery. Each application must propose a stand-alone program at separate developments. The developments must all be located in the same field office jurisdiction.

(3) If you wish to apply on behalf of developments located in different field office jurisdictions, you must submit a separate application to each field office.

b. Joint Applications. You may join with one or more other eligible owners to share a Service Coordinator and submit a joint application. In the past, joint applications have been used by small developments that joined together to hire and share a part or full-time Service Coordinator.

c. Application Submission Requirements for ALCP Applicants.

(1) If you are an ALCP applicant and you request new or additional Service Coordinator funds specifically for your proposed Assisted Living Program, you must submit an application containing all required documents listed in Section IV.B of this Program NOFA. You may provide a copy of all standard forms in your Service Coordinator application.

(2) Be sure to indicate the amount of grant funds you are requesting for both programs on your SF–424 forms. HUD field office staff will review both applications simultaneously.

(3) If you currently do not have a Service Coordinator working at the development proposed in your ALCP application and your ALCP application is selected to receive an award, HUD will fund a Service Coordinator to serve either ALCP residents only or all residents of the development dependent upon your request. If your development currently has a Service Coordinator, you may request additional hours for the Service Coordinator to serve the Assisted Living residents. If you request additional hours, you must specify the number of additional hours per week and provide an explanation based on the anticipated needs of the Assisted Living residents. If you request Service Coordinator funding to serve all residents of your development, indicate whether or not your request should be entered into the national lottery if your ALCP application is not selected to receive an award. Provide this information in your related narrative, pursuant to paragraph IV.B.2.d(6) of this NOFA.

IV. Application and Submission Information

A. Addresses to Request Application Package. Application Kits. Please note that all information needed for the preparation and submission of your application is included in this program NOFA and in the General Section of the SuperNOFA. HUD will not provide a separate application kit.

SuperNOFA, Guidebook, and Further Information. You may request general information, copies of the General Section and Program Sections of the SuperNOFA, and the SuperNOFA Guidebook from the NOFA Information Center (800–HUD–8929 or 800–HUD–2209 (TTY)) between the hours of 9 a.m. and 8 p.m. (eastern time) Monday through Friday, except on federal holidays. When requesting an application, please refer to the Multifamily Housing Service Coordinator Program and provide your name, address (including zip code) and telephone number (including area code). To ensure sufficient time to prepare your application, you may request copies of this Program section of the SuperNOFA immediately following publication. The NOFA Information Center opens for business simultaneously with the publication of the SuperNOFA. You can also obtain information on this Program section of the SuperNOFA from *http://www.grants.gov.*

B. Content and Form of Application Submission. Your application must contain the items listed in paragraphs 1 and 2, following. 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 and other required forms can be found following the General Section of the SuperNOFA. The items are as follows:

1. *Standard Forms.*

a. Application for Federal Assistance (SF–424)

b. SF–424 Supplement ''Survey on Ensuring Equal Opportunity for Applicants.

c. Applicant Assurances and Certifications (HUD–424B)

d. If engaged in lobbying, the Disclosure Form Regarding Lobbying (SF–LLL)

e. Applicant/Recipient Disclosure/Update Report Form (HUD–2880)

f. Acknowledgment of Application Receipt (HUD–2993)

g. Client Comments and Suggestions (HUD–2994), optional

2. *Other Application Items.* All applications for funding under the Service Coordinator Program must contain the following documents and information:

a. Service Coordinator First-Time Funding Request, form HUD–91186.

b. Previous Participation Certification, form HUD–2530.

c. If more than one owner is proposing to share a Service Coordinator, one agency must designate itself the ''lead''. This lead agency must submit a letter along with the completed application materials from each owner. The letter must be on organization letterhead and contain the number of developments, their names and addresses, and the dollar amount requested for each site. The legal signatory for the owner corporation must sign the letter, indicating agreement to administer grant funds for the housing developments listed in the letter.

d. Evidence of comparable salaries in your local area.

e. Narrative Statements Describing Your Program.

(1) Explain your method of estimating how many residents of your development are frail or at-risk elderly or non-elderly people with disabilities. Please document that individuals meeting these criteria make up at least 25 percent of your resident population. (Do not include elderly individuals or people with disabilities who do not live in the eligible developments included in your application.)

(2) Explain how you will provide on-site private office space for the Service Coordinator, to allow for confidential meetings with residents. If construction is planned, also include a plan and a cost-estimate.

(3) Your quality assurance program evaluation activities and itemized list of estimated expenses for this activity if included in your request for funding. Indicate the type of professional or entity that will perform the work if known at this time or the criteria you will use to select the provider.

(4) If you wish to augment an existing program, describe your program's needs and explain how the additional staff hours requested will help meet these needs. .

(5) A description of your plan to address community resident needs, if applicable to your program.

(6) If you are applying for an Assisted Living Conversion Program (ALCP) grant in conjunction with your Service Coordinator application, describe how the new or additional Service Coordinator hours will support your proposed assisted living program (by following the instruction provided in the ALCP NOFA), and indicate if you want your Service Coordinator application entered into the lottery if your ALCP application is not selected to receive an award.

f. Evidence that no project funds are available to fund a Service Coordinator program. You must include a copy of your development's most recent bank statement, showing the project's current residual receipts or excess income balance (if any). It is incumbent upon the applicant to demonstrate that no such project funds are available.

g. If applicable, evidence that prior funding sources for your development's Service Coordinator program are no longer available or will expire within

six months following the application deadline date.

h. If an agent is preparing the application for an owner, an authorizing letter from the owner.

C. Submission Dates and Times. Your application will be considered timely filed if it is received by the designated HUD field office or postmarked on or before July 22, 2004. Applicants must follow the timely submission requirements in the General Section.

D. Intergovernmental Review: Intergovernmental review is not applicable to this program.

E. Funding Restrictions.

1. Alternative Funding for Service Coordinators. If your development has available Section 8 operating funds, residual receipts, or excess income, not needed for critical project expenses, you must use these project funds prior to receiving grant monies. Owners may submit requests to use Section 8 operating funds, residual receipts, or excess income pursuant to instructions in Housing's Management Agent Handbook 4381.5, REVISION–2, CHANGE–2, Chapter 8 and Housing Notice H 02–14. HUD field staff may approve use of these project funds at any time, consistent with current policy. You should discuss these alternative funding options with your field office staff prior to submitting a grant application.

2. Ineligible Activities and Program Costs.

a. You may not use funds available through this NOFA to replace currently available funding from other sources for a Service Coordinator or for some other staff person who performs service coordinator functions.

b. Owners with existing service coordinator subsidy awards or grants may not apply for renewal or extension of those programs under this NOFA. HUD will provide extension funds through a separate funding process.

c. You cannot hire an additional part or full-time Service Coordinator for the sole purpose of serving community residents.

d. Grant recipients may not use grant funds to pay for supervision performed by property management staff; (Management fees already pay for such supervision).

e. Cost overruns associated with creating private office space and usual audit and legal fees are not eligible uses of grant funds.

f. The cost of application preparation is not eligible for reimbursement.

g. Grant funds cannot be used to increase a project's management fee.

h. Grant funds may not cover the cost of Service Coordinator-related training courses for members of a development's management staff who do not directly provide Service Coordination. Owners must use their management fees to pay this expense.

i. Owners/managers cannot use Reserve for Replacement funds to pay costs associated with a Service Coordinator program.

j. Congregate Housing Services Program grantees may not use these funds to meet statutory program match requirements and may not use these funds to replace current CHSP program funds to continue the employment of a service coordinator.

k. Grantees cannot use grant funds to pay PAC members for their services.

l. The grant amount allowed for QA may not exceed ten percent of the Service Coordinator's salary.

3. Prohibited Service Coordinator Functions. During work hours paid for by this grant, Service Coordinators may not perform the following activities:

a. Act as a recreational or activities director;

b. Provide supportive services directly;

c. Act as a Neighborhood Networks program director or coordinator;

d. Perform property management work, regardless of the funding source used to pay for these activities.

F. Other Submission Requirements:

1. Application Copies. You must submit an original and two copies of your application.

2. Application Delivery. You must submit your application to the field office that has jurisdiction over the housing developments included in your application. Also see the General Section of the SuperNOFA for more application delivery information including delivery times and timely submission requirements.

3. Use the field office list provided in the appendix to this NOFA to address your applications and to contact your local HUD field office staff. Use this list rather than the field office list provided in the General Section of the SuperNOFA.

V. Application Review Information

A. Criteria

1. HUD will not award Service Coordinator Program grant funds through a rating and ranking process. Instead, the Department will hold one national lottery for all eligible applications forwarded from Multifamily Hub and Multifamily Program Centers.

2. Threshold Eligibility Review. HUD Multifamily field office staff will review applications for completeness and compliance with the eligibility criteria set forth in Section III of this NOFA. Field office staff will forward application information to Headquarters for entry into the lottery if the application was received by the deadline date, meets all eligibility criteria, proposes reasonable costs for eligible activities, and includes all technical corrections received by the designated deadline date.

B. Review and Selection Process

1. Funding Priorities.

a. Prior to the lottery, HUD will fund Service Coordinator applications submitted by FY2004 ALCP applicants, whose ALCP applications are selected for funding under that program's NOFA. HUD estimates that approximately $1 million will be used to fund ALCP Service Coordinator applications. Any funds not used by the ALCP program to fund service coordinators will be added to the funds available for the National Lottery.

b. After setting aside funds for ALCP applicants, and prior to the lottery, HUD will next fund all applications submitted by owners who are applying for grant funds to continue a currently operating program previously funded by project funds. As stated in paragraph III.A.4.f of this NOFA, such applications are eligible only if project funds are no longer available to continue the program.

2. Selection Process.

a. HUD will use remaining funds to make grant awards through the use of a national lottery. A computer program performs the lottery by randomly selecting eligible applications. b. HUD will fully fund as many applications as possible with the given amount of funds available. After all fully fundable applications have been selected by lottery, HUD may make an offer to partially fund the next application on the lottery's list, in order to use the entire amount of funds allocated. If the applicant selected for partial funding turns down the offer, HUD will make an offer to partially fund the next application on the lottery list. HUD will continue this process until an applicant accepts the partial funding offer.

3. Reduction in Requested Grant Amount. HUD may make an award in an amount less than requested, if:

a. HUD determines that some elements of your proposed program are ineligible for funding;

b. There are insufficient funds available to make an offer to fully fund the application;

c. HUD determines that reduced grant amount would prevent duplicative federal funding.

4. Corrections to Deficient Applications. Section V.B.4 of the General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VI. Award Administration Information

A. Award Notices

HUD field staff will send, by postal or overnight mail, selection letters and grant agreements to the award recipient organization. The grant agreement is the obligating document and funds are obligated once the HUD grant officer signs the agreement. Field staff will send non-selection letters during this same period of time. If your application is rejected, field staff may notify you by letter any time during the application review process.

B. Administrative and National Policy Requirements

C. Reporting

1. All award recipients must submit the following reports on a yearly basis:

a. Two Semi-Annual Financial Status Reports (SF–269–A), for each half-year period of the federal fiscal year;

b. Two Semi-Annual Service Coordinator Performance Reports, (HUD–92456), for each half-year period of the federal fiscal year. The objectives of the Service Coordinator program are to enhance a resident's quality of life and ability to live independently and age in place. The data that HUD collects on the performance report measures the grantee's success in meeting these intended program outcomes. The data reported include the numbers of residents served, their ages, frailty levels, and the range of services provided to them. In addition, the performance report assesses the Service Coordinator's efficiency in providing coordination, by reporting the number of hours worked, the amount of time spent doing administrative tasks, the types of professional training attended, and examples of problems encountered throughout the course of their work.

c. Periodic reimbursement requests (*i.e.*, Payment Voucher, form HUD–50080–SCMF), providing program expenses for the associated time period, and submitted in accordance with the due dates stated in the grant agreement. Grantees must request grant payments directly following the end of each agreed-upon time period and the funds must reimburse those program costs already incurred.

2. If your grant includes Quality Assurance activities, you must submit a copy of at least one annual QA Report. Your report is due on October 30 of each year, along with the semi-annual financial and performance reports.

VII. Agency Contacts

You may contact your local HUD field office staff for questions you have regarding this program section of the SuperNOFA and your application. Please contact the Multifamily Housing Resident Initiatives Specialist or Service Coordinator contact person in your local office. If you are an owner of a Section 515 development, contact the HUD field office that monitors your Section 8 contract. If you have a question that the field staff is unable to answer, please call Carissa Janis, Housing Project Manager; Office of Housing Assistance and Grants Administration; U. S. Department of Housing and Urban Development; 451 Seventh Street, SW., Room 6146; Washington, DC 20410; (202) 708–3000, extension 2487 (this is not a toll-free number). If you are hearing- or speech-impaired, you may access this number via TTY by calling the Federal Information Relay Service at 800–877–8339.

VIII. Other Information

A. Satellite Broadcast. HUD will hold an information program for potential applicants via satellite broadcast to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should contact your local field office staff or consult the HUD Web site at *http://www.hud.gov.*

B. Paperwork Reduction Act. The information collection requirements contained in this document has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2502–0447. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average 50.25 hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application, semi-annual reports and final report. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

C. Appendices. Appendix A to this NOFA presents the list of HUD offices. Appendix B to this NOFA provides the forms that are specific to this NOFA.

Appendix

Local HUD Offices

Notes: 1. Your application must be sent to the appropriate local HUD Office having jurisdiction over the locality in which your project is located. If you send your application to the wrong local HUD Office, it will be rejected. Therefore, if you are uncertain as to which local HUD Office to submit your application, you are encouraged to contact the local HUD Office below that is closest to your project's location to ascertain the Office's jurisdiction and ensure that you submit your application to the correct local HUD Office.

2. If your project is located within the jurisdiction of the Boston, Massachusetts Office, your application must be submitted to the Manchester, New Hampshire Office.

BILLING CODE 4210–32–P

HUD - BOSTON HUB **HARTFORD OFFICE** One Corporate Center 19th Floor Hartford, CT 06103-3220 (860) 240-4800, ext 3041 TTY Number: (860) 240-4665	**HUD - BUFFALO HUB** **BUFFALO OFFICE** Lafayette Court Building 465 Main Street, 2nd Floor Buffalo, NY 14203-1780 (716) 551-5755, ext 5509 TTY Number: (716) 551-5787
MANCHESTER OFFICE 1000 Elm Street 8th Floor Manchester, NH 03101-2487 (603) 666-7684 TTY Number: (603) 666-7518	**HUD - PHILADELPHIA HUB** **PHILADELPHIA OFFICE** The Wanamaker Building 100 Penn Square East Philadelphia, PA 19107-3380 (215) 656-0609, ext 3533 TTY Number: (215) 656-3452
PROVIDENCE OFFICE Sixth Floor 10 Weybosset Street Providence, RI 02903-2808 (401) 528-5230 TTY Number: (401) 528-5403	**CHARLESTON OFFICE** Suite 708 405 Capitol Street Charleston, WV 25301-1795 (304) 347-7000, ext 103 TTY Number: (304) 347-5332
HUD - NEW YORK HUB **NEW YORK OFFICE** 26 Federal Plaza, Room 3200 New York, NY 10278-0068 (212) 264-0777, ext 3713 TTY Number: (212) 264-0927	**NEWARK OFFICE** Thirteenth Floor One Newark Center Newark, NJ 07102-5260 (973) 622-7900, ext 3400 TTY Number: (973) 645-3298
	PITTSBURGH OFFICE 339 Sixth Avenue Sixth Floor Pittsburgh, PA 15222-2507 (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, ext 3474 TTY Number: (410) 962-0106	**HUD - ATLANTA HUB** **ATLANTA OFFICE** ATTN: Multifamily Housing, 12th Floor 40 Marietta Street - Five Points Plaza Atlanta, GA 30303- 2806 (404) 331- 4976 TTY Number: (404) 730-2654
RICHMOND OFFICE 600 East Broad Street Richmond, VA 23219-4920 (804) 771-2100 TTY Number: (804) 771-2038	**SAN JUAN OFFICE** Edificio Administracion de Terrenos 171 Carlos Chardon Avenue, Suite 301 San Juan, PR 00918-0903 (787) 766-5401 TTY Number: (787) 766-5104
WASHINGTON, DC OFFICE 820 First Street N.E., Suite 450 Washington, DC 20002-4205 (202) 275-0772 TTY Number: (202) 275-0772	**LOUISVILLE OFFICE** 601 West Broadway Louisville, KY 40202 (502) 582-5251 TTY Number: (866) 800-0289
HUD - GREENSBORO HUB **GREENSBORO OFFICE** Asheville Building 1500 Pinecroft Road, Suite 401 Greensboro, NC 27407-3838 (336) 547-4000, ext. 2016 or 2032 TTY Number: (336) 547-4020	**KNOXVILLE OFFICE** Third Floor, Room #315 John J. Duncan Federal Building 710 Locust Street Knoxville, TN 37902-2526 (423) 545-4400 TTY Number: (865) 545-4559
COLUMBIA OFFICE Strom Thurmond Federal Building, 13th Floor 1835-45 Assembly Street Columbia, SC 29201-2480 (803) 765-5592 TTY Number: (803) 523-3209	**NASHVILLE OFFICE** Suite 200 235 Cumberland Bend Nashville, TN 37228-1803 (615) 736-7000 TTY Number: (615) 736-2886

HUD - JACKSONVILLE HUB **JACKSONVILLE OFFICE** Suite 2210 Southern Bell Tower 301 West Bay Street Jacksonville, FL 32202-5121 (904) 232-1777, ext. 2144 TTY Number: (904) 232-2631	**HUD - DETROIT HUB** **DETROIT OFFICE** Patrick V. McNamara Federal Building 477 Michigan Avenue, Suite 1635 Detroit, MI 48226-2592 (313) 226-7900 TTY Number: (313) 226-6899
BIRMINGHAM OFFICE Medical Forum Building 950 22nd St., North Suite 900 Birmingham, AL 35203-5301 (205) 731-2630 TTY Number: (205) 731-2624	**GRAND RAPIDS OFFICE** Trade Center Building 50 Louis Street, N.W. Grand Rapids, MI 49503-2633 (616) 456-2100 TTY Number: (616) 456-2159
JACKSON OFFICE Suite 910 Doctor A.H. McCoy Federal Building 100 West Capitol Street Jackson, MS 39269-1096 (601) 965-4738 TTY Number: (601) 965-4171	**HUD - COLUMBUS HUB** **CINCINNATI OFFICE** 15 E. Seventh Street Cincinnati, OH 45202-2401 (513) 684-3451, ext. 2350 TTY Number: (513) 684-6180
HUD - CHICAGO HUB **CHICAGO OFFICE** Ralph H. Metcalfe Federal Building 77 West Jackson Boulevard, 23rd Floor Chicago, IL 60604-3507 (312) 353-6236, ext. 2202 TTY Number: (312) 353-5944	**HUD - MINNEAPOLIS HUB** **MINNEAPOLIS OFFICE** 920 Second Avenue South, Suite 1300 Minneapolis, MN 55402-4012 (612) 370-3051 TTY Number: (612) 370-3186
INDIANAPOLIS OFFICE 151 North Delaware Street Indianapolis, IN 46204-2526 (317) 226-6482, ext. 6303 TTY Number: (317) 226-7081	**MILWAUKEE OFFICE** Henry S. Reuss Federal Plaza 310 West Wisconsin Avenue, Suite 1380 Milwaukee, WI 53203-2289 (414) 297-3214, ext. 8662 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) 324-5401 TTY Number: (501) 324-5931	**SHREVEPORT OFFICE** 401 Edwards Street Room 1510 Shreveport, LA 71101-5513 (318) 676-3440 TTY: (504) 589-7277
NEW ORLEANS OFFICE Ninth Floor Hale Boggs Federal Building 500 Poydras Street New Orleans, LA 70130-3099 (504) 589-7236 TTY Number: (504) 589-7279	**HUD – KANSAS CITY HUB** **DES MOINES OFFICE** Room 239 Federal Building 210 Walnut Street Des Moines, IA 50309-2155 (515) 284-4583 TTY Number: (515) 284-4728
FT. WORTH OFFICE 801 Cherry Street P.O. Box 2905 Fort Worth, TX 76113-2905 (817) 978-5764 TTY Number: (817) 978-5595	**KANSAS CITY OFFICE** Room 200 Gateway Tower II 400 State Avenue Kansas City, KS 66101-2406 (913) 551-6844 TTY Number: (913) 551-6972
HOUSTON OFFICE 1301 Fannin, Suite 2200 Houston, TX 77002-4096 (713) 718-3167 TTY Number: (713) 718-3289	**OMAHA OFFICE** Executive Tower Centre 10909 Mill Valley Road, Suite 100 Omaha, NE 68154-3955 (402) 492-3113 TTY Number: (402) 492-3183
SAN ANTONIO OFFICE 106 South St. Mary's, Suite 405 San Antonio, TX 78205-4563 (210) 475-6831 TTY Number: (210) 475-6885	**ST. LOUIS OFFICE** Third Floor Robert A. Young Federal Building 1222 Spruce Street, Room 3.207 St. Louis, MO 63103-2836 (314) 539-6734 TTY Number: (314) 539-6331

HUD – KANSAS CITY HUB (cont'd) **OKLAHOMA CITY OFFICE** 301 N.W. 6th, Suite 200 Oklahoma City, OK 73102 (405) 609-8410 TTY Number: 405-609-8480	**HUD - SAN FRANCISCO HUB (cont'd)** **LAS VEGAS OFFICE** 333 N. Rancho Drive Atrium Building Suite 700 Las Vegas, NV 89106-3714 (702) 388-6525 TTY Number: (702) 388-6246
HUD - DENVER HUB **DENVER OFFICE** UMB Bank Building, 23rd Floor 1670 Broadway Denver, CO 80202-3607 (303) 672-5343 TTY Number: (303) 672-5113	**HONOLULU OFFICE** 500 Ala Moana Boulevard, Suite 3A Honolulu, HI 96813 (808) 522-8185 TTY Number: (808) 522-8193
HUD - SAN FRANCISCO HUB **PHOENIX OFFICE** One North Central #600 Phoenix, AZ 85004 (602) 379-7158 TTY Number: (602) 379-4557	**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
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) 436-6505 TTY Number: (415) 436-6594	**HUD - SEATTLE HUB** **SEATTLE OFFICE** 909 First Avenue, Suite 200 Seattle, WA 98104-5254 (206) 220-6420 TTY Number: (206) 220-5254

Multifamily Housing Service Coordinator First-Time Funding Request

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

OFFICE OF PUBLIC AND INDIAN HOUSING

OMB Approval Number 2502-0447 (exp. 01/31/2007)

The public reporting burden for this collection of information for the Multifamily Housing Service Coordinator Programs is estimated to average 40 hours per response for applicants, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information and preparing the application package for submission to HUD. When providing comments, please refer to OMB Approval No. 2502-0447. HUD may not conduct, and a person is not required to respond to, a collection of information unless the collection displays a valid control number. The information submitted in response to the Notice of Funding Availability for the Service Coordinator Program is subject to the disclosure requirements of the Department of Housing and Urban Development Reform Act of 1989 (Public Law 101-235, approved December 15, 1989, 42 U.S.C. 3545).

Name and Address of Applicant/Owner:

1. Project Information: Please provide the information for every project included in your request; add more rows if needed.

a. Project Name and Address	b. Project Type *(I.e. Sec. 202, 236, 221(d)(3)BMIR, or Sec. 8)*	c. FHA or Project Number	d. Section 8 Number	e. # of Subsidized Rental Units

f. Resident Information	Number of Residents	% of Total Residents
Estimate # of Frail Elderly	_____	0% %
Estimate # of at Risk Elderly	_____	0% %
Estimate # Non-Elderly People w/ Disabilities	_____	0% %
Remaining Residents	_____	0% %
Total	0	100%

g. If the SC will serve multiple eligible projects, give proportionate amount of time planned for each site.

Project Name(s)	# of Hours per week

h. Is there an SC currently working at this project? _____ Yes _____ No

If yes: 1. How many hours per week does the Service Coordinator currently work?	2. How many hours per week do you want to add to your program?	3. Will you extend current employees hours or hire additional staff?

2. Budget Information**

a. Personnel (Direct Labor/Salary) *Identify Position - SC or Aide*	Hours	Rate per Hour	Year1	Year 2	Year 3	Tot 3-Year
			0.00			0.00
			0.00			0.00
			0.00			0.00
			0.00			0.00
			0.00			0.00
			0.00			0.00
Total Direct Labor Cost			0.00	0.00	0.00	0.00

form **HUD-91186** (4/2004)

b. Fringe Benefits	Rate (%)	Base	Year1	Year 2	Year 3	Tot 3-Year
	0%		0.00			0.00
	0%		0.00			0.00
	0%		0.00			0.00
	0%		0.00			0.00
	0%		0.00			0.00
	0%		0.00			0.00
Total Fringe Benefits Cost			0.00	0.00	0.00	0.00
c. Quality Assurance/Program Evaluation (cap - 10% of line "a", Personnel)	Hours	Rate Per Hour	Year1	Year 2	Year 3	Tot 3-Year
			0.00			0.00
			0.00			0.00
			0.00			0.00
			0.00			0.00
			0.00			0.00
			0.00			0.00
Total Quality Assurance			0.00	0.00	0.00	0.00
d. Training	Hours	Rate Per Hour	Year 1	Year 2	Year 3	Tot 3-Year
			0.00			0.00
			0.00			0.00
			0.00			0.00
			0.00			0.00
			0.00			0.00
			0.00			0.00
Total Training			0.00	0.00	0.00	0.00
e. Travel *(Indicate local private vehicle, (mileage and rate per mile) airfare (trips and fare), other (quantity and unit cost), per diem (days and rate per day).*			Year 1	Year 2	Year 3	Tot 3-Year
						0.00
						0.00
						0.00
						0.00
						0.00
Total Travel			0.00	0.00	0.00	0.00
f. Supplies and Materials	Quantity	Unit Cost	Year 1	Year 2	Year 3	Tot 3-Year
			0.00			0.00
			0.00			0.00
			0.00			0.00
			0.00			0.00
			0.00			0.00
Total Supplies and Materials			0.00	0.00	0.00	0.00

g. Start-up Costs						
1. Creating Private Office Space	Quantity	Unit Cost	Year 1	Year 2	Year 3	Tot 3-Year
			0.00			0.00
			0.00			0.00
			0.00			0.00
			0.00			0.00
			0.00			0.00
			0.00			0.00
Subtotal for Private Office Space			0.00			0.00
2. Office Furniture/Equipment	Quantity	Unit Cost	Year 1	Year 2	Year 3	Tot 3-Year
			0.00			0.00
			0.00			0.00
			0.00			0.00
			0.00			0.00
			0.00			0.00
			0.00			0.00
Subtotal Cost of Furniture/Equipment			0.00			0.00
Total Start-Up Costs			0.00			0.00
h. Other Direct Costs	Quantity	Unit Cost	Year 1	Year 2	Year 3	Tot 3-Year
			0.00			0.00
			0.00			0.00
			0.00			0.00
			0.00			0.00
			0.00			0.00
			0.00			0.00
Total Other Direct Costs			0.00	0.00	0.00	0.00
Subtotal of Direct Costs			0.00	0.00	0.00	0.00
I. Indirect Costs	Quantity	Unit Cost	Year 1	Year 2	Year 3	Tot 3-Year
			0.00			0.00
			0.00			0.00
			0.00			0.00
			0.00			0.00
			0.00			0.00
			0.00			0.00
Total Indirect Costs			0.00	0.00	0.00	0.00
j. Total Estimated Costs			0.00	0.00	0.00	0.00

** Please note: You may increase costs from year to year by no more than 5%.

form **HUD-91186** (4/2004)

k. Contracts: If you plan to contract out for a Service Coordinator or for Quality Assurance, list related cost. Give item and related cost.

l. Quality Assurance is _____% of line a, "Personnel (Direct Labor)". (Cannot exceed 10%.)

3. Funding Sources and Time Periods (Indicate all that apply.)

Grant	$ Amount	# of Years	# of Months		
Section 8 Operating Funds (i.e. Budget-based)	$ Amount	# of Years	# of Months	From Date	To Date
Residual Receipts	$ Amount	# of Years	# of Months	From Date	To Date
Excess Income	$ Amount	# of Years	# of Months	From Date	To Date

Signature: _____ Date: _____

Contact Name: _____ Phone #: _____ Email: _____

Project Information: Please provide the information for every project included in your request; add more rows if needed.

2. a. Project Name and Address	b. Project Type *(I.e. Sec. 202, 236, 221(d)(3)BMIR, or Sec. 8)*	c. FHA or Project Number	d. Section 8 Number	e. # of Subsidized Rental Units

f. Resident Information	Number of Residents	% of Total Residents
Estimate # of Frail Elderly	_____	0%
Estimate # of at Risk Elderly	_____	0%
Estimate # Non-Elderly People w/ Disabilities	_____	0%
Remaining Residents	_____	0%
Total	0	100%

g. If the SC will serve multiple eligible projects, give proportionate amount of time planned for each site.

Project Name(s)	# of Hours per week

h. Is there an SC currently working at this project? _____ Yes _____ No

If yes: 1. How many hours per week does the Service Coordinator currently work?	2. How many hours per week do you want to add to your program?	3. Will you extend current employees hours or hire additional staff?

Project Information:

3. a. Project Name and Address	b. Project Type *(I.e. Sec. 202, 236, 221(d)(3)BMIR, or Sec. 8)*	c. FHA or Project Number	d. Section 8 Number	e. # of Subsidized Rental Units

f. Resident Information	Number of Residents	% of Total Residents
Estimate # of Frail Elderly	_____	0%
Estimate # of at Risk Elderly	_____	0%
Estimate # Non-Elderly People w/ Disabilities	_____	0%
Remaining Residents	_____	0%
Total	0	100%

g. If the SC will serve multiple eligible projects, give proportionate amount of time planned for each site.

Project Name(s)	# of Hours per week

h. Is there an SC currently working at this project? _____ Yes _____ No

If yes: 1. How many hours per week does the Service Coordinator currently work?	2. How many hours per week do you want to add to your program?	3. Will you extend current employees hours or hire additional staff?

Project Information:

4. a. Project Name and Address	b. Project Type *(I.e. Sec. 202, 236, 221(d)(3)BMIR, or Sec. 8)*	c. FHA or Project Number	d. Section 8 Number	e. # of Subsidized Rental Units

f. Resident Information	Number of Residents	% of Total Residents
Estimate # of Frail Elderly	_____	0% %
Estimate # of at Risk Elderly	_____	0% %
Estimate # Non-Elderly People w/ Disabilities	_____	0% %
Remaining Residents	_____	0% %
Total	0.00	100%

g. If the SC will serve multiple eligible projects, give proportionate amount of time planned for each site.

Project Name(s)	# of Hours per week

h. Is there an SC currently working at this project? _____ Yes _____ No

If yes: 1. How many hours per week does the Service Coordinator currently work?	2. How many hours per week do you want to add to your program?	3. Will you extend current employees hours or hire additional staff?

Project Information:

5. a. Project Name and Address	b. Project Type *(I.e. Sec. 202, 236, 221(d)(3)BMIR, or Sec. 8)*	c. FHA or Project Number	d. Section 8 Number	e. # of Subsidized Rental Units

	Number of Residents	% of Total Residents
Estimate # of Frail Elderly	_____	0% %
Estimate # of at Risk Elderly	_____	0% %
Estimate # Non-Elderly People w/ Disabilities	_____	0% %
Remaining Residents	_____	0% %
Total	0.00	100%

g. If the SC will serve multiple eligible projects, give proportionate amount of time planned for each site.

Project Name(s)	# of Hours per week

h. Is there an SC currently working at this project? _____ Yes _____ No

If yes: 1. How many hours per week does the Service Coordinator currently work?	2. How many hours per week do you want to add to your program?	3. Will you extend current employees hours or hire additional staff?

Instructions for completing the HUD-91186	
Section 2: Budget Information	
a. Personnel (Direct Labor)	This section should show the labor costs for The Service Coordinators and/or aides. Use the hourly labor cost for salaried employees (use 2080 hours per year or the value your organization uses to perform this calculation). You may include payroll taxes here. Do not show fringe or other indirect costs in this section.
b. Fringe Benefits	Use the same standard fringe rate 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. Use the Total Direct Labor Cost as the base for the fringe calculation. If your organization calculates fringe benefits differently, use a different base and discuss how you calculate fringe as a comment.
c. Quality Assurance	Give the title of the professional (e.g. MSW) or agency who will be performing QA, the number of hours over the year you expect to use them, and their hourly rate. Quality Assurance is limited to program evaluation activities and cannot exceed 10% of line a, Personnel.
d. Training	Give fees and rates for appropriate training programs, to the extent known. Otherwise estimate and provide basis for the anticipated cost.
e. Travel	Provide mileage and cost estimates for use of private vehicles or public transportation; show the estimated cost of airfare required to attend training programs, and list necessary per diem rates in accordance with your organization's policies. Give travel destinations if known.
f. Supplies and Materials	List the supplies you propose to purchase. You can use an anticipated consumption rate to estimate the cost of office or other common supplies, (e. g. 1 box paper clips every 3 months). Include replacement of office equipment. List items individually along with the quantity and their anticipated cost.
g.1. Creating Private Office Space	List expenses associated with setting up a private office for the Service Coordinator. List each anticipated cost. You may incur These costs only during the first year of your program.
g.2. Office Furniture and Equipment	List start-up expenses related to furniture, computers, printers, and other office equipment. List the quantity and unit cost.
Total Start-Up Costs	Sum of lines g.1 and g.2.
h. Other Direct Costs	Include costs such as telephone and Internet Service, printing, postage, and maintenance of office equipment, when such costs are attributable to the SC program only.
i. Indirect Costs	OMB Circular A87 defines indirect costs as those that have been incurred by multiple programs for common or joint purposes. Indirect costs are associated with the centralized services distributed throughout your agency and cannot be readily identified with one particular program. Additionally, the costs should not be otherwise treated as direct costs. If your organization already has an established indirect cost rate, use this rate and explain how it is calculated.
j. Grand Total	Sum lines "a" through "i" for each year. Then add the annual totals together to get to the total 3-year amount. You may increase costs from year to year by no more than 5%.
k. Contracts (Sub-Grantees)	If you will contract with a public or private agency to provide the Service Coordinator or Quality Assurance, list the activities and costs included in the contract in this section.

l. Quality Assurance Percent of line a, Personnel	Quality Assurance costs cannot exceed 10% of your total Personnel/Direct labor cost. Calculate your percentage and include on this line, to ensure you are within the 10% cap.
Section 3: Funding Sources and Time Periods	
Housing owners can use any of the four funding sources to pay the costs of a Service Coordinator program. You may use these resources individually or in combination with each other. Indicate which funding sources you propose to use, by giving the dollar amount, the number of years and months during which you will use the funds, and the dates of the time period, if known (e.g. from May 1, 2004 to April 30, 2005).	

Previous Participation Certification

U.S. Department of Housing and Urban Development
Office of Housing/Federal Housing Commissioner

U.S. Department of Agriculture
Farmers Home Administration

OMB Approval No. 2502-0118
(exp. 7/31/2006)

Part I To be completed by Principals of Multifamily Projects. See Instructions
Reason for Submitting Certification

For HUD HQ/FmHA use only

1. Agency Name and City where the application is filed

2. Project Name, Project Number, City and Zip Code contained in the application

3. Loan or Contract Amount

4. Number of Units or Beds

5. Section of Act

6. Type of Project (check one)
☐ Existing ☐ Rehabilitation ☐ Proposed (New)

List of All Proposed Principal Participants

7. Names and Addresses of All Known Principals and Affiliates (people, businesses & organizations) proposing to participate in the project described above. (list names alphabetically; last, first, middle initial)	8. Role of Each Principal in Project	9. Expected % Ownership Interest in Project	10. Social Security or IRS Employer Number

Certifications: I (meaning the individual who signs as well as the corporations, partnerships or other parties listed above who certify) hereby apply to HUD or USDA-FmHA, as the case may be, for approval to participate as a principal in the role and project listed above based upon my following previous participation record and this Certification.

I certify that all the statements made by me are true, complete and correct to the best of my knowledge and belief and are made in good faith, including the data contained in Schedule A and Exhibits signed by me and attached to this form. **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)

I further certify that:

1. Schedule A contains a listing of every assisted or insured project of HUD, USDA-FmHA and State and local government housing finance agencies in which I have been or am now a principal.
2. For the period beginning 10 years prior to the date of this certification, and except as shown by me on the certification.
   a. No mortgage on a project listed by me has ever been in default, assigned to the Government or foreclosed, nor has mortgage relief by the mortgagee been given;
   b. I have not experienced defaults or noncompliances under any Conventional Contract or Turnkey Contract of Sale in connection with a public housing project;
   c. To the best of my knowledge, there are no unresolved findings raised as a result of HUD audits, management reviews or other Governmental investigations concerning me or my projects;
   d. There has not been a suspension or termination of payments under any HUD assistance contract in which I have had a legal or beneficial interest;
   e. I have not been convicted of a felony and am not presently, to my knowledge, the subject of a complaint or indictment charging a felony. (A felony is defined as any offense punishable by imprisonment for a term exceeding one year, but does not include any offense classified as a misdemeanor under the laws of a State and punishable by imprisonment of two years or less);
   f. I have not been suspended, debarred or otherwise restricted by any Department or Agency of the Federal Government or of a State Government from doing business with such Department or Agency.
   g. I have not defaulted on an obligation covered by a surety or performance bond and have not been the subject of a claim under an employee fidelity bond.
3. All the names of the parties, known to me to be principals in this project(s) in which I propose to participate, are listed above.
4. I am not a HUD/FmHA employee or a member of a HUD/FmHA employee's immediate household as defined in Standards of Ethical Conduct for Employees of the Executive Branch in 5 C.F.R. Part 2635 (57 FR 35006) and HUD's Standard of Conduct in 24 C.F.R. Part O and USDA's Standard of Conduct in 7 C.F.R. Part O Subpart B.
5. I am not a principal participant in an assisted or insured project as of this date on which construction has stopped for a period in excess of 20 days or which has been substantially completed for more than 90 days and documents for closing, including final cost certification have not been filed with HUD or FmHA.
6. To my knowledge I have not been found by HUD or FmHA to be in noncompliance with any applicable civil rights laws.
7. I am not a Member of Congress or a Resident Commissioner nor otherwise prohibited or limited by law from contracting with the Government of the United States of America.
8. Statements above (if any) to which I cannot certify have been deleted by striking through the words with a pen. I have initialed each deletion (if any) and have attached a true and accurate signed statement (if applicable) to explain the facts and circumstances which I think helps to qualify me as a responsible principal for participation in this project.

Typed or Printed Name of Principal	Signature of Principal	Certification Date (mm/dd/yyyy)	Area Code and Telephone No.

This form was prepared by (Please print name)

Area Code and Telephone No.

Previous editions are obsolete

Page 1 of 2

ref Handbook 4065.1 form **HUD-2530** (5/2001)

Schedule A: List of Previous Projects and Section 8 Contracts. By my name below is the complete list of my previous projects and my participation history as a principal; in Multifamily Housing programs of HUD/FmHA, State, and Local Housing Finance Agencies. **Note:** Read and follow the instruction sheet carefully. Abbreviate where possible. Make full disclosure. Add extra sheets if you need more space. Double check for accuracy. If you have no previous projects write, by your name, **"No previous participation, First Experience."**

1. List each Principal's Name (list in alphabetical order, last name first)	2. List Previous Projects (give the I.D. number, project name, city location, & government agency involved if other than HUD)	3. List Principals' Role(s) (indicate dates participated, and if fee or identity of interest participant)	4. Status of Loan (current, defaulted, assigned, or foreclosed)	5. Was Project ever in Default, during your participation? Yes	No	If "Yes," explain	6. Last Mgmt. and/or Physical Inspctn Rating

Part II – For HUD Internal Processing Only

Received and checked by me for accuracy and completeness; recommend approval or transferral to Headquarters as checked below:

Date (mm/dd/yyyy)	Telephone Number and Area Code	☐ A. No adverse information; form HUD-2530 approval is recommended.	☐ C. Disclosure or Certification problem
Staff	Processing and Control	☐ B. Name match in system	☐ D. Other, our memorandum is attached.
Supervisor		Director of Housing / Director, Multifamily Division	Approved ☐ Yes ☐ No — Date (mm/dd/yyyy)

Instructions for Completing the Previous Participation Certificate, form HUD-2530

Carefully read these instructions and the applicable regulations. A copy of those regulations published at 24 C.F.R. 200.210 to 200.245 can be obtained from the Multifamily Housing Representative at any HUD Office. Type or print neatly in ink when filling out this form. Mark answers in all blocks of the form. If the form is not filled completely, it will delay approval of your application.

Attach extra sheets as you need them. Be sure to indicate "Continued on Attachments" wherever appropriate. Sign each additional page that you attach if it refers to you or your record. If you have many projects to list (20 or more) and expect to be applying frequently for participation in HUD projects, you should consider filing a Master List. See Master List instructions below under "Instructions for Completing Schedule A."

Carefully read the certification before you sign it. Any questions regarding the form or how to complete it can be answered by your HUD Office Multifamily Housing Representative.

Purpose: This form provides HUD with a certified report of all previous participation in HUD multifamily housing projects by those parties making application. The information requested in this form is used by HUD to determine if you meet the standards established to ensure that all principal participants in HUD projects will honor their legal, financial and contractual obligations and are acceptable risks from the underwriting standpoint of an insurer, lender or governmental agency. HUD requires that you certify your record of previous participation in HUD/USDA-FmHA, State and Local Housing Finance Agency projects by completing and signing this form, before your project application or participation can be approved.

HUD approval of your certification is a necessary precondition for your participation in the project and in the capacity that you propose. If you do not file this certification, do not furnish the information requested accurately, or do not meet established standards, HUD will not approve your certification.

Note that approval of your certification does not obligate HUD to approve your project application, and it does not satisfy all other HUD program requirements relative to your qualifications.

Who Must Sign and File Form HUD-2530: Form HUD-2530 must be completed and signed by all parties applying to become principal participants in HUD multifamily housing projects, including those who have no previous participation. The form must be signed and filed by all principals and their affiliates who propose participating in the HUD project. Use a separate form for each role in the project unless there is an identity of interest.

Principals include all individuals, joint ventures, partnerships, corporations, trusts, nonprofit organizations, any other public or private entity, that will participate in the proposed project as a sponsor, owner, prime contractor, turnkey developer, managing agent, nursing home administrator or operator, packager, or consultant. Architects and attorneys who have any interest in the project other than an arms length fee arrangement for professional services are also considered principals by HUD.

In the case of partnerships, all general partners regardless of their percentage interest and limited partners having a 25 percent or more interest in the partnership are considered principals. In the case of public or private corporations or governmental entities, principals include the president, vice president, secretary, treasurer and all other executive officers who are directly responsible to the board of directors, or any equivalent governing body, as well as all directors and each stockholder having a 10 percent or more interest in the corporation.

Affiliates are defined as any person or business concern that directly or indirectly controls the policy of a principal or has the power to do so. A holding or parent corporation would be an example of an affiliate if one of its subsidiaries is a principal.

Exception for Corporations – All principals and affiliates must personally sign the certificate except in the following situation. When a corporation is a principal, all of its officers, directors, trustees and stockholders with 10 percent or more of the common (voting) stock need not sign personally if they all have the same record to report. The officer who is authorized to sign for the corporation or agency will list the names and title of those who elect not to sign. However, any person who has a record of participation in HUD projects that is separate from that of his or her organization must report that activity on this form and sign his or her name. The objective is **full** disclosure.

Exemptions – The names of the following parties do not need to be listed on form HUD-2530: Public Housing Agencies, tenants, owners of less than five condominium or cooperative units and all others whose interests were acquired by inheritance or court order.

Where and When Form HUD-2530 Must Be Filed: The original of this form must be submitted to the HUD Office where your project application will be processed at the same time you file your initial project application. This form must be filed with applications for projects, or when otherwise required in the situations listed below:

- Projects to be financed with mortgages insured under the National Housing Act (FHA).
- Projects to be financed according to Section 202 of the Housing Act of 1959 (Elderly and Handicapped).
- Projects in which 20 percent or more of the units are to receive a subsidy as described in 24 C.F.R. 200.213.
- Purchase of a project subject to a mortgage insured or held by the Secretary of HUD.
- Purchase of a Secretary-owned project.
- Proposed substitution or addition of a principal, or principal participation in a different capacity from that previously approved for the same project.
- Proposed acquisition by an existing limited partner of an additional interest in a project resulting in a total interest of 25 percent or more, or proposed acquisition by a corporate stockholder of an additional interest in a project resulting in a total interest of 10 percent or more.
- Projects with U.S.D.A., Farmers Home Administration, or with state or local government housing finance agencies that include rental assistance under Section 8 of the Housing Act of 1937. For projects of this type, form HUD-2530 should be filed with the appropriate applications directly to those agencies.

Review of Adverse Determination: If approval of your participation in a HUD project is denied, withheld, or conditionally granted on the basis of your record of previous participation, you will be notified by the HUD Office. You may request reconsideration by the HUD Review Committee. Alternatively, you may request a hearing before a Hearing Officer. Either request must be made in writing within 30 days from your receipt of the notice of determination.

If you do request reconsideration by the Review Committee and the reconsideration results in an adverse determination, you may then request a hearing before a Hearing Officer. The Hearing Officer will issue a report to the Review Committee. You will be notified of the final ruling by certified mail.

Specific Line Instructions:

Reason for submitting this Certificatioin: e.g., refinance, management, change in ownership, transfer of physical assets, etc.

Block 1: Fill in the name of the agency to which you are applying. For example: HUD Office, Farmers Home Administration District office, or the name of a State or local housing finance agency. Below that, fill in the name of the city where the office is located.

Block 2: Fill in the name of the project, such as "Greenwood Apts." If the name has not yet been selected, write "Name unknown." Below that, enter the HUD contract or project identification number, the Farmers Home Administration project number, or the State or local housing finance agency project or contract number. Include **all** project or contract identification numbers that are relevant to the project. Also enter the name of the city in which the project is located, and the ZIP Code of the site location.

Block 3: Fill in the dollar amount requested in the proposed mortgage, or the annual amount of rental assistance requested.

Block 4: Fill in the number of apartment units proposed, such as "40 units." For hospital projects or nursing homes, fill in the number of beds proposed, such as "100 beds."

Block 5: Fill in the section of the Housing Act under which the application is filed.

Block 7: Definitions of all those who are considered principals and affiliates are given above in the section titled "Who Must Sign and File...."

Block 8: Beside the name of each principal, fill in the role that each will perform. The following are possible roles that the principals may perform: Sponsor, Owner, Prime Contractor, Turnkey Developer, Managing Agent, Packager, Consultant, General Partner, Limited Partner (include percentage), Executive Officer, Director, Trustee, Major Stockholder, or Nursing Home Administrator. Beside the name of each affiliate, write the name of the person or firm of affiliation, such as "Affiliate of Smith Construction Co."

Block 9: Fill in the percentage of ownership in the proposed project that each principal is expected to have. Also specify if the participant is a general or limited partner. Beside the name of those parties who will not be owners, write "None."

Block 10: Fill in the Social Security Number or IRS employer number of every party listed, including affiliates.

Instructions for Completing Schedule A:

Be sure that Schedule A is filled-in completely, accurately and the certification is properly dated and signed, because it will serve as a legal record of your previous experience. All Multifamily Housing projects involving HUD/FmHA, and State and local Housing Finance Agencies in which you have previously participated **must** be listed. Applicants are reminded that previous participation pertains to the individual principal within an entity as well as the entity itself. A newly formed company may not have previous participation, but the principals within the company may have had extensive participation and disclosure of that activity is required. To avoid duplication of disclosure, list the project and then the entities or individuals involved in that project. You may use the name or a number code to denote the entity or individual that participated. The number code can then be used in column 3 to denote role.

Column 2 List the project or contract identification of each previous project. **All previous projects must be included or your certification cannot be processed.** Include the name of all projects, the cities in which they are located and the government agency (HUD, USDA-FmHA or State or local housing finance agency) that was involved. At the end of your list of projects, draw a straight line across the page to separate your record of projects from that of others signing this form who have a different record to report.

Column 3 List the role(s) of your participation, dates participated, and if fee or identity of interest with owners.

Column 4 Indicate the current status of the loan. Except for current loans, the date associated with the status is required. Loans under a workout arrangement are considered assigned. An explanation of the circumstances surrounding the status is required for all non-current loans.

Column 5 Explain any project defaults during your participation.

Column 6 Enter the latest Management and/or Physical Inspection Review rating. If either of the ratings are below average, the report issued by HUD is required to be submitted along with the applicant's explanation of the circumstances surrounding the rating.

No Previous Record: Even if you have never participated in a HUD project before, you must complete form HUD-2530. If you have no record of previous projects to list, fill in your name in column 1 of Schedule A, and write across the form by your name – "No previous participation, first experience."

Master List System: If you expect to file this form frequently and you have a long list of previous projects to report on Schedule A, you should consider filing a Master List. By doing so, you will avoid having to list all your previous projects each time you file a new application.

To make a Master List, use form HUD-2530. On page 1, in block 1, enter (in capital letters) the words **"Master List."** In blocks 2 through 6 enter in "N.A." meaning Not Applicable. Complete blocks 7 through 10.

In the box below the statement of certification, fill in the names of all parties who wish to file a Master List together (type or print neatly). Beside each name, every party must sign the form. In the box titled "Proposed Role," fill in "N.A." Also, fill in the date you sign the form and provide a telephone number where you can be reached during the day. No determinations will be made on these certificates.

File one copy of the Master List with each HUD Office where you do business and mail one copy to the following address:

HUD-2530 Master List
Participation and Compliance
Division – Housing
U.S. Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410

Once you have filed a Master List, you do not need to complete Schedule A when you submit form HUD-2530. Instead, write the name of the participant in column 1 of Schedule A and beside that write "See Master List on file." Also give the date that appears on the Master List that you submitted. Below that, report all changes and additions that have occurred since that date. Be sure to include any mortgage defaults, assignments or foreclosures not listed previously.

If you have withdrawn from a project since the date the Master List was filed, be sure to name the project. Give the project identification number, the month and year your participation began and/or ended.

Certification:

After you have completed all other parts of form HUD-2530, including Schedule A, read the Certification carefully. In the box below the statement of certification, fill in the name of all principals and affiliates (type or print neatly). Beside the name of each principal and affiliate, each party must sign the form, with the exception in some cases of individuals associated with a corporation (see "Exception for Corporations" in the section of the instructions titled "Who Must Sign and File form HUD-2530"). Beside each signature, fill in the role of each party (the same as shown in block 8). In addition, each person who signs the form should fill in the date that he or she signs, as well as providing a telephone number where he or she can be reached during business hours. By providing a telephone number where you can be reached, you will help to prevent any possible delay caused by mailing and processing time in the event HUD has any questions.

If you cannot certify and sign the certification as it is printed because some statements do not correctly describe your record, use a pen and strike through those parts that differ with your record, then sign and certify to that remaining part which does describe you or your record.

Attach a signed letter, note or an explanation of the items you have struck out on the certification and report the facts of your correct record. Item A(2)(e) relates to felony convictions within the past 10 years. If you have been convicted of a felony within 10 years, strike out all of A(2)(e) on the certificate and attach your statement giving your explanation. A felony conviction will not necessarily cause your participation to be disapproved unless there is a criminal record or other evidence that your previous conduct or method of doing business has been such that your participation in the project would make it an unacceptable risk from the underwriting standpoint of an insurer, lender or governmental agency.

The Department of Housing and Urban Development (HUD) is authorized to collect this information by law (42 U.S.C. 3535(d) and 24 C.F.R. 200.217) and by regulation at 24 CFR 200.210. This information is needed so that principals applying to participate in multifamily programs can become HUD-approved participants. The information you provide will enable HUD to evaluate your record with respect to established standards of performance, responsibility and eligibility. Without prior approval, a principal may not participate in a proposed or existing multifamily project. HUD uses this information to evaluate whether or not principals pose an unsatisfactory underwriting risk. The information is used to evaluate the potential principals and approve only individuals and organizations who will honor their legal, financial and contractual obligations.

Privacy Act Statement: The Housing and Community Development Act of 1987, 42 U.S.C. 3543 requires persons applying for a Federally-insured or guaranteed loan to furnish his/her Social Security Number (SSN). HUD must have your SSN for identification of your records. HUD may use your SSN for automated processing of your records and to make requests for information about you and your previous records with other public agencies and private sector sources. HUD may disclose certain information to Federal, State and local agencies when relevant to civil, criminal, or regulatory investigations and prosecutions. It will not be otherwise disclosed or released outside of HUD, except as required and permitted by law. You must provide all of the information requested in this application, including your SSN.

Public reporting burden for this collection of information is estimated to average 1 hour 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.
A response is mandatory. Failure to provide any of the information will result in your disapproval for participation in this HUD program.

Previous editions are obsolete

ref Handbook 4065.1 form **HUD-2530** (5/2001)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SECTION 202 SUPPORTIVE HOUSING FOR THE ELDERLY PROGRAM (SECTION 202 PROGRAM)

Billing Code 4210-32-C

Funding Availability for the Section 202 Supportive Housing for the Elderly Program (Section 202 Program)

Overview Information

A. *Federal Agency Name:* Department of Housing and Urban Development, Office of Housing.

B. Funding Opportunity Title: Section 202 Supportive Housing for the Elderly.

C. Announcement Type: Initial announcement.

D. Funding Opportunity Number: OMB Approval Number: 2502–0267. The **Federal Register** number for this NOFA is: FR–4900–N–27.

E. Catalog of Federal Domestic Assistance (CFDA) Number(s): 14.157, Section 202 Supportive Housing for the Elderly.

F. Dates: Application Deadline Date: July 7, 2004. Refer to Section IV below and the General Section for information on application submission requirements.

G. Optional, Additional Overview Content Information:

1. Purpose of the Program. This program provides funding for the development and operation of supportive housing for very low-income persons 62 years of age or older.

2. Available Funds. Approximately $495.2 million in capital advance funds, plus associated project rental assistance contract (PRAC) funds and any carryover funds available.

3. Types of Funds. Capital advance funds will cover the cost of developing the housing. PRAC funds will cover the difference between the HUD-approved operating costs of the project and the tenants' contributions toward rent (30 percent of their adjusted monthly income).

4. Eligible Applicants. Private nonprofit organizations and nonprofit consumer cooperatives. (*See* Section VI.B.6. of this program NOFA for further details and information regarding the formation of the Owner corporation).

5. Eligible Activities. New construction, rehabilitation, or acquisition (with or without rehabilitation) of housing. (*See* Section III.C.1. below of this program NOFA for further information.

6. Match Requirements. None required.

7. Local HUD Offices. The local HUD Office structure, for the purpose of implementing the Section 202 program, consists of 18 Multifamily Hub Offices. Within the Multifamily Hubs, there are Multifamily Program Centers with the exception of the New York Hub, the Buffalo Hub, the Denver Hub and the Los Angeles Hub. All future references shall use the term ''local HUD Office'' unless a more detailed description is necessary as in Limitations on Applications and Ranking and Selection Procedures, below.

Full Text of Announcement

I. Funding Opportunity Description

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 with or without rehabilitation (including structures from the Federal Deposit Insurance Corporation (FDIC)). Capital advance funds bear no interest and are based on development cost limits in Section IV.E.3. below. 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 the tenants' contributions toward rent (30 percent of adjusted income) and the HUD-approved cost to operate the project. PRAC funds may also be used to provide supportive services and to hire a service coordinator in those projects serving frail elderly residents. The supportive services must be appropriate to the category or categories of frail elderly residents to be served (*see* Section G.3. above).

B. 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), as amended by 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), the Rescissions Act (Pub. L. 104–19; enacted on July 27, 1995); the American Homeownership and Economic Opportunity Act of 2000 (Pub. L. 106–569; approved December 27, 2000); and the Consolidated Appropriations Act, 2004 (Pub. L. 108–199, approved January 23, 2004).

C. Calculation of Fund Reservation. If selected, you will receive a fund reservation that will consist of both a reservation of capital advance funds and a reservation of contract authority (one year) and budget authority (five years) for project rental assistance.

1. Capital Advance Funds. The reservation of capital advance funds is based on a formula which takes the development cost limit for the appropriate building type (elevator, non-elevator) and unit size(s) and multiplies it by the number of units of each size (including a unit for a resident manager, if applicable) and then multiplies the result by the high cost factor for the area. The development cost limits can be found in Section IV.E.3. of this program section of the SuperNOFA.

2. PRAC Funds. The PRAC contract authority is determined by multiplying the number of revenue units for elderly persons by the appropriate operating cost standard and then multiplying the result by 12 (months). The PRAC budget authority is determined by multiplying the PRAC contract authority by 5 (years). The operating cost standards will be published by Notice.

II. Award Information

A. Available Funds. For FY2004, approximately $495.2 million is available for capital advances for the Section 202 Supportive Housing for the Elderly Program. The Consolidated Appropriations Act, 2004 (Pub. L. 108–199, approved January 23, 2004) provides $ 699,171,000 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 (12 U.S.C. 1701q), as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act (Pub. L. 101–625, approved November 28, 1990), for project rental assistance, amendments to contracts for project rental assistance, and renewal of expiring contracts for such assistance for up to a one-year term, for supportive housing for the elderly under section 202(c)(2) of the Housing Act of 1959 as well as the amount of $467,000 to be transferred to the Working Capital Fund all of which reflect a .59 percent across-the-board rescission pursuant to Public Law 108–199.

Additionally, the FY2004 Consolidated Appropriations Act provide $20,000,000 for a Section 202 Demonstration Planning Grant Program for predevelopment grants to private nonprofit organizations and consumer cooperatives in connection with the development of housing under the Section 202 program. The announcement of the availability of these funds will be addressed in a separate NOFA.

In accordance with the waiver authority provided in the FY2004 Consolidated 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 FY2004 formula consists of one data element from the 2000 Census: number of one-person elderly renter households (householder age 62 and older) with incomes at or below the applicable Section 8 very low-income limit, and with housing conditions. Housing conditions are defined, as paying more than 30 percent of income for gross rent, or occupying a unit lacking some or all kitchen or plumbing facilities, or occupying an overcrowded unit (1.01 persons per room or more).

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 local 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 local 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 local HUD Office jurisdictions reflect the definitions of metropolitan and nonmetropolitan areas as of the 2000 Census, as defined by the Office of Management and Budget at that time.

A fair share factor is developed for each metropolitan and nonmetropolitan portion of each local HUD Office jurisdiction by dividing the number of elderly renter households in the respective metropolitan and nonmetropolitan portion of the jurisdiction by the total number of elderly rental households in the metropolitan and nonmetropolitan portions of 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 local 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 2004 SECTION 202 ALLOCATIONS BY FIELD OFFICE

	METROPOLITAN		NONMETRO		TOTALS	
OFFICES	UNITS	CAPITAL ADVANCE	UNITS	CAPITAL ADVANCE	UNITS	CAPITAL ADVANCE
BOSTON HUB						
BOSTON	163	$17,050,065	10	$996,102	173	$18,046,167
HARTFORD	83	8,787,604	5	531,452	88	9,319,056
MANCHESTER	42	3,540,080	33	2,772,517	75	6,312,597
PROVIDENCE	46	4,784,554	5	523,675	51	5,308,229
TOTAL	334	$34,162,303	53	$4,823,746	387	$38,986,049
NEW YORK HUB						
NEW YORK	378	$47,017,426	5	$622,188	383	$47,639,614
TOTAL	378	$47,017,426	5	$622,188	383	$47,639,614
BUFFALO HUB						
BUFFALO	115	$10,904,648	24	$2,299,775	139	$13,204,423
TOTAL	115	$10,904,648	24	$2,299,775	139	$13,204,423
PHILADELPHIA HUB						
CHARLESTON	20	$1,648,798	14	$1,183,689	34	$2,832,487
NEWARK	189	20,673,105			189	20,673,105
PHILADELPHIA	163	16,777,940	20	2,057,867	183	18,835,807
PITTSBURGH	80	6,912,749	17	1,459,439	97	8,372,188
TOTAL	452	$46,012,592	51	$4,700,995	503	$50,713,587
BALTIMORE HUB						
BALTIMORE	76	$6,491,148	10	$894,379	86	$7,385,527
RICHMOND	67	5,149,652	22	1,698,573	89	6,848,225
WASHINGTON	74	6,794,588			74	6,794,588
TOTAL	217	$18,435,388	32	$2,592,952	249	$21,028,340
GREENSBORO HUB						
COLUMBIA	48	$3,994,495	17	$1,377,926	65	$5,372,421
GREENSBORO	79	7,621,677	36	3,477,810	115	11,099,487
TOTAL	127	$11,616,172	53	$4,855,736	180	$16,471,908

	METROPOLITAN		NONMETRO		TOTALS	
OFFICES	UNITS	CAPITAL ADVANCE	UNITS	CAPITAL ADVANCE	UNITS	CAPITAL ADVANCE
ATLANTA HUB						
ATLANTA	75	$5,660,125	33	$2,465,635	108	$8,125,760
KNOXVILLE	38	2,715,047	12	838,241	50	3,553,288
LOUISVILLE	47	3,805,447	27	2,169,558	74	5,975,005
NASHVILLE	52	3,781,443	18	1,305,436	70	5,086,879
SAN JUAN	39	3,450,946	5	438,124	44	3,889,070
TOTAL	251	$19,413,008	95	$7,216,994	346	$26,630,002
JACKSONVILLE HUB						
BIRMINGHAM	57	$4,108,623	20	$1,478,820	77	$5,587,443
JACKSON	20	1,389,553	22	1,525,276	42	2,914,829
JACKSONVILLE	246	17,889,694	15	1,121,146	261	19,010,840
TOTAL	323	$23,387,870	57	$4,125,242	380	$27,513,112
CHICAGO HUB						
CHICAGO	192	$20,348,902	30	$3,172,318	222	$23,521,220
INDIANAPOLIS	83	6,796,262	25	2,056,114	108	8,852,376
TOTAL	275	$27,145,164	55	$5,228,432	330	$32,373,596
COLUMBUS HUB						
CINCINNATI	62	$4,889,099	5	$396,645	67	$5,285,744
CLEVELAND	104	9,160,566	14	1,236,884	118	10,397,450
COLUMBUS	47	3,691,620	18	1,403,205	65	5,094,825
TOTAL	213	$17,741,285	37	$3,036,734	250	$20,778,019
DETROIT HUB						
DETROIT	109	$10,139,333	5	$464,049	114	$10,603,382
GRAND RAPIDS	49	3,855,945	18	1,389,164	67	5,245,109
TOTAL	158	$13,995,278	23	$1,853,213	181	$15,848,491
MINNEAPOLIS HUB						
MINNEAPOLIS	76	$7,449,689	28	$2,778,551	104	$10,228,240
MILWAUKEE	88	8,300,477	31	2,970,092	119	11,270,569
TOTAL	164	$15,750,166	59	$5,748,643	223	$21,498,809

	METROPOLITAN		NONMETRO		TOTALS	
OFFICES	UNITS	CAPITAL ADVANCE	UNITS	CAPITAL ADVANCE	UNITS	CAPITAL ADVANCE
FT. WORTH HUB						
FT. WORTH	120	$8,525,371	30	$2,118,983	150	$10,644,354
HOUSTON	75	5,259,711	11	786,599	86	6,046,310
LITTLE ROCK	37	2,439,143	22	1,450,933	59	3,890,076
NEW ORLEANS	64	4,490,972	15	1,061,878	79	5,552,850
SAN ANTONIO	62	4,180,197	13	858,658	75	5,038,855
TOTAL	358	$24,895,394	91	$6,277,051	449	$31,172,445
KANSAS CITY HUB						
DES MOINES	37	$2,743,793	26	$1,943,370	63	$4,687,163
KANSAS CITY	63	5,101,194	27	2,091,770	90	7,192,964
OKLAHOMA CITY	45	3,157,857	19	1,349,120	64	4,506,977
OMAHA	20	1,596,949	16	1,294,061	36	2,891,010
ST LOUIS	52	4,850,866	18	1,699,215	70	6,550,081
TOTAL	217	$17,450,659	106	$8,377,536	323	$25,828,195
DENVER HUB						
DENVER	93	$8,075,133	39	$2,893,063	132	$10,968,196
TOTAL	93	$8,075,133	39	$2,893,063	132	$10,968,196
SAN FRANCISCO HUB						
SAN FRANCISCO	179	$20,921,616	13	$1,411,137	192	$22,332,753
HONOLULU	20	3,733,128	5	933,282	25	4,666,410
PHOENIX	69	5,259,165	10	775,132	79	6,034,297
SACRAMENTO	60	6,082,365	10	1,067,733	70	7,150,098
TOTAL	328	$35,996,274	38	$4,187,284	366	$40,183,558
LOS ANGELES HUB						
LOS ANGELES	306	$30,829,365	5	$502,935	311	$31,332,300
TOTAL	306	$30,829,365	5	$502,935	311	$31,332,300
SEATTLE HUB						
SEATTLE	90	$8,832,953	19	$1,861,291	109	$10,694,244
ANCHORAGE	20	3,733,128	5	933,282	25	4,666,410
PORTLAND	62	5,495,007	25	2,137,476	87	7,632,483
TOTAL	172	$18,061,088	49	$4,932,049	221	$22,993,137
NATIONAL TOTAL	**4,481**	**$420,889,213**	**872**	**$74,274,568**	**5,353**	**$495,163,781**

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B. Type of Award. Capital Advance and Project Rental Assistance Contract Funds for new Section 202 applications.

C. Type of Assistance Instrument. The Agreement Letter stipulates the terms and conditions for the Section 202 fund reservation award as well as the submission requirements following the fund reservation award. The duration of the fund reservation award for the capital advance is 18 months from the date of issuance of the fund reservation.

D. Anticipated Start and Completion Date. Immediately upon your acceptance of the Agreement Letter, you are expected to begin work toward the submission of a Firm Commitment Application, which is the next application submission stage. You are required to submit a Firm Commitment Application to the local HUD office within 180 days from the date of the Agreement Letter. Initial closing of the capital advance and start of construction of the project are expected to be accomplished within the duration of the fund reservation award period as indicated in the above paragraph regarding the Type of Assistance Instrument. Final closing of this capital advance is expected to occur no later than six months after completion of project construction.

III. Eligibility Information

A. Eligible Applicants. Private nonprofit organizations and nonprofit consumer cooperatives who meet the threshold requirements contained in the General Section of the SuperNOFA and Section III.C. 2. below 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.

Applicant eligibility for purposes of applying for a Section 202 fund reservation under this NOFA has not changed; *i.e.*, all Section 202 Sponsors and Co-Sponsors must be private nonprofit organizations and nonprofit consumer cooperatives. However, the Owner corporation, when later formed by the Sponsor, may be (1) A single-purpose private nonprofit organization that has tax-exempt status under Section 501(c)(3) or Section 501(c)(4) of the Internal Revenue Code of 1986, (2) nonprofit consumer cooperative, or (3) for purposes of developing a mixed-finance project pursuant to the statutory provision under Title VIII of the American Homeownership and Economic Opportunity Act of 2000, a for-profit limited partnership with a nonprofit entity as the sole general partner.

See Section IV.E.2. below regarding limits on the total number of units and projects for which you may apply for funding.

B. Cost Sharing or Matching. No cost sharing or match is required; however, you are required to make a commitment to cover the estimated start-up expenses, the minimum capital investment of one-half of one percent of the HUD-approved capital advance, not to exceed $10,000 or for a national Sponsor not to exceed $25,000, and any funds required in excess of the capital advance, including the estimated cost of any amenities or features (and operating costs related thereto) which are not covered by the capital advance. You make such a commitment by signing the Sponsor's Resolution for Commitment to Project in Exhibit 8(h) of the application found in Section IV.B. below.

C. Other:

1. Eligible Activities. Section 202 capital advance funds must be used to finance the development of housing through new construction, rehabilitation, or acquisition with or without rehabilitation. Capital advance funds may also be used in combination with other non-Section 202 funding sources leveraged by a for-profit limited partnership (of which a single-purpose private nonprofit organization is the sole general partner) to develop a mixed-finance project, including a mixed-finance project for additional units over and above the Section 202 units. The development of a mixed-use project in which the Section 202 units are mortgaged separately from the other uses of the structure is not considered a mixed-finance project. 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.

Note: For purposes of approving Section 202 capital advances, HUD will consider proposals involving mixed-financing for additional units over and above the Section 202 units. However, you must obtain funds to assist the additional units with other than PRAC funds. HUD will not provide PRAC funds for non-Section 202 units.

A portion of the PRAC funds (not to exceed $15 per unit/per month) may be used to cover some of the cost of any supportive services for those frail elderly or those elderly determined to be at-risk of being institutionalized. The balance of the cost for services must be paid for from sources other than the capital advance or PRAC funds. Also, the cost of employing a service coordinator for those projects serving principally the frail elderly (when at least 25 percent of the residents will be frail or determined to be at-risk of being institutionalized) is an eligible use of PRAC funds. Section 202 projects receiving Congregate Housing Services assistance under Section 802 of the National Affordable Housing Act are not eligible to use capital advance or PRAC funds for supportive services or the cost of a service coordinator.

2. Threshold Requirements for Funding Consideration. In addition to the threshold criteria outlined in the General Section of the SuperNOFA (such as the inclusion of a DUN and Bradstreet Data Universal Numbering System (DUNS) Number on the SF–424), the following threshold requirements must be met:

a. Non-Responsive Application. Your application will be considered non-responsive to the NOFA and will not be accepted for processing if you:

(1) Submit less than the required number of copies (an original and four copies are required);

(2) Request more units than were allocated in either the metropolitan or nonmetropolitan allocation category to the local HUD Office to which you submitted your application or 125 units, whichever is less (see the allocation chart in Section II.A. above); or

(3) Request less than the minimum number of 5 units per site.

b. Other Criteria. (1) You, or a Co-Sponsor, must have experience in providing housing or services to elderly persons.

(2) You and any Co-Sponsor must be eligible private nonprofit organizations or nonprofit consumer cooperatives with tax exempt status under Internal Revenue Service code.

(3) Your application must contain acceptable evidence of site control (see Exhibit 4(d)(i) of the application in Section IV.B. of this program section of the SuperNOFA).

(a) Evidence of Site Control. You must provide evidence of site control as described in this section and Exhibit 4(d)(i) of Section IV.B. of this program section of the SuperNOFA).

(b) Historic Preservation. You are required to send a letter to the State/Tribal Historic Preservation Officer (SHPO/THPO) that attempts to initiate consultation with their office and requests their review of your determinations and findings with respect to the historical significance of your proposed project. Appendix B to this program section of the SuperNOFA contains a sample letter to the SHPO/THPO that you may adapt for your use, if you so choose. You must include a copy of your letter to the SHPO/THPO

in your application. You must also include in your application either:

(i) The response letter(s) from the SHPO/THPO, or

(ii) A statement from you that you have not received a response letter(s) from the SHPO/THPO.

(c) Contamination. HUD must determine if a proposed site contains contamination and, if so, HUD must be satisfied that it is eliminated to the extent necessary to meet non site-specific Federal, State or local health standards. You must assist HUD by doing the following:

(i) Phase I Environmental Site Assessment (ESA). You must submit a Phase I ESA, prepared in accordance with the ASTM Standards E 1527–00, as amended, completed or updated no earlier than six months prior to the application deadline date. The Phase I ESA must be completed and submitted with the application. Therefore, it is important that you start the Phase I ESA process as soon after publication of the SuperNOFA as possible. To help you choose an environmentally safe site, HUD invites you to review the document ''Choosing an Environmentally Safe Site'' which is available on HUD's Web site at *http://www.hud.gov/grants/index.cfm* and the ''Supplemental Guidance, Environmental Information'', in Appendix C to this program section of the SuperNOFA.

(ii) Phase II ESA. If the Phase I ESA 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 Phase I ESA process identified above must be followed for the new site. However, if you choose to continue with the original site on which the Phase I ESA indicated contamination or hazards, you must undertake a detailed Phase II ESA by an appropriate professional. In order for your application to be considered for review under this FY2004 funding competition, the Phase II must be submitted to the local HUD Office on or before August 6, 2004.

(iii) Clean-up—If the Phase II ESA 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 for review under this FY2004 funding competition, you must submit this information to the local HUD Office on or before August 6, 2004.

Note: Clean-up could be an expensive undertaking. You must pay for the cost of any clean-up and/or remediation. If the application is approved, clean-up must be completed prior to initial closing. Completion of clean-up means that hud must be satisfied that the contamination has been eliminated to the extent necessary to meet non site-specific federal, state or local health standards, with no active or passive remediation still taking place, no capping over of any contamination, and no monitoring wells. However, it is acceptable if contamination remains solely in groundwater that is at least 25 feet below the surface.

(d) Asbestos. Asbestos is a hazardous substance commonly used in building products until the late 1970s. Therefore, you must submit one of the following with your application:

(i) If there is no pre-1978 structure on the site, a statement to this effect, or

(ii) If there is a pre-1978 structure on the site, an asbestos report which is based on a thorough inspection to identify the location and condition of asbestos throughout any structures. In those cases where suspect asbestos is found, it would either be assumed to be asbestos or would require confirmatory testing. If the asbestos report indicates the presence of asbestos or the presence of asbestos is assumed, and if the application is approved, HUD will condition the approval on an appropriate mix of asbestos abatement and an asbestos Operations and Maintenance Plan.

(4) There must be a market need for the number of units proposed in the area of the project location.

(5) You are required to include a Supportive Services Plan that describes the supportive services proposed to be provided to the anticipated occupants, including a description of the public or private funds that are expected to fund the proposed services and the manner in which the services will be provided to the proposed residents (see Exhibit 5 in Section IV.B. of this program section of the SuperNOFA). You must not require residents to accept any supportive services as a condition of occupancy or admission.

(6) Delinquent Federal Debt. Refer to the General Section of the SuperNOFA for information regarding delinquent Federal debt.

3. Program Requirements. By signing Form HUD–92015–CA, Application for Section 202 Capital Advance, you are certifying that you will comply with all program requirements listed in the General Section of the SuperNOFA as well as the following requirements:

a. Statutory and Regulatory Requirements. In addition to the statutory, regulatory, threshold and public policy requirements listed in the General Section of this SuperNOFA, you must comply with all statutory and regulatory requirements listed in Sections I and III of this program NOFA.

b. Application/Project Size Limits.

(1) Application Limits Applicable to Sponsors or Co-Sponsors. 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. Affiliated entities (organizations that are branches or offshoots of a parent organization) that submit separate applications are considered a single entity for the purpose of this limit.

(2) Maximum Project Size. No single application may propose the development of a project for more than the number of units allocated to a local HUD Office (in either the metropolitan or nonmetropolitan allocation category, depending on the location of your proposed project) or 125 units, whichever is less. For example, the local HUD Office, which has jurisdiction over the area of your proposed project, was allocated 80 units (metropolitan) and 20 units (nonmetropolitan) for a total of 100 units. You cannot apply for more than 80 units if your proposed project is in a metropolitan area and no more than 20 units if the project is in a nonmetropolitan area.

(3) Minimum Project Size. The minimum number of units that can be applied for in one application is five units. If the proposed project will be a scattered-site development, the five-unit minimum requirement will apply to each site.

c. Minimum Capital Investment. If selected, you 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.

d. Accessibility. Your project must meet accessibility requirements published at 24 CFR 891.120, 24 CFR 891.210, and Section 504 of the Rehabilitation Act of 1973, and, if new construction, the design and construction requirements of the Fair Housing Act and HUD's implementing regulations at 24 CFR part 100. In addition, 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. HUD will award higher points to applications that add accessible design features beyond those required under civil rights laws and regulations. Refer to Section V.A. below and the General Section of the SuperNOFA for information regarding the policy priority of encouraging accessible design.

e. Conducting Business in Accordance with HUD Core Values and Ethical Standards. You Section are not subject to the requirements of 24 CFR parts 84 and 85 as outlined in the General Section of the SuperNOFA. However, you are still subject to the core values and ethical standards as they relate to the conflict of interest provisions in 24 CFR 891.130. To ensure compliance with the program's conflict of interest provisions, you are required to sign a Conflict of Interest Resolution and include it in your Section 202 application. Further, if awarded a Section 202 fund reservation, the officers, directors, board members, trustees, stockholders and authorized agents of the Section 202 Sponsor and Owner entities will be required to submit to HUD individual certifications regarding compliance with HUD's conflict of interest requirements.

f. National Environmental Policy Act. You must comply with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321) and applicable related environmental authorities at 24 CFR 50.4, HUD's programmatic implementing regulations at 24 CFR part 50 and 24 CFR 891.155(b), especially, but not limited to, the provision of information to HUD at 24 CFR 50.31(b) and you must comply with any environmental ''conditions and safeguards'' at 24 CFR 50.3(c).

Under 24 CFR Part 50, HUD has the responsibility for conducting the environmental reviews. HUD cannot approve any site unless it first completes the environmental review. In rare cases where HUD is not able to complete the environmental review, it is due to a complex environmental issue that could not be resolved during the time period allocated for application processing. Thus, HUD requires you to attempt to obtain comments from the State/Tribal Historic Preservation Officer (see Exhibit 4(d)(ix) of Section IV.B. below) to help HUD complete the environmental review on time. It is also why HUD may contact you for additional environmental information. So that you can review the type of information that HUD needs for its preparation of the environmental review as well as the type of information requests that HUD may make to you, you are invited to go to the following website to view the HUD form 4128, including the Sample Field Notes Checklist, which HUD uses to record the environmental review: *http://www.hud.gov/utilities/intercept.cfm?/offices/cpd/energyenviron/environment/compliance/forms/4128.pdf.*

g. Executive Order 13202, Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects. Refer to the General Section of the SuperNOFA for information regarding Executive Order 13202.

IV. Application and Submission Information

A. Addresses to Request Application Package. All information required to complete and return a valid application is included in the General Section and this program section of the SuperNOFA, including appendices. Copies of the General Section, this program section, and the required forms and appendices are available and may be downloaded from HUD's Web site at *http://www.hud.gov/grants/index.cfm.*

You may request general information, copies of the General Section and program section of the SuperNOFA (including appendices), and required forms from the NOFA Information Center (800–HUD–8929 or 800–HUD–2209 (TTY)) between the hours of 9 a.m. and 8 p.m. (Eastern Time) Monday through Friday, except on federal holidays. When requesting information, please refer to the name of the program you are interested in. 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 copies of the SuperNOFA can be made immediately following its publication. The NOFA Information Center opens for business simultaneously with the publication of the SuperNOFA.

B. Content and Form of Application Submission. The exhibits to be included in your application are contained in the body of this program section of the SuperNOFA. There will not be a separate Application Kit provided this year. Before preparing your application, you should carefully review the requirements of the regulations (24 CFR Part 891) and general program instructions in Handbook 4571.3 REV–1, Section 202 Capital Advance Program for Housing the Elderly. **Note:** *Section 1001 of Title 18 of the United States Code (Criminal Code and Criminal Procedure, 72 Stat. 967 applies to all information supplied in the application submission).* (18 U.S.C. 1001, among other things, provides that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.)

The Application for a Section 202 Capital Advance consists of four parts with a total of eight Exhibits. Included with the eight Exhibits are prescribed forms, certifications and resolutions. The components of the Application are:

Part 1—Application Form for Section 202 Supportive Housing—Capital Advance (Exhibit 1)

Part 2—Your Ability to Develop and Operate the Proposed Project (Exhibits 2 and 3)

Part 3—The Need for Supportive Housing for the Target Population in the Area to be Served, Site Control and Suitability of Site, Adequacy of the Provision of Supportive Services and of the Proposed Project (Exhibits 4 and 5)

Part 4—General Application Requirements, Certifications and Resolutions (Exhibits 6 through 8).

Appendix A—Listing of Local HUD Offices

Appendix B—Letter Requesting SHPO/THPO Review

Appendix C—Supplemental to Choosing an Environmentally Safe Site

Your application must include all of the information, materials, forms, and exhibits listed below (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 Exhibits 2(a), (b), and (c), 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 local HUD Office will verify your indication of previous HUD approval by checking the project number and approval status with the appropriate local HUD Office based on the information submitted.

In addition to this relief of paperwork burden in preparing applications, you will be able to use information and exhibits 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 the provision of housing and services, supportive services plans, community ties, and experience serving minorities.

You must contact the appropriate local HUD Office to obtain information about the submission of applications within the jurisdiction of that Office as well as information relating to the Phase I Environmental Site Assessment, Exhibit 4(d)(vii).

Note: You may propose a scattered site project in one application, in which case the minimum unit requirement per site and the maximum number of units per application as specified in Section III.C.3.b. above apply.

Please submit your application using the following format provided in this program section of the SuperNOFA, indexed and tabbed accordingly.

1. Table of Contents (This is also to be used as a checklist to assist you in submitting a complete application. After your application is complete, insert the page number on the blank line associated with the Exhibit or portion of the Exhibit.)

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a. PART I - APPLICATION FORM FOR SECTION 202 SUPPORTIVE HOUSING - CAPITAL ADVANCE

(1) EXHIBIT 1:Form HUD-92015-CA, Application for Section 202 Supportive Housing Capital Advance ____

b. PART II - YOUR ABILITY TO DEVELOP AND OPERATE THE PROPOSED PROJECT

(1) 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 YOUMAY BE EXEMPT FROM SUBMITTING THESE DOCUMENTS.]

(2) 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, to the target population, and description of geographic areas served ____

(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) Description of practical solutions to be implemented ____

(h) Project Development Timeline ____

(i) Description of how project will remain viable ____

(i) if service funds are depleted ____

(ii) for state-funded services, if state changes policy ____

(iii) if the need for project changes ____

(j) Description of efforts to remove barriers to affordable housing ____

c. PART III - THE NEED FOR SUPPORTIVE HOUSING FOR THE TARGET POPULATION IN THE AREA TO BE SERVED, SITE CONTROL AND SUITABILITY OF SITE, ADEQUACY OF THE PROVISION OF SUPPORTIVE SERVICES AND OF THE PROPOSED PROJECT

(1) 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 ____

(iii) If applicable, description of plans and actions to create a mixed-finance project for additional units and the number of additional units ____

(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) Evidence of compliance with URA site notification requirement ____

(v) Narrative topographical/demographic description of site/area suitability,

how site will promote greater housing opportunities for minorities/target population ____

(vi) Racial composition/concentration map of site ____

(vii) Phase I Environmental Site Assessment ____

(viii) Asbestos Statement or Report ____

(ix) Letter to State/Tribal Historic Preservation Officer (SHPO/THPO) ____

(x) Response from SHPO/THPO or statement that SHPO/THPO failed to respond ____

(2) EXHIBIT 5: Supportive Services Plan

(a) Description of services ____

(b) Public/private funding sources for proposed services ____

(c) Manner in which services will be provided ____

. PART IV - GENERAL APPLICATION REQUIREMENTS, CERTIFICATIONS AND ESOLUTIONS

(1) EXHIBIT 6: A list of applications, if any, you have submitted or are planning to ıbmit to any other local HUD Office in response to the Section 202 or Section 811 NOFA, ıd required information about each ____

(2) EXHIBIT 7: 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 ____

(3) EXHIBIT 8: Certifications and Resolutions:

(a) Standard Form 424, Application for Federal Assistance ____

(b) Standard Form 424 Supplement, Survey on Ensuring Equal Opportunity for Applicants ____

(c) Form HUD-424B, Applicant Assurances and Certifications ____

(d) Standard Form LLL, Disclosure of Lobbying Activities, if applicable ____

(e) Form HUD-2880, Applicant/Recipient Disclosure/Update Report ____

(f) Form HUD-2991, Certification of Consistency with the Consolidated Plan ____

(g) Form HUD-92041, Sponsor's Conflict of Interest Resolution ____

(h) Form HUD-92042, Sponsor's Resolution for Commitment to Project ____

(i) Form HUD-2990, Certification of Consistency with the RC/EZ/EC Strategic Plan ____

(j) Form HUD-2530, Previous Participation Certification ____

(k) Form HUD-96010, Logic Model ____

(l) Form HUD-27300, Questionnaire for HUD's Initiative on Removal of Regulatory Barriers ____

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2. General Applications Requirements

a. Part I—Application Form for Section 202 Supportive Housing—Capital Advance

(1) Exhibit 1—Form HUD–92015–CA, Application for Section 202 Supportive Housing Capital Advance. Refer to Section IV.B.3. of this program section for a copy of this form.

b. Part II—Your Ability To Develop and Operate the Proposed Project

(1) Exhibit 2—Evidence of your legal status (Private nonprofit or nonprofit consumer cooperative (If another organization(s) is co-sponsoring the application with you, each Co-Sponsor must also submit the following):

(a) Articles of Incorporation, constitution, or other organizational documents;

(b) By-laws;

(c) IRS tax exemption ruling (this must be submitted by all Sponsors, including churches).

[Exception: If you received a section 202 Fund Reservation within the last three funding cycles, you are not required to submit the documents described in (a), (b), and (c) above. Instead, submit the project number of the latest application and the local 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) Exhibit 3—Your purpose, community ties and experience:

(a) A description of your purpose(s), current activities, and how long you have been in existence.

(b) A description of your ties to the community in which your project will be located and to the minority and elderly communities in particular, including a description of the specific geographic area(s) in which you have served.

(c) A description of local government support for the project (including financial assistance, donation of land, provision of services, etc.).

(d) Letters of support for your organization and for the proposed project from organizations familiar with the housing and supportive services needs of the target population that you expect to serve in the proposed project.

(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 sponsored, own and/or operate, 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 target population (the elderly 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.

(f) A description of your efforts to involve members of the target population (elderly persons, including minority elderly persons) in the development of the application as well as your intent to involve the target population in the development and operation of the project.

(g) A description of the practical solutions you will implement which will enable residents of your project to achieve independent living. In addition, describe the educational opportunities you will provide for the residents and how you will provide them. This description should include any activities that will enhance the quality of life for the residents. And, finally, describe how your proposed project will be an improved living environment for the residents when compared to their previous place of residence.

(h) Describe your plan for completing the proposed project. Include a project development timeline which lists the major development stages for the project with associated dates that must be met in order to get the project to initial closing and start of construction within the 18-month fund reservation period as well as the full completion of the project, including final closing. Completion of Exhibit 8(k), Logic Model, will assist you in completing your response to this Exhibit.

(i) Describe how you will ensure that your proposed project will remain viable as housing with the availability of supportive services for the target population for the 40-year capital advance period. This description should address the measures you would take should any of the following occur:

(i) funding for any of the needed supportive services becomes depleted;

(ii) if, for any state-funded services for your project, the state changes its policy regarding the provision of supportive services to projects such as the one you propose; or

(iii) if the need for housing for the population you will be serving wanes over time, causing vacancies in your project.

(j) A description of the activities you have undertaken to remove barriers to affordable housing in the community in which your proposed project will be located. In this description include how you have supported state and local efforts to streamline processes and procedures, eliminate redundant requirements, statutes, regulations, and codes which impede the availability of affordable housing. Completion of Exhibit 8(l), Questionnaire for HUD's Initiative on Removal of Regulatory Barriers, will assist you in completing your response to this Exhibit.

c. Part III—The Need for Supportive Housing for the Target Population, Site Control and Suitability of Site, Adequacy of the Provision of Supportive Services and of the Proposed Project

(1) Exhibit 4—Need and Project Information

(a) Evidence of need for supportive housing. 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 the Rural Housing Service (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 or (where applicable) the State's Consolidated Plan, Analysis of Impediments to Fair Housing Choice (AI) or other planning document that analyzes fair housing issues was used in documenting the need for the project.

(b) A description of how the proposed project will benefit the target population and the community in which it will be located.

(c) Description of the project.

(i) Narrative description of the building design including a description of the number of units with bedroom

distribution, any special design features, including any features that incorporate visitability standards and universal design, amenities, and/or commercial and community spaces, 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 the community spaces, amenities, or features do not comply with the project design and cost standards of 24 CFR 891.120(a) and (c) and the special standards of 24 CFR 891.210, 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;

(ii) Describe whether and how the project will promote energy efficiency, including any plans to incorporate energy efficiency features in the operation of the project through the use of Energy Star labeled products and appliances and, if applicable, innovative construction or rehabilitation methods or technologies to be used that will promote efficient construction.

(iii) If you are proposing to develop a mixed-finance project by developing additional units (*i.e.*, in addition to the 202 units), a description of any plans and actions you have taken to create such a mixed-finance project with the use of 202 capital advance funds, in combination with other funding sources. Provide the number of non-Section 202 units to be included in the mixed-finance project (also provide the number of additional units in the appropriate space on Form HUD–92015–CA). Also, provide copies of any letters you have sent seeking outside funding for the non-202 units and any responses thereto. Your response to this Exhibit will be used to rate your application for Rating Factor 4.c., under Leveraging Resources.

Notes: (1) If you propose to develop a mixed-finance project for additional units, you must complete the development of such a proposal. If you are later unable to develop a mixed-finance project for additional units, you will not be permitted to proceed with a Section 202 project without additional units and your fund reservation will be canceled. This is due to the fact that the project would have received points in the rating of the application in consideration of the additional units and, if selected for funding, a later change in the proposal to exclude the additional units would alter the fairness of the competition. (2) Section 202 capital advance amendment money will not be approved for projects proposing mixed-financing for additional units. (3) If approved for a reservation of capital advance funds, you will be required to submit with your Firm Commitment Application, the additional documents required by HUD for mixed-finance proposals. (4) A mixed-finance project does not include the development of a mixed-use project in which the Section 202 units are mortgaged separately from the other uses of the structure.

(d) Evidence of site control and permissive zoning.

(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 with renewable provisions for 25 years;

(B) Contract of sale for the site that is free of any limitations affecting the ability of the seller 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 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, must state a firm price binding on the seller, and be renewable at the end of the six-month period. The only condition on which the option may be terminated is if you are not awarded a fund reservation;

(D) If the site is covered by a mortgage under a HUD program, (*e.g.*, a previously funded Section 202 or Section 811 project or an FHA-insured mortgage) you must submit evidence that consent to release the site from the mortgage has been obtained or is being requested from HUD and from the mortgagee, if other than HUD (approval to release the site from the mortgage must be done before the local HUD Office makes its selection recommendations to HUD Headquarters); or

(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 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 of commitment will be considered sufficient evidence of site control.

(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 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 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.

(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 the 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.).

(iv) Evidence of compliance with the URA requirement that the seller has been provided, in writing, with the required information regarding a voluntary, arm's length purchase transaction (*i.e.*, (1) applicant does not have the power of eminent domain and, therefore, will not acquire the property

if negotiations fail to result in an amicable agreement, and (2) of the estimate of the fair market value of the property).

Note: This information should have been provided before making the purchase offer. However, in those cases where there is an existing option or contract, the seller must be provided the opportunity to withdraw from the agreement or transaction, without penalty, after this information is provided.

(v) Narrative describing topographical and demographic aspects of the site, the suitability of the site and area (as well as a description of the characteristics of the neighborhood), how use of the site will promote greater housing opportunities for minority elderly and elderly persons with disabilities, and how use of the site will affirmatively further 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 jurisdiction's Analysis of Impediments (AI) to Fair Housing Choice, 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.

(vi) A map showing the location of the site, the racial composition of the neighborhood, and any areas of racial concentration.

Note: For this competition, when determining the racial and ethnic composition of the neighborhood surrounding the proposed site, use data from the 2000 Census of Population. Data from the 2000 Census may be found at: *http:www.factfinder.census.gov/servlet/BasicFactsServlet.*

(vii) A Phase I Environmental Site Assessment (ESA), in accordance with the ASTM Standards E 1527–00, as amended, must be completed and submitted with the application. In order for the Phase I ESA to be acceptable, it must have been completed or updated no earlier than six months prior to the application deadline date. Therefore, it is important to start the site assessment process as soon after the publication of the NOFA as possible. If the Phase I ESA indicates 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 Phase I ESA process identified above must be followed for the new site. If the property is to be acquired from the FDIC/RTC, include a copy of the FDIC/RTC prepared Transaction Screen Checklist or Phase I ESA and applicable documentation, per the FDIC/RTC Environmental Guidelines. If you choose to continue with the original site on which the Phase I ESA indicated contamination or hazards, you must undertake a detailed Phase II ESA by an appropriate professional. If the Phase II Assessment reveals site contamination, you must submit the extent of the contamination and a plan for clean-up of the site including 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 to the local HUD office. The Phase II and any necessary plans for clean-up do not have to be submitted with the application but must be submitted to the local HUD office by August 6, 2004. If it is not submitted by that date, the application will be rejected.

Note: You must pay for the cost of any clean-up or remediation which can be very expensive.

(viii) You must submit one of the following:

(A) If there is no pre-1978 structure on the site, a statement to this effect, or

(B) If there is a pre-1978 structure on the site, an asbestos report which is based on a thorough inspection to identify the location and condition of asbestos throughout any structures.

Note: In those cases where suspect asbestos is found, it would either be assumed to be asbestos or would require confirmatory testing. If the asbestos report indicates the presence of asbestos, or the presence of asbestos is assumed, and if the application is approved, HUD will condition the approval on an appropriate mix of asbestos abatement and an asbestos Operations and Maintenance Plan.

(ix) The letter you sent to the State/Tribal Historic Preservation Officer (SHPO/THPO) initiating consultation with their office and requesting their review of your determinations and findings with respect to the historical significance of your proposed project. Appendix B to this program section of the SuperNOFA contains a sample letter that you may adapt and send to the SHPO/THPO.

(x) The SHPO/THPO response to your letter or a statement that you have not received a response letter from the SHPO/THPO.

(2) Exhibit 5—Supportive Services Plan

(a) A detailed description of the supportive services proposed to be provided to the anticipated occupancy.

(b) A description of public or private sources of assistance that reasonably could be expected to fund the proposed services.

(c) 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 admission or occupancy, to accept any supportive services.

d. Part IV—General Application Requirements, Certifications and Resolutions

(1) Exhibit 6: A list of the applications, if any, you have submitted or are planning to submit to any other local HUD office in response to the Section 202 or Section 811 NOFA. Indicate by local HUD office, the proposed location by city and state and the number of units requested for each application. Include a list of all FY2003 and prior year Section 202 and Section 811 capital advance projects to which you are a party. Identify each by project number and local HUD office and include the following information:

(a) whether the project has initially closed and, if so, when;

(b) if the project was older than 24 months when it initially closed (specify how old) or if older than 24 months now (specify how old) and has not initially closed, provide the reasons for the delay in closing;

(c) whether amendment money was or will be needed for any project in (b) above; and,

(d) those projects which have not been finally closed.

(2) Exhibit 7: A statement that:

(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.

(b) indicates the estimated cost of relocation payments and other services.

(c) identifies the staff organization that will carry out the relocation activities.

(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).]

(3) Exhibit 8: Certifications and Resolutions. With the exception of Form HUD–424CB and Form HUD–424CBW listed in the General Section of the SuperNOFA, and OMB Circulars A–87 and A–21, you are required to submit signed copies of the following:

(a) Standard Form 424—Application for Federal Assistance, including a DUNS number, an indication of whether you are delinquent on any federal debt, and compliance with Executive Order 12372 (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). Refer to the General Section of the SuperNOFA for a copy of this form and instructions on how to obtain a DUNS number.

(b) Standard Form 424 Supplement, Survey on Ensuring Equal Opportunity for Applicants. Although the information on this form will not be considered in making funding decisions, it will assist the federal government in ensuring that all qualified applicants have an equal opportunity to compete for federal funding. Refer to the General Section of the SuperNOFA for a copy of this form.

(c) Form HUD–424B, Applicant Assurances and Certifications. Refer to the General Section of the SuperNOFA for a copy of this form.

(d) Standard Form LLL—Disclosure of Lobbying Activities (if applicable). A disclosure of activities conducted to influence any federal transactions. Refer to the General Section of the SuperNOFA for a copy of this form.

(e) Form HUD–2880, Applicant/Recipient Disclosure/Update Report, including Social Security and Employee Identification Numbers. A disclosure of assistance from other government sources received in connection with the project. Refer to the General Section of the SuperNOFA for a copy of this form.

(f) Form HUD–2991, Certification of Consistency with the Consolidated Plan (Plan) 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 the program section of the SuperNOFA. The Plan regulations are published in 24 CFR part 91. Refer to the General Section of the SuperNOFA for a copy of this form.

(g) Form HUD–92041, Sponsor's Conflict of Interest Resolution. 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. Refer to Section IV.B.3. below for a copy of this Resolution.

(h) Form HUD–92042, Sponsor's Resolution for Commitment to Project. 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 or for national Sponsors, not to exceed $25,000), and the estimated cost of any amenities or features (and operating costs related thereto) that would not be covered by the approved capital advance. Refer to Section IV.B.3. below for a copy of this Resolution.

(i) Form HUD–2990, Certification of Consistency with the RC/EZ/EC Strategic Plan. A certification that the project is consistent with the RC/EZ/EC strategic plan, is located within the RC/EZ/EC, and serves RC/EZ/EC residents. (This certification is not required if the project site(s) will not be located in an RC/EZ/EC.) Refer to the General Section of the SuperNOFA for a copy of this form.

(j) Form HUD–2530, Previous Participation Certification. This form must be submitted for the Sponsor and all of the Officers and Directors of the Board of the Sponsor, including any Co-Sponsor, if applicable. This form provides HUD with a certified report of all your previous participation in HUD multifamily housing projects. The information is used to determine if you meet the standards established to ensure that all principal participants in HUD projects will honor their legal, financial and contractual obligations and are acceptable risks from the underwriting standpoint of an insurer, lender or governmental agency. Refer to Section IV.B.3. below for a copy of this form.

(k) Form HUD–96010, Logic Model. In addition to the Project Development Timeline to be submitted in Exhibit 3(h) above, the information provided in the Logic Model will be used in rating your application for Rating Factor 5, Achieving Results and Program Evaluation. Refer to the General Section of the SuperNOFA for a copy of this form.

(l) Form HUD–27300, Questionnaire for HUD's Initiative on Removal of Regulatory Barriers. In addition to the information you provided in response to Exhibit 3(j) above, this Questionnaire will be considered in the rating of your application for Rating Factor 3.k. Refer to the General Section of the SuperNOFA for a copy of this form.

3. Required Forms. In addition to the required forms that are found in the General Section of the SuperNOFA as specified above, the following required forms (HUD–92015–CA, HUD–92041, HUD–92042, and HUD–2530) are specific to the Section 202 program.

BILLING CODE 4210–32–P

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. 05/30/2004)

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)

1a. Sponsor is a "grassroots" organization ☐ Yes ☐ No

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 a Federally-designated: (1) Empowerment Zone, (2) Enterprise Community, (3) Urban Enhanced Enterprise Community, (4) Strategic Planning Community, or (5) Renewal 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 202 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

Year Built (yyyy) ☐

11. Type of Building(s)
☐ Row/Townhouse ☐ Semi-detached
☐ Walk-up ☐ 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	☐	☐	

16a. Community Spaces to be included in Project

16b. Mixed-Finance or Mixed-Use Project For Additional Units
☐ Yes ☐ No
No. of Additional Units _____

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 the SuperNOFA, 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** (04/2002)
ref: Handbook 4571.3 Rev-1

SPONSOR'S CONFLICT OF INTEREST RESOLUTION

U.S. Department of Housing and Urban Development
Office of Housing
Federal Housing Commissioner

OMB Approval No. 2502-0267
(exp. 03/31/2004)

Public reporting burden for this collection of information is estimated to average .40 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. HUD 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 required for HUD's Supportive Housing for the Elderly under Section 202 and Supportive Housing for Persons with Disabilities under Section 811. The information is necessary to assist HUD in determining applicant eligibility and ability to develop housing for the elderly and for persons with disabilities within 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 collection of information does not collect any sensitive information. HUD does not ensure confidentiality.

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 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 _____

day of _____, _____.

_____

Authorized Signature

SPONSOR'S RESOLUTION FOR COMMITMENT TO PROJECT

U.S. Department of Housing and Urban Development
Office of Housing
Federal Housing Commissioner

Public reporting burden for this collection of information is estimated to average .40 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. HUD 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 required for HUD's Supportive Housing for the Elderly under Section 202 and Supportive Housing for Persons with Disabilities under Section 811. The information is necessary to assist HUD in determining applicant eligibility and ability to develop housing for the elderly and for persons with disabilities within 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 collection of information does not collect any sensitive information. HUD does not ensure confidentiality.

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

Previous Participation Certification

U.S. Department of Housing and Urban Development
Office of Housing/Federal Housing Commissioner

U.S. Department of Agriculture
Farmers Home Administration

OMB Approval No. 2502-0118
(exp. 7/31/2006)

Part I To be completed by Principals of Multifamily Projects. See Instructions
Reason for Submitting Certification

For HUD HQ/FmHA use only

1. Agency Name and City where the application is filed

2. Project Name, Project Number, City and Zip Code contained in the application

3. Loan or Contract Amount	4. Number of Units or Beds	5. Section of Act	6. Type of Project (check one) ☐ Existing ☐ Rehabilitation ☐ Proposed (New)

List of All Proposed Principal Participants

7. Names and Addresses of All Known Principals and Affiliates (people, businesses & organizations) proposing to participate in the project described above. (list names alphabetically; last, first, middle initial)	8. Role of Each Principal in Project	9. Expected % Owner ship Interest in Project	10. Social Security or IRS Employer Number

Certifications: I (meaning the individual who signs as well as the corporations, partnerships or other parties listed above who certify) hereby apply to HUD or USDA-FmHA, as the case may be, for approval to participate as a principal in the role and project listed above based upon my following previous participation record and this Certification.

I certify that all the statements made by me are true, complete and correct to the best of my knowledge and belief and are made in good faith, including the data contained in Schedule A and Exhibits signed by me and attached to this form. **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)

I further certify that:

1. Schedule A contains a listing of every assisted or insured project of HUD, USDA-FmHA and State and local government housing finance agencies in which I have been or am now a principal.
2. For the period beginning 10 years prior to the date of this certification, and except as shown by me on the certification.
   a. No mortgage on a project listed by me has ever been in default, assigned to the Government or foreclosed, nor has mortgage relief by the mortgagee been given;
   b. I have not experienced defaults or noncompliances under any Conventional Contract or Turnkey Contract of Sale in connection with a public housing project;
   c. To the best of my knowledge, there are no unresolved findings raised as a result of HUD audits, management reviews or other Governmental investigations concerning me or my projects;
   d. There has not been a suspension or termination of payments under any HUD assistance contract in which I have had a legal or beneficial interest;
   e. I have not been convicted of a felony and am not presently, to my knowledge, the subject of a complaint or indictment charging a felony. (A felony is defined as any offense punishable by imprisonment for a term exceeding one year, but does not include any offense classified as a misdemeanor under the laws of a State and punishable by imprisonment of two years or less);
   f. I have not been suspended, debarred or otherwise restricted by any Department or Agency of the Federal Government or of a State Government from doing business with such Department or Agency.
   g. I have not defaulted on an obligation covered by a surety or performance bond and have not been the subject of a claim under an employee fidelity bond.
3. All the names of the parties, known to me to be principals in this project(s) in which I propose to participate, are listed above.
4. I am not a HUD/FmHA employee or a member of a HUD/FmHA employee's immediate household as defined in Standards of Ethical Conduct for Employees of the Executive Branch in 5 C.F.R. Part 2635 (57 FR 35006) and HUD's Standard of Conduct in 24 C.F.R. Part O and USDA's Standard of Conduct in 7 C.F.R. Part O Subpart B.
5. I am not a principal participant in an assisted or insured project as of this date on which construction has stopped for a period in excess of 20 days or which has been substantially completed for more than 90 days and documents for closing, including final cost certification have not been filed with HUD or FmHA.
6. To my knowledge I have not been found by HUD or FmHA to be in noncompliance with any applicable civil rights laws.
7. I am not a Member of Congress or a Resident Commissioner nor otherwise prohibited or limited by law from contracting with the Government of the United States of America.
8. Statements above (if any) to which I cannot certify have been deleted by striking through the words with a pen. I have initialed each deletion (if any) and have attached a true and accurate signed statement (if applicable) to explain the facts and circumstances which I think helps to qualify me as a responsible principal for participation in this project.

Typed or Printed Name of Principal	Signature of Principal	Certification Date (mm/dd/yyyy)	Area Code and Telephone No.

This form was prepared by (Please print name)	Area Code and Telephone No.

Schedule A: List of Previous Projects and Section 8 Contracts. By my name below is the complete list of my previous projects and my participation history as a principal; in Multifamily Housing programs of HUD/FmHA, State, and Local Housing Finance Agencies. **Note:** Read and follow the instruction sheet carefully. Abbreviate where possible. Make full disclosure. Add extra sheets if you need more space. Double check for accuracy. If you have no previous projects write, by your name, **"No previous participation, First Experience."**

1. List each Principal's Name (list in alphabetical order, last name first)	2. List Previous Projects (give the I.D. number, project name, city location, & government agency involved if other than HUD)	3. List Principals' Role(s) (indicate dates participated, and if fee or identity of interest participant)	4. Status of Loan (current, defaulted, assigned, or foreclosed)	5. Was Project ever in Default, during your participation? Yes	No	If "Yes," explain	6. Last Mgmt. and/or Physical Inspctn Rating

Part II – For HUD Internal Processing Only

Received and checked by me for accuracy and completeness; recommend approval or transferral to Headquarters as checked below:

Date (mm/dd/yyyy)	Telephone Number and Area Code	☐ A. No adverse information; form HUD-2530 approval is recommended.	☐ C. Disclosure or Certification problem
Staff	Processing and Control	☐ B. Name match in system	☐ D. Other, our memorandum is attached.
Supervisor		Director of Housing / Director, Multifamily Division	Approved ☐ Yes ☐ No — Date (mm/dd/yyyy)

Instructions for Completing the Previous Participation Certificate, form HUD-2530

Carefully read these instructions and the applicable regulations. A copy of those regulations published at 24 C.F.R. 200.210 to 200.245 can be obtained from the Multifamily Housing Representative at any HUD Office. Type or print neatly in ink when filling out this form. Mark answers in all blocks of the form. If the form is not filled completely, it will delay approval of your application.

Attach extra sheets as you need them. Be sure to indicate "Continued on Attachments" wherever appropriate. Sign each additional page that you attach if it refers to you or your record. If you have many projects to list (20 or more) and expect to be applying frequently for participation in HUD projects, you should consider filing a Master List. See Master List instructions below under "Instructions for Completing Schedule A."

Carefully read the certification before you sign it. Any questions regarding the form or how to complete it can be answered by your HUD Office Multifamily Housing Representative.

Purpose: This form provides HUD with a certified report of all previous participation in HUD multifamily housing projects by those parties making application. The information requested in this form is used by HUD to determine if you meet the standards established to ensure that all principal participants in HUD projects will honor their legal, financial and contractual obligations and are acceptable risks from the underwriting standpoint of an insurer, lender or governmental agency. HUD requires that you certify your record of previous participation in HUD/USDA-FmHA, State and Local Housing Finance Agency projects by completing and signing this form, before your project application or participation can be approved.

HUD approval of your certification is a necessary precondition for your participation in the project and in the capacity that you propose. If you do not file this certification, do not furnish the information requested accurately, or do not meet established standards, HUD will not approve your certification.

Note that approval of your certification does not obligate HUD to approve your project application, and it does not satisfy all other HUD program requirements relative to your qualifications.

Who Must Sign and File Form HUD-2530: Form HUD-2530 must be completed and signed by all parties applying to become principal participants in HUD multifamily housing projects, including those who have no previous participation. The form must be signed and filed by all principals and their affiliates who propose participating in the HUD project. Use a separate form for each role in the project unless there is an identity of interest.

Principals include all individuals, joint ventures, partnerships, corporations, trusts, nonprofit organizations, any other public or private entity, that will participate in the proposed project as a sponsor, owner, prime contractor, turnkey developer, managing agent, nursing home administrator or operator, packager, or consultant. Architects and attorneys who have any interest in the project other than an arms length fee arrangement for professional services are also considered principals by HUD.

In the case of partnerships, all general partners regardless of their percentage interest and limited partners having a 25 percent or more interest in the partnership are considered principals. In the case of public or private corporations or governmental entities, principals include the president, vice president, secretary, treasurer and all other executive officers who are directly responsible to the board of directors, or any equivalent governing body, as well as all directors and each stockholder having a 10 percent or more interest in the corporation.

Affiliates are defined as any person or business concern that directly or indirectly controls the policy of a principal or has the power to do so. A holding or parent corporation would be an example of an affiliate if one of its subsidiaries is a principal.

Exception for Corporations – All principals and affiliates must personally sign the certificate except in the following situation. When a corporation is a principal, all of its officers, directors, trustees and stockholders with 10 percent or more of the common (voting) stock need not sign personally if they all have the same record to report. The officer who is authorized to sign for the corporation or agency will list the names and title of those who elect not to sign. However, any person who has a record of participation in HUD projects that is separate from that of his or her organization must report that activity on this form and sign his or her name. The objective is **full** disclosure.

Exemptions – The names of the following parties do not need to be listed on form HUD-2530: Public Housing Agencies, tenants, owners of less than five condominium or cooperative units and all others whose interests were acquired by inheritance or court order.

Where and When Form HUD-2530 Must Be Filed: The original of this form must be submitted to the HUD Office where your project application will be processed at the same time you file your initial project application. This form must be filed with applications for projects, or when otherwise required in the situations listed below:

- Projects to be financed with mortgages insured under the National Housing Act (FHA).
- Projects to be financed according to Section 202 of the Housing Act of 1959 (Elderly and Handicapped).
- Projects in which 20 percent or more of the units are to receive a subsidy as described in 24 C.F.R. 200.213.
- Purchase of a project subject to a mortgage insured or held by the Secretary of HUD.
- Purchase of a Secretary-owned project.
- Proposed substitution or addition of a principal, or principal participation in a different capacity from that previously approved for the same project.
- Proposed acquisition by an existing limited partner of an additional interest in a project resulting in a total interest of 25 percent or more, or proposed acquisition by a corporate stockholder of an additional interest in a project resulting in a total interest of 10 percent or more.
- Projects with U.S.D.A., Farmers Home Administration, or with state or local government housing finance agencies that include rental assistance under Section 8 of the Housing Act of 1937. For projects of this type, form HUD-2530 should be filed with the appropriate applications directly to those agencies.

Review of Adverse Determination: If approval of your participation in a HUD project is denied, withheld, or conditionally granted on the basis of your record of previous participation, you will be notified by the HUD Office. You may request reconsideration by the HUD Review Committee. Alternatively, you may request a hearing before a Hearing Officer. Either request must be made in writing within 30 days from your receipt of the notice of determination.

If you do request reconsideration by the Review Committee and the reconsideration results in an adverse determination, you may then request a hearing before a Hearing Officer. The Hearing Officer will issue a report to the Review Committee. You will be notified of the final ruling by certified mail.

Specific Line Instructions:

Reason for submitting this Certificatioin: e.g., refinance, management, change in ownership, transfer of physical assets, etc.

Block 1: Fill in the name of the agency to which you are applying. For example: HUD Office, Farmers Home Administration District office, or the name of a State or local housing finance agency. Below that, fill in the name of the city where the office is located.

Block 2: Fill in the name of the project, such as "Greenwood Apts." If the name has not yet been selected, write "Name unknown." Below that, enter the HUD contract or project identification number, the Farmers Home Administration project number, or the State or local housing finance agency project or contract number. Include **all** project or contract identification numbers that are relevant to the project. Also enter the name of the city in which the project is located, and the ZIP Code of the site location.

Block 3: Fill in the dollar amount requested in the proposed mortgage, or the annual amount of rental assistance requested.

Block 4: Fill in the number of apartment units proposed, such as "40 units." For hospital projects or nursing homes, fill in the number of beds proposed, such as "100 beds."

Block 5: Fill in the section of the Housing Act under which the application is filed.

Block 7: Definitions of all those who are considered principals and affiliates are given above in the section titled "Who Must Sign and File...."

Block 8: Beside the name of each principal, fill in the role that each will perform. The following are possible roles that the principals may perform: Sponsor, Owner, Prime Contractor, Turnkey Developer, Managing Agent, Packager, Consultant, General Partner, Limited Partner (include percentage), Executive Officer, Director, Trustee, Major Stockholder, or Nursing Home Administrator. Beside the name of each affiliate, write the name of the person or firm of affiliation, such as "Affiliate of Smith Construction Co."

Block 9: Fill in the percentage of ownership in the proposed project that each principal is expected to have. Also specify if the participant is a general or limited partner. Beside the name of those parties who will not be owners, write "None."

Block 10: Fill in the Social Security Number or IRS employer number of every party listed, including affiliates.

Instructions for Completing Schedule A:

Be sure that Schedule A is filled-in completely, accurately and the certification is properly dated and signed, because it will serve as a legal record of your previous experience. All Multifamily Housing projects involving HUD/FmHA, and State and local Housing Finance Agencies in which you have previously participated **must** be listed. Applicants are reminded that previous participation pertains to the individual principal within an entity as well as the entity itself. A newly formed company may not have previous participation, but the principals within the company may have had extensive participation and disclosure of that activity is required. To avoid duplication of disclosure, list the project and then the entities or individuals involved in that project. You may use the name or a number code to denote the entity or individual that participated. The number code can then be used in column 3 to denote role.

Column 2 List the project or contract identification of each previous project. **All previous projects must be included or your certification cannot be processed.** Include the name of all projects, the cities in which they are located and the government agency (HUD, USDA-FmHA or State or local housing finance agency) that was involved. At the end of your list of projects, draw a straight line across the page to separate your record of projects from that of others signing this form who have a different record to report.

Column 3 List the role(s) of your participation, dates participated, and if fee or identity of interest with owners.

Column 4 Indicate the current status of the loan. Except for current loans, the date associated with the status is required. Loans under a workout arrangement are considered assigned. An explanation of the circumstances surrounding the status is required for all non-current loans.

Column 5 Explain any project defaults during your participation.

Column 6 Enter the latest Management and/or Physical Inspection Review rating. If either of the ratings are below average, the report issued by HUD is required to be submitted along with the applicant's explanation of the circumstances surrounding the rating.

No Previous Record: Even if you have never participated in a HUD project before, you must complete form HUD-2530. If you have no record of previous projects to list, fill in your name in column 1 of Schedule A, and write across the form by your name – "No previous participation, first experience."

Master List System: If you expect to file this form frequently and you have a long list of previous projects to report on Schedule A, you should consider filing a Master List. By doing so, you will avoid having to list all your previous projects each time you file a new application.

To make a Master List, use form HUD-2530. On page 1, in block 1, enter (in capital letters) the words "**Master List**." In blocks 2 through 6 enter in "N.A." meaning Not Applicable. Complete blocks 7 through 10.

In the box below the statement of certification, fill in the names of all parties who wish to file a Master List together (type or print neatly). Beside each name, every party must sign the form. In the box titled "Proposed Role," fill in "N.A." Also, fill in the date you sign the form and provide a telephone number where you can be reached during the day. No determinations will be made on these certificates.

File one copy of the Master List with each HUD Office where you do business and mail one copy to the following address:

HUD-2530 Master List
Participation and Compliance
Division – Housing
U.S. Department of Housing and
Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410

Once you have filed a Master List, you do not need to complete Schedule A when you submit form HUD-2530. Instead, write the name of the participant in column 1 of Schedule A and beside that write "See Master List on file." Also give the date that appears on the Master List that you submitted. Below that, report all changes and additions that have occurred since that date. Be sure to include any mortgage defaults, assignments or foreclosures not listed previously.

If you have withdrawn from a project since the date the Master List was filed, be sure to name the project. Give the project identification number, the month and year your participation began and/or ended.

Certification:

After you have completed all other parts of form HUD-2530, including Schedule A, read the Certification carefully. In the box below the statement of certification, fill in the name of all principals and affiliates (type or print neatly). Beside the name of each principal and affiliate, each party must sign the form, with the exception in some cases of individuals associated with a corporation (see "Exception for Corporations" in the section of the instructions titled "Who Must Sign and File form HUD-2530"). Beside each signature, fill in the role of each party (the same as shown in block 8). In addition, each person who signs the form should fill in the date that he or she signs, as well as providing a telephone number where he or she can be reached during business hours. By providing a telephone number where you can be reached, you will help to prevent any possible delay caused by mailing and processing time in the event HUD has any questions.

If you cannot certify and sign the certification as it is printed because some statements do not correctly describe your record, use a pen and strike through those parts that differ with your record, then sign and certify to that remaining part which does describe you or your record.

Attach a signed letter, note or an explanation of the items you have struck out on the certification and report the facts of your correct record. Item A(2)(e) relates to felony convictions within the past 10 years. If you have been convicted of a felony within 10 years, strike out all of A(2)(e) on the certificate and attach your statement giving your explanation. A felony conviction will not necessarily cause your participation to be disapproved unless there is a criminal record or other evidence that your previous conduct or method of doing business has been such that your participation in the project would make it an unacceptable risk from the underwriting standpoint of an insurer, lender or governmental agency.

The Department of Housing and Urban Development (HUD) is authorized to collect this information by law (42 U.S.C. 3535(d) and 24 C.F.R. 200.217) and by regulation at 24 CFR 200.210. This information is needed so that principals applying to participate in multifamily programs can become HUD-approved participants. The information you provide will enable HUD to evaluate your record with respect to established standards of performance, responsibility and eligibility. Without prior approval, a principal may not participate in a proposed or existing multifamily project. HUD uses this information to evaluate whether or not principals pose an unsatisfactory underwriting risk. The information is used to evaluate the potential principals and approve only individuals and organizations who will honor their legal, financial and contractual obligations.

Privacy Act Statement: The Housing and Community Development Act of 1987, 42 U.S.C. 3543 requires persons applying for a Federally-insured or guaranteed loan to furnish his/her Social Security Number (SSN). HUD must have your SSN for identification of your records. HUD may use your SSN for automated processing of your records and to make requests for information about you and your previous records with other public agencies and private sector sources. HUD may disclose certain information to Federal, State and local agencies when relevant to civil, criminal, or regulatory investigations and prosecutions. It will not be otherwise disclosed or released outside of HUD, except as required and permitted by law. You must provide all of the information requested in this application, including your SSN.

Public reporting burden for this collection of information is estimated to average 1 hour 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.
A response is mandatory. Failure to provide any of the information will result in your disapproval for participation in this HUD program.

Previous editions are obsolete

ref Handbook 4065.1 form **HUD-2530** (5/2001)

BILLING CODE 4210–32–C?≤

C. Submission Dates and Time. You must submit an original and four (4) copies of your application. Applications may be hand delivered, mailed or submitted by courier service. If mailed by the United States Postal Service, the original and four copies must be postmarked on or before midnight of July 7, 2004, and received in the local HUD Office within 15 days of the due date. If hand delivered or submitted by courier service, the original and four copies must be received on or before the close of business for the appropriate

office on the application due date. Please refer to the General Section of the SuperNOFA for further instructions regarding application mailing and receipt procedures.

D. Intergovernmental Review.

1. State Review. This funding opportunity is subject to Executive Order (EO) 12372, ''Intergovernmental Review of Federal Programs''. You must contact your State's Single Point of Contact (SPOC) to find out about and comply with the State's process under EO 12372. The names and addresses of the SPOCs are listed in the Office of Management and Budget's home page at *http://www.whitehouse.gov/omb/grants/spoc.html.* If required by the State, the submission to the State needs to occur before the Section 202 application due date. It is recommended that you provide the State with sufficient time to review the application. Therefore, it is important that you consult with the SPOC for State review timeframes and take that into account when submitting the application.

2. 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.

E. Funding Restrictions.

1. Ineligible Activities. Section 202 funds may not be used for:

a. Nursing homes;

b. Infirmaries;

c. Medical facilities;

d. Mobile home projects;

e. Community centers;

f. Headquarters for organizations for the elderly;

g. Nonhousekeeping accommodations;

h. Refinancing of sponsor-owned facilities without rehabilitation, or

i. Projects licensed or to be licensed as assisted living facilities.

Note: You may propose to rehabilitate an existing currently-owned or leased structure that does not already serve elderly persons, except that the refinancing of any Federally-funded or assisted project or project insured or guaranteed by a Federal agency is not permissible under this Section 202 NOFA. HUD does not consider it appropriate to utilize scarce program resources to refinance projects that have already received some form of assistance under a Federal program. (For example, Section 202 or Section 202/8 direct loan projects cannot be refinanced with capital advances and project rental assistance.)

2. Application Limits (Units/Projects). Refer to Section III.C.3.b. of this program section of the SuperNOFA for information applicable to the limitations on the number of units you may apply for in a single application and the project sizes.

3. Development Cost Limits.

a. The following development cost limits, adjusted by locality as described in Section IV.E.3.b. below must be used to determine the capital advance amount to be reserved for projects for the elderly. You are responsible for any costs over and above the capital advance amount including costs associated with any excess amenities and design features.

(1) The capital advance amount for the project attributable to dwelling use (less the incremental development cost and the capitalized operating costs associated with any excess amenities and design features and other costs you must pay for) may not exceed:

Non-elevator structures:

$42,980 per family unit without a bedroom;

$49,557 per family unit with one bedroom;

$59,766 per family unit with two bedrooms;

For elevator structures:

$45,232 per family unit without a bedroom;

$51,849 per family unit with one bedroom;

$63,049 per family unit with two bedrooms 1624

(2) 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.

b. Increased development cost limits.

(1) HUD may increase the development cost limits set forth 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.

Note: In applying the applicable high cost percentage, the local HUD Office may use a percentage that is higher or lower than that which is assigned to the local HUD Office if it is needed to provide a capital advance amount that is comparable to what it typically costs to develop a Section 202 project in that area.

(2) 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 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.

4. Commercial Facilities. A commercial facility for the benefit of the residents may be located and operated in the Section 202 project. However, the commercial facility cannot be funded with the use of Section 202 capital advance or PRAC funds. The maximum amount of space permitted for a commercial facility cannot exceed 10 percent of the total project cost. An exception to this 10 percent limitation is if the project involves acquisition or rehabilitation and the additional space was incorporated in the existing structure at the time the proposal was submitted to HUD. Commercial facilities are considered public accommodations under Title III of the Americans with Disabilities Act of 1990 (ADA), and thus must comply with all the accessibility requirements of the ADA.

5. Expiration of Section 202 Funds. The Consolidated Appropriations Act, 2004, requires HUD to obligate all Section 202 funds appropriated for FY 2004 by September 30, 2006. Under 31 U.S.C. Section 1551, no funds can be disbursed from this account after September 30, 2011. Under Section 202, obligation of funds occurs for both capital advances and project rental assistance upon fund reservation and acceptance. If all funds are not disbursed by HUD and expended by the project Owner by September 30, 2011, the funds, even though obligated, will expire and no further disbursements can be made from this account. In submitting an application you need to carefully consider whether your proposed project can be completed through final capital advance closing no later than September 30, 2011. Furthermore, all unexpended balances, including any remaining balance on PRAC contracts, will be cancelled as of October 1, 2011. Amounts needed to maintain PRAC payments for any remaining term on the affected contracts beyond that date will have to be funded from other current appropriations.

F. Other Submission Requirements:

1. Address for Submitting Applications. Submit an original and four copies of your completed application to the Director of the appropriate local HUD Office listed in Appendix A below.

Note: Do not use the listing in Attachment B to the General Section of the SuperNOFA.

V. Application Review Information

A. Criteria.

Policy Priorities. HUD encourages applicants to undertake specific activities that will assist the Department in implementing its policy priorities and which help the Department achieve its strategic goals for FY 2004. Refer to the General Section of the SuperNOFA for information regarding HUD's Strategic Goals and Policy Priorities. For the Section 202 program, applicants who include work activities that specifically address the policy priorities of encouraging accessible design features by incorporating visitability standards and universal design, and removing barriers to affordable housing will receive additional points. A Notice pertaining to the removal of barriers to affordable housing was published in the **Federal Register** and may be downloaded from the HUD Web site at *www.hud.gov/grants/index.cfm.*

Rating Factors. 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 this program Section of the SuperNOFA. The maximum number of points an application may receive under this program is 102. This includes two (2) RC/EZ/EC bonus points, as described in the General Section of the SuperNOFA and Section V.A.6. below.

1. 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 Exhibits 3(a), 3(b), 3(e), 5 and 6 of Section IV.B. 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.

b. (10 points) The scope, extent and quality of your experience in providing housing or related services to minority persons or families and your ties to the community at large and to the minority and elderly communities in particular.

(1) (5 points). The scope, extent, and quality of your experience in providing housing or related services to minority persons or families.

(2) (5 points). The scope, extent, and quality of your ties to the community at large and to the minority and elderly communities in particular.

To earn the maximum number of points under sub criteria (b)(1) and (b)(2) above, you must describe both your relationships over time with the minority community and significant previous experience in providing housing and/or supportive services to minorities generally and to minority elderly in particular. For the purpose of this competition, ''significant previous experience'' means that the previous housing assistance or related services to minorities, i.e., the percentage of minorities being provided housing or related services in your current developments, was equal to or greater than the percentage of minorities in the jurisdiction where the previous housing or services occurred.

c. (−2 to −4 points). HUD will deduct (except if the delay was beyond your control) 2 points if a fund reservation you received under either the Section 202 Program of Supportive Housing for the Elderly or the Section 811 Program of Supportive Housing for Persons with Disabilities in FY 1999 or later has been extended beyond 24 months, 3 points if beyond 36 months, and 4 points if beyond 48 months. Examples of such delays beyond your control include, but are not limited to, initial closing delays that are: (1) directly attributable to HUD, (2) directly attributable to third party opposition, including litigation, and (3) due to a disaster, as declared by the President of the United States.

d. (−1 point). HUD will deduct 1 point if amendment money was required as a result of the delay (except if the delay was beyond your control).

2. 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 Exhibits 4(a) and 4(b) of Section IV.B. of this program section of the SuperNOFA. HUD will take into consideration the following in evaluating this factor:

The extent of the need for the project in the area based on a determination by the local 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 local HUD Office. The data should include a general assessment of the current conditions in the market for the type of housing proposed, an estimate of the demand for additional housing of the type proposed in the applicable housing market area; as well as, information on the numbers and types of existing comparable Federally assisted housing units for the elderly (HUD and RHS), current occupancy in such housing and recent market experience, comparable assisted housing for the elderly 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 areas. The Department will also review more favorably those applications that 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.

In evaluating this factor, HUD will rate your application as follows:

a. (12 points). The extent of the need for the project in the area based on a determination by the local HUD Office, taking into consideration the Sponsor's evidence of need in the area, as well as other economic, demographic and housing market data available to HUD.

b. (3 points). The extent that a connection has been established between the project and the community's Consolidated Plan,

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.

3. Rating Factor 3: Soundness of Approach (45 Points)

This factor addresses the quality and effectiveness of your proposal and the extent to which you involved elderly persons, including elderly minority persons, in the development of the application and will involve them in the development and operation of the project, and whether you have undertaken activities that will remove barriers to affordable housing within the community where the proposed project will be located. There must be a clear relationship between your proposed design, 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 Exhibits 3(f), 3(j), 4(c)(i), 4(d)(iii), 4(d)(v), 4(d)(vi) and 5 of Section IV.B. of this program section of the SuperNOFA. In evaluating this factor, HUD will consider the following:

a. (20 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. (−1 point). The site(s) is not permissively zoned for the intended use.

c. (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 local HUD Office. Where appropriate, HUD may visit the site.

(1) 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). The term ''nonminority area'' is defined as one in which the minority population is lower than 10 percent; 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.

(2) 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:

(a) 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 area as a whole;

(b) 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,

(c) In the case of a metropolitan area, the neighborhood's total percentage of minority persons exceeds 50 percent of its population.

d. (2 points). The extent to which your proposed design will meet the special physical needs of elderly persons.

e. (2 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.

f. (2 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.

g. (2 points). The extent to which the proposed supportive services meet the identified needs of the anticipated residents.

h. (2 points). The extent to which you demonstrate that the identified supportive services will be provided on a consistent, long-term basis.

i. (1 point). The proposed design incorporates visitability standards and/or universal design in the construction or rehabilitation of the project. Refer to the General Section of the SuperNOFA for further information.

j. (2 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.

k. (2 points). You have undertaken activities that will remove barriers to affordable housing within the community in which the proposed project will be located, such as supporting State and local efforts to streamline processes and procedures, eliminate redundant requirements, statutes, regulations and codes which impede the availability of affordable housing. Refer to the General Section of the SuperNOFA for further information.

4. Rating Factor 4: Leveraging Resources (5 Points)

This factor addresses your ability to secure other funding sources, including funding sources to develop a mixed-finance project for additional units for elderly over and above the Section 202 units, if proposed, and community resources that 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 Exhibits 3(a), 3(b), 3(c), 3(d), 3(e), 4(c)(iii) and 5(b) of Section IV.B. of this program section of the SuperNOFA.

a. (1 point). The extent of local government support (including financial assistance, donation of land, provision of services, etc.) for the project.

b. (2 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.

c. (2 points). The extent of your plans to develop a mixed-finance project for additional units for the elderly over and above the Section 202 units.

(1) (1 point). The proposed project involves mixed-financing for additional units in which the non-Section 202 units represent 30 percent or less of the Section 202 units in the project; or

(2) (2 points). The proposed project involves mixed-financing for additional units in which the non-Section 202 units represent over 30 percent of the Section 202 units in the project.

Note: If you are proposing a mixed-financed project for additional units over and above the Section 202 units, your application may receive a maximum of 2 points under Rating Factor 4(c). Your application will receive either 1 or 2 points under this Rating Factor, depending upon the number of non-Section 202 units to be developed in the project. If your project will not involve mixed-financing for additional units, no points will be assigned for Rating Factor 4(c).

5. Rating Factor 5: Achieving Results and Program Evaluation (10 Points)

This factor reflects HUD's goal to embrace high standards of ethics, management and accountability and, as such, emphasizes HUD's commitment to ensuring that you keep the promises made in your application. This factor requires that you clearly identify the benefits or outcomes of your project and develop an evaluation plan to measure performance, which includes what you are going to measure, how you are going to measure it, and the steps you will have in place to make adjustments to your project development timeline should you not be able to achieve any of the major milestones. Completion of Exhibit 8(k), Logic Model, will assist you in completing your response to this rating factor. This rating factor also addresses the extent to which your project will implement practical solutions that result in residents achieving independent living, educational opportunities, and improved living environments. Finally, this factor addresses the extent to which the long-term viability of your project will be sustained for the duration of the 40-year capital advance period. Submit information responding to this factor in accordance with Application Submission Requirements in Exhibits 3(g), 3(h), 3(i) and 8(k) of Section IV.B. of this program section of the SuperNOFA.

a. (5 points). The extent to which your project development timeline is indicative of your full understanding of the development process and will, therefore, result in the timely development of your project.

b. (2 points). The extent to which your project will implement practical solutions that will result in assisting residents in achieving independent living, educational opportunities, and improved living environments.

c. (3 points). The extent to which you demonstrated that your project will remain viable as housing with the availability of supportive services for very low-income elderly persons for the 40-year capital advance period.

6. Bonus Points (2 bonus points). Location of proposed site in an RC/EZ/EC area, as described in the General Section of the SuperNOFA. Submit the information responding to the bonus points in accordance with the Application Submission Requirements in Exhibit 8(h) of Section IV.B. of this program section of the SuperNOFA.

B. Reviews and Selection Process

1. *Review for Curable Deficiencies.* You should ensure that your application is complete and that you have an original and four copies before submitting it to the appropriate HUD Office. Submitting fewer than an original and the required four copies is not a curable deficiency and will cause your application to be considered nonresponsive to the NOFA and returned to you. 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 the application. Refer to the General Section of the SuperNOFA for additional information regarding procedures for corrections to deficient applications. The following is a list of the only deficiencies that will be considered curable in a Section 202 application:

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EXHIBIT	DESCRIPTION
1	Form 92015-CA (Application Form)*
2(a) (b) (c)	Articles of Incorporation* By-laws* IRS tax exemption ruling*
4(c)(ii) (d)(i) (d)(ii) (d)(iv) (d)(vii) (d)(viii) (d)(ix) (d)(x)	Energy efficiency Evidence of site control Evidence site is free of limitations, restrictions or reverters Evidence of compliance with URA site notification requirement Phase I ESA Asbestos Statement or Report Letter to the State/Tribal Historic Preservation Officer (SHPO/THPO) Letter from the SHPO/THPO, or statement that the SHPO/THPO failed to respond
7	Relocation
8(a) (b) (c) (d) (e) (f) (g) (h) (j)	Standard Form 424, Application for Federal Assistance Standard Form 424 Supplement, Survey on Ensuring Equal Opportunity for Applicants Form HUD-424B, Applicant Assurances and Certifications Standard Form LLL, Disclosure of Lobbying Activities, if applicable Form HUD-2880, Applicant/Recipient Disclosure/Update Report Form HUD-2991, Certification of Consistency with Consolidated Plan Form-HUD-92041, Sponsor's Conflict of Interest Resolution Form HUD-92042, Sponsor's Resolution for Commitment to Project* Form HUD-2530, Previous Participation Certification

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The local HUD Office will notify you in writing if your application is missing any of the above 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. If an Exhibit or portion of an Exhibit listed above as curable is not discovered as missing until technical processing, HUD will provide you with

14 calendar days in which to cure the deficiency.

2. *Rating.* HUD will review and rate your application in accordance with the Review and Selection Process in the General Section of this SuperNOFA except as described in 3. Appeal Process below. Your application 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, including HUD approval of you, the Section 202 applicant, based on HUD's evaluation of the applicant's previous participation activities as reported on Form HUD–2530, Previous Participation Certification, it will be rated according to the rating factors in Section V.A. above.

3. *Appeal Process.* 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 local HUD Office. The local HUD Office will make a determination on any appeals before making its selection recommendations.

4. *Ranking and Selection Procedures.* Applications submitted in response to the advertised metropolitan allocations or nonmetropolitan allocations that have a total base score of 75 points or more (without the addition of RC/EC/EZ bonus points) and meet all of the applicable threshold requirements of the General Section of the SuperNOFA and this program NOFA 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 RC/EC/EZ, will be selected based on rank order, up to and including the last application that can be funded out of each HUD Multifamily Program Center's metropolitan or nonmetropolitan allocation. HUD Multifamily Program Centers will 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 Multifamily Program Centers 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 Multifamily Program Centers may combine their unused metropolitan and nonmetropolitan funds in order to select the next highest ranked application in either category, using the unit reduction policy described above, if necessary.

After the HUD Multifamily Program Centers have funded all possible projects based on the process above, combined metropolitan and nonmetropolitan residual funds from all HUD Multifamily Program Centers within each Multifamily Hub will be combined. First, these funds will be used to restore units to projects reduced by HUD Multifamily Program Centers 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 Multifamily Program Center. More than one application may be selected per HUD Multifamily Program Center if there are no approvable applications in other HUD Multifamily Program Centers 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. However, the Multifamily Hub may use any remaining residual funds to select the next highest rated 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. Applications may not be skipped over to select one based on funds remaining. However, the Multifamily Hub may use any remaining residual funds to select the next highest rated 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 the Multifamily Hub selection process is completed will be returned to Headquarters. HUD Headquarters will use these residual funds first to restore units to projects reduced by HUD Multifamily Program Centers or Multifamily Hubs as a result of the instructions for using their residual funds. Second, HUD Headquarters will use these funds for selecting applications based on HUD Multifamily Program Centers' rankings, beginning with the highest rated application nationwide. However, after restoring units to projects where necessary, priority will be given to those applications for projects in non-metropolitan areas, if necessary to meet the statutory requirement of Section 202 of the Housing Act of 1959 pertaining to Section 202 funding in nonmetropolitan areas. Only one application will be selected per HUD Multifamily Program Center from the national residual amount. If there are no approvable applications in other HUD Multifamily Program Centers, 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. In order to use as much of the available remaining funds as possible, HUD Headquarters may skip over a higher-rated application.

5. *HUD Error.* 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 NOFA, HUD may select that applicant when sufficient funds become available.

VI. Award Administration Information

A. Award Notices

1. *Agreement Letter.* If you are selected to receive a Section 202 fund reservation, you will receive an Agreement Letter that stipulates the terms and conditions for the Section 202 fund reservation award as well as the submission requirements following the fund reservation award. The duration of the fund reservation award for the capital advance is 18 months from the date of issuance of the fund reservation.

Immediately upon your acceptance of the Agreement Letter, you are expected to begin work towards the submission of a Firm Commitment Application, which is the next application submission stage. You are required to submit a Firm Commitment Application to the local HUD Office within 180 days from the date of the Agreement Letter. Initial closing of the capital advance and start of construction of the project are expected to be accomplished within the duration of the fund reservation award. Final closing of the capital advance is expected to occur no later than six months after completion of project construction.

2. *Non-Selection Letter.* If your application is approvable but unfunded due to insufficient funds or receives a rating that is below the minimum threshold score established for funding eligibility, you will receive a letter to this effect.

3. *Debriefing.* Refer to the General Section of the SuperNOFA for further information regarding debriefings, except that the request for a debriefing

must be made to the Director of Multifamily Housing in the appropriate local HUD Office.

B. Administrative and National Policy Requirements

1. *Ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Women-Owned Businesses.* Although the Section 202 program is not subject to the provisions of 24 CFR 85.36(e) as described in the corresponding paragraph in the General Section of the SuperNOFA, you are required to comply with Executive Order 12432, Minority Business Enterprise Development and Executive Order 11625, Prescribing Additional Arrangements for Developing and Coordinating a National Program for Minority Business Enterprise as they relate to the encouragement of HUD grantees to utilize minority business enterprises.

2. *Fair Housing Requirements.* Refer to the General Section of the SuperNOFA for information regarding fair housing requirements.

3. *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. To comply with Section 3 requirements you are hereby certifying that you will strongly encourage your general contractor and subcontractors to participate in local apprenticeship programs or training programs registered or certified by the Department of Labor's Office of Apprenticeship, Training, Employer and Labor Services or recognized State Apprenticeship Agency.

4. *Design and Cost Standards.* You must comply with HUD's Section 202 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, where applicable, the Americans with Disabilities Act of 1990.

HUD has adopted a wide-ranging energy action plan for improving energy efficiency in all program areas. As a first step in implementing the energy plan, HUD, the Environmental Protection Agency (EPA) and the Department of Energy (DoE) have signed a joint partnership to promote energy efficiency in HUD's affordable housing efforts and programs. The purpose of the Energy Star partnership is to promote energy efficiency of the affordable housing stock, but also to help protect the environment. Although it is not a requirement, you are nonetheless encouraged to promote energy efficiency in design and operations. You are urged especially to purchase and use Energy Star-labeled products. Program activities can include developing Energy Star promotional and information materials, outreach to low- and moderate-income renters on the benefits and savings when using Energy Star products and appliances, and promoting the designation of community buildings and homes as Energy Star compliant. For further information about Energy Star, *see http://www.energystar.gov* or call 1–888–STAR–YES (1–888–782–7937) or for the hearing-impaired, 1–888–588–9920 TTY.

5. *Acquisition and Relocation.* You must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (49 CFR part 24, and 24 CFR 891.155(e)) (URA), which covers the acquisition of sites, with or without existing structures, and with 24 CFR 8.4(b)(5) of the Section 504 regulations which prohibits discrimination based on disability in determining the site or location of a Federally-assisted facility. However, you are exempt from complying with the site acquisition requirements of the URA if you do not have the power of eminent domain and prior to entering into a contract of sale, option to purchase or any other method of obtaining site control, you inform the seller of the land *in writing* (1) that you do not have the power of eminent domain and, therefore, you will not acquire the property if negotiations fail to result in an amicable agreement, and (2) of the estimate of the fair market value of the property. An appraisal is not required to meet this requirement, however, your files must include an explanation (with reasonable evidence) of the basis for the estimate. Evidence of compliance with this advance notice requirement must be included in Exhibit 4(d)(iv) of your application.

6. *Formation of Owner Corporation.* You must form an Owner entity (in accordance with 24 CFR 891.205) after issuance of the capital advance fund reservation and must cause the Owner entity to file a request for determination of eligibility and a request for capital advance, and must provide sufficient resources to the Owner entity to ensure the development and long-term operation of the project, including capitalizing the Owner entity at firm commitment processing in an amount sufficient to meet its obligations in connection with the project over and above the capital advance amount.

7. *Davis-Bacon.* You must comply with the Davis-Bacon requirements (12 U.S.C. 1701q(j)5) and the Contract Work Hours and Safety Standards Act.

8. *Flood Disaster Protection Act of 1973 and Coastal Barrier Resources Act.* You must comply with 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).

C. Reporting

1. The Regulatory Agreement (Form HUD–92466–CA) requires the Owner of the Section 202 project to submit an annual financial statement for the project. This financial statement must be audited by an Independent Public Accountant who is a Certified Public Accountant or other person accepted by HUD and filed electronically with HUD's Real Estate Assessment Center (REAC) through the Financial Assessment Subsystem for Multifamily Housing (MF–FASS). The submission of annual financial statements is required throughout the 40-year term of the mortgage.

2. HUD requires that funded recipients collect racial and ethnic beneficiary data. It has adopted the Office of Management and Budget's Standards for the Collection of Racial and Ethnic Data. In view of these requirements, you should use Form HUD–27061, Racial and Ethnic Data Reporting Form (and instructions for its use), found at *http://www.hudclips.org,* a comparable program form, or a comparable electronic data system for this purpose.

VII. Agency Contact(s)

For Technical Assistance. You may contact the appropriate local HUD Office, or Evelyn Berry at HUD Headquarters at (202) 708–3000 (this is not a toll-free number), or access the Internet at *http://www.hud.gov/grants/index.cfm.* Persons with hearing and speech impairments may access the above number via TTY by calling the

Federal Relay Service at 1–800–877–8339 (this is a toll-free number).

VIII. Other Information

A. *Field Office Workshop.* HUD encourages minority organizations and grassroots organizations (*e.g.,* civic organizations, faith-communities and grassroots faith-based and other community-based 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, contamination identification and remediation, historic preservation, floodplain management, other environmental requirements, 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 local 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 local 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 local 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.

B. *Satellite Broadcast.* HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. It is strongly recommended that potential applicants, especially those who may be applying for Section 202 funding for the first time, tune in to this broadcast, if at all possible. Copies of the broadcast tapes are also available from the NOFA Information Center. For more information about the date and time of the broadcast, you should consult the HUD Web site at *http://www.hud.gov/grants/index.cfm.*

C. *Related Programs.* Please note that funding for a related program, Section 202 Demonstration Planning Grant Program, is available to provide predevelopment grants to private nonprofit organizations and consumer cooperatives in connection with the development of housing under the Section 202 program. The announcement of the availability of funding under this program will be addressed in a separate NOFA.

D. Paperwork Reduction Act

The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2502–0267. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average 37.42 hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application, semi-annual reports and final report. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits derived.

Appendix A—Local HUD Offices

Notes

1. Your application must be sent to the appropriate local HUD Office having jurisdiction over the locality in which your project will be located. If you send your application to the wrong local HUD Office, it will be rejected. Therefore, if you are uncertain as to which local HUD Office to submit your application, you are encouraged to contact the local HUD Office below that is closest to your proposed project location(s) to ascertain the Office's jurisdiction and ensure that you submit your application to the correct local HUD 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.

5. Applications for projects proposed to be located within the jurisdiction of the Grand Rapids, Michigan Office must be submitted to the Detroit, Michigan Office.

6. Applications for projects proposed to be located within the jurisdiction of the Boston, Massachusetts Office must be submitted to the Manchester, New Hampshire Office.

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HUD - BOSTON HUB **HARTFORD OFFICE** One Corporate Center 19th Floor Hartford, CT 06103-3220 (860) 240-4800 TTY Number: (860) 240-4665	**HUD - BUFFALO HUB** **BUFFALO OFFICE** Lafayette Court Building 465 Main Street, 2nd Floor Buffalo, NY 14203-1780 (716) 551-5755, ext. 5000 TTY Number: (716) 551-5787
MANCHESTER OFFICE 1000 Elm Street 8th Floor Manchester, NH 03101 (603) 666-7510 TTY Number: (603) 666-7518	**HUD - PHILADELPHIA HUB** **PHILADELPHIA OFFICE** The Wanamaker Building 100 Penn Square East Philadelphia, PA 19107-3380 (215) 656-0609 TTY Number: (215) 656-3452
PROVIDENCE OFFICE Sixth Floor 10 Weybosset Street Providence, RI 02903-2808 (401) 528-5230 TTY Number: (401) 528-5403	**CHARLESTON OFFICE** Suite 708 405 Capitol Street Charleston, WV 25301-1795 (304) 347-7000 TTY Number: (304) 347-5332
HUD - NEW YORK HUB **NEW YORK OFFICE** 26 Federal Plaza, Room 3200 New York, NY 10278-0068 (212) 264-8000 TTY Number: (212) 264-0927	**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 15222-2507 (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	**HUD - ATLANTA HUB** **ATLANTA OFFICE** ATTN: Multifamily Housing, 12th Floor 40 Marietta Street - Five Points Plaza Atlanta, GA 30303- 2806 (404) 331- 4976 TTY Number: (404) 730-2654
RICHMOND OFFICE 600 East Broad Street Richmond, VA 23219 (804) 771-2100, ext. 3839 TTY Number: (804) 771-2038	**SAN JUAN OFFICE** Edificio Administracion de Terrenos 171 Carlos Chardon Avenue Suite 301 San Juan, PR 00918-0903 (787) 766-5401 TTY Number: (787) 766-5104
HUD - GREENSBORO HUB **GREENSBORO OFFICE** Asheville Building 1500 Pinecroft Road , Suite 401 Greensboro, NC 27407-3838 (336) 547-4000 TTY Number: (336) 547-4020	**LOUISVILLE OFFICE** 601 West Broadway Louisville, KY 40202 (502) 582-5251 TTY Number: (866) 800-0289
COLUMBIA OFFICE Strom Thurmond Federal Building 13th Floor 1835-45 Assembly Street Columbia, SC 29201-2480 (803) 765-5592	**KNOXVILLE OFFICE** Third Floor, Room #315 John J. Duncan Federal Building 710 Locust Street Knoxville, TN 37902-2526 (423) 545-4384 TTY Number: (423) 545-4559
	NASHVILLE OFFICE Suite 200 235 Cumberland Bend Nashville, TN 37228-1803 (615) 736-5213 TTY Number: (866) 503-0267

HUD - JACKSONVILLE HUB **JACKSONVILLE OFFICE** Suite 2210 Southern Bell Tower 301 West Bay Street Jacksonville, FL 32202-5121 (904) 232-2626 TTY Number: (904) 232-2631	**HUD - DETROIT HUB** **DETROIT OFFICE** Patrick V. McNamara Federal Building 477 Michigan Avenue, Suite 1635 Detroit, MI 48226-2592 (313) 226-7900 TTY Number: (313) 226-6899
BIRMINGHAM OFFICE Medical Forum Building 950 22nd St., North Suite 900 Birmingham, AL 35203-5301 (205) 731-2630 TTY Number: (205) 731-2624	**HUD - COLUMBUS HUB** **COLUMBUS OFFICE** 200 North High Street 7th Floor Columbus, OH 43215-2499 (614) 469-5737 TTY Number: (614) 469-6694
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	**CLEVELAND OFFICE** US Bank Centre 1350 Euclid Avenue Suite 500 Cleveland, OH 44115-1815 (216) 522-4058 TTY Number: (216) 522-2261
HUD - 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	**HUD - MINNEAPOLIS HUB** **MINNEAPOLIS OFFICE** 920 Second Avenue South, Suite 1300 Minneapolis, MN 55402-4012 (612) 370-3000 TTY Number: (612) 370-3186
INDIANAPOLIS OFFICE 151 North Delaware Street Indianapolis, IN 46204-2526 (317) 226-6482, 6831, or 7183 TTY Number: (317) 226-7081	**MILWAUKEE OFFICE** Suite 1380 Henry S. Reuss Federal Plaza 310 West Wisconsin Avenue, Suite 1380 Milwaukee, WI 53203-2289 (414) 297-3214, ext. 8673 TTY Number: (414) 297-1423

HUD - FT. WORTH HUB	HUD – KANSAS CITY 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	**DES MOINES OFFICE** Room 239 Federal Building 210 Walnut Street Des Moines, IA 50309-2155 (515) 284-4583 TTY Number: (515) 284-4728
NEW ORLEANS OFFICE Ninth Floor Hale Boggs Federal Building 500 Poydras Street New Orleans, LA 70130-3099 (504) 589-7200 TTY Number: (504) 589-7279	**KANSAS CITY OFFICE** Room 200 Gateway Tower II 400 State Avenue Kansas City, KS 66101-2406 (913) 551-5462 TTY Number: (913) 551-6972
FT. WORTH OFFICE 801 Cherry Street P.O. Box 2905 Fort Worth, TX 76113-2905 (817) 978-5965 TTY Number: (817) 978-5595	**OMAHA OFFICE** Executive Tower Centre 10909 Mill Valley Road, Suite 100 Omaha, NE 68154-3955 (402) 492-3122 TTY Number: (402) 492-3183
HOUSTON OFFICE 1301 Fannin, Suite 2200 Houston, TX 77002 (713) 718-3199 TTY Number: (713) 718-3289	**ST. LOUIS OFFICE** Third Floor Robert A. Young Federal Building 1222 Spruce Street, Room 3.207 St. Louis, MO 63103-2836 (314) 539-6583 TTY Number: (314) 539-6331
SAN ANTONIO OFFICE 106 South St. Mary's, Suite 405 San Antonio, TX 78205 (210) 475-6800 TTY Number: (210) 475-6885	**OKLAHOMA CITY OFFICE** 301 N.W. 6th, Suite 200 Oklahoma City, OK 73102 (405) 609-8410 TTY Number: 405-609-8480

HUD - DENVER HUB **DENVER OFFICE** UMB Bank Building 23rd Floor 1670 Broadway Denver, CO 80202 (303) 672-5343 TTY Number: (303) 672-5113	**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 - SAN FRANCISCO HUB **PHOENIX OFFICE** One North Central #600 Phoenix, AZ 85004 (602) 379-7149 TTY Number: (602) 379-4557	**HUD - SEATTLE HUB** **PORTLAND OFFICE** 400 Southwest Sixth Avenue Suite 700 Portland, OR 97204-1632 (503) 326-3228 TTY Number: (503) 326-2568
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) 436-8356 TTY Number: (415) 436-6594	**ANCHORAGE OFFICE** 3000 C Street, Suite 401 Anchorage, AK 99503 (503) 326-3228 TTY Number: (503) 326-2568
HONOLULU OFFICE 500 Ala Moana Boulevard, Suite 3A Honolulu, HI 96813 (808) 522-8185 TTY Number: (808) 522-8193	**SEATTLE OFFICE** 909 First Avenue, Suite 200 Seattle, WA 98104-5254 (503) 326-3228 TTY Number: (503) 326-2568

APPENDIX B

Sample Letter Requesting SHPO/THPO Review

Applicant return address
Date

[SHPO/THPO mailing address]
(see: www.ncshpo.org or www.nathpo.org)

Dear [SHPO/THPO]:

In accordance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470f), and its implementing regulation, 36 CFR 800, "Protection of Historic Properties," and as authorized by the U.S. Department of Housing and Urban Development (HUD) as an applicant for a Section [202/811] Supportive Housing Capital Advance, we are initiating consultation with your office regarding the proposed [xxx project] (ex. rehabilitation of 123 Elm Street, Anytown, AB). Please find enclosed the necessary documentation per §800.11.

Based on our initial research, we have made the required determinations and findings, which we now ask you to review. Please respond in writing to us and HUD within the thirty-day time period as noted at §800.3(c)4. HUD's mailing address is:

[xxx]

If you concur with the findings in this submission, please sign and date on the line below and return as noted above. If you do not concur, we request that you express your concerns and objections clearly in writing so that HUD may continue the consultation process as needed. Please also indicate in your non-concurrence letter if there are other sources of information that should be checked, and if there are other parties, tribes, or members of the public you believe should be included in the consultation process. Thank you for your prompt attention to this matter.

Sincerely,

Applicant signatory

CONCURRENCE:_____

State/Tribal Historic Preservation Officer

Date

Description of the Undertaking

[xxx] (Specify federal involvement; include photographs, drawings, location map, etc).

Area of Potential Effect

We define the Area of Potential Effect for this proposed project as [xxx] (written boundary description). Please see the attached map marked with the APE boundary. We made this determination for the following reason(s): [xxx].

Basis for Determining No Historic Properties Affected (Option #1)

To obtain background information on the APE and to identify any potential historic properties, we researched and contacted the following sources:

[xxx] (list surveys, National Register data, research at SHPO office or local govt, etc.)

Based on our initial information search, it is our determination that no historic properties will be affected by this project. We base this finding on: [xxx].

OR

Basis for Determining Historic Properties Affected (Option #2)

To obtain background information on the APE and to identify any potential historic properties, we researched and contacted the following sources:

[xxx] (list surveys, National Register data, research at SHPO office or local govt, etc.)

Based on our initial information search, it is our determination that historic properties will be affected by this project and that additional consultation will be required to assess/resolve effects. We base this finding on: [xxx].

APPENDIX C

Choosing an Environmentally "Safe" Site
Supplemental Guidance
Environmental Information
For 202/811 Programs

Under 24 CFR Part 50, the U.S. Department of Housing and Urban Development (HUD) has the responsibility for conducting the environmental review for 202 and 811 Programs. **In the conduct of its review, applicants may be asked to provide information necessary for completing the environmental review in an expeditious and comprehensive manner.** What follows is the type of information collected and analyzed in the conduct of the environmental review.

NATURAL RESOURCES

The natural environment is important, and there are many federal regulations and executive orders promulgated to "protect" and conserve natural resources, historic properties, endangered and threatened species and their habitats. Wetlands, coastal barrier resources, and wild and scenic rivers are natural resources, which may also be under threat from development activities. Each of these natural resources has their own regulatory requirements with regard to determining potential environmental impacts.

Natural Resources

+ Rivers
+ Streams
+ Lakes
+ Ponds
+ Designated Wetlands
+ Drainage ways
+ Swamps
+ Creeks
+ Waterways
+ Coastlines
+ Unique natural features
+ Endangered Species*

ENDANGERED AND THREATENED SPECIES

*In some areas, like Seattle, Washington or Portland, Oregon for example, there is an aggressive effort to protect certain types of salmon and their habitat (living environment). As a result, all projects may be considered a "threat" to their survival, as they may impact either the species or their habitat. In other areas, especially with regard to endangered species, it may be a butterfly, insect, or certain types of birds that are under threat. Articles in newspapers or on the news may alert you to controversies surrounding natural resource issues, especially those involving endangered species and wetlands.

**Applicants must comply with the requirements under the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001-4128) and the Coastal Barrier Resources Act (19 U.S.C. 3601).

MANMADE HAZARDS

Completion of the Phase I Assessment is required and must be included among the Exhibits for submission. **However, other potential hazardous or site contaminations problems may be discovered during the conduct of they environmental review. Specific environmental risks and hazards that may result in site contamination are discussed in Choosing and Environmentally "Safe " Site. Additional environmental information on manmade hazards that HUD may collect in the conduct of the environmental review may include the following categories.**

Manmade Hazards

+ Industrial Operations
(e.g. lead smelter, facilities handling explosive material, heavy industry, etc.

+ Airports

+ Landfills, dumps,

+ Odors

+ Noise

+ Traffic (major transportation or truck routes, railroad lines, highways, etc)

+ Agricultural operations

+ Incinerators, oil refineries

+ Large parking facilities/lots

+ Nuisances and Hazards (natural and built)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SECTION 811 PROGRAM OF SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES (SECTION 811 PROGRAM)

Billing Code 4210-32-C

Funding Availability for the Section 811 Program of Supportive Housing for Persons With Disabilities (Section 811 Program) Overview Information

A. Federal Agency Name: Department of Housing and Urban Development, Office of Housing

B. Funding Opportunity Title: Section 811 Supportive Housing for Persons with Disabilities

C. Announcement Type: Initial announcement.

D. Funding Opportunity Number: OMB Approval Number: 2502–0462. The **Federal Register** number for this NOFA is: FR–4900–N–28.

E. Catalog of Federal Domestic Assistance (CFDA) Number: 14.181, Section 811 Supportive Housing for Persons with Disabilities

F. Dates: Application Deadline Date: July 7, 2004. Refer to Section IV. below and the General Section for information on application submission requirements.

G. Optional, Additional Overview Content Information:

1. Purpose of the Program. This program provides funding for the development and operation of supportive housing for very low-income persons with disabilities who are at least 18 years old. If you receive funding through this program, you must assure that supportive services are identified and available.

2. Available Funds. Approximately $117.7 million in capital advance funds, plus associated project rental assistance contract (PRAC) funds and any carryover funds available.

3. Types of Funds. Capital advance funds will cover the cost of developing the housing. PRAC funds will cover the difference between the HUD-approved operating costs of the project and the tenants' contributions toward rent (30 percent of their adjusted monthly income).

4. Eligible Applicants. Nonprofit organizations that have a section 501(c)(3) tax exemption from the Internal Revenue Service. (See Section VI.B.6. below of this program NOFA for further details and information regarding the formation of the Owner corporation.)

5. Eligible Activities. New construction, rehabilitation, or acquisition (with or without rehabilitation) of housing. (See Section III.C.1. below of this program NOFA for further information.)

6. Match Requirements. None required.

7. Local HUD Offices. The local HUD Office structure, for the purpose of implementing the Section 811 program, consists of 18 Multifamily Hub Offices. Within the Multifamily Hubs, there are Multifamily Program Centers with the exception of the New York Hub, the Buffalo Hub, the Denver Hub and the Los Angeles Hub. All future references shall use the term ''local HUD Office'' unless a more detailed description is necessary as in Limitations on Applications and Ranking and Selection Procedures, below.

Full Text of Announcement:

I. Funding Opportunity Description

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 with or without rehabilitation (including structures from the Federal Deposit Insurance Corporation (FDIC)), 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 in Section IV.E.3. below. Repayment of the capital advance is not required as long as the housing remains available for occupancy by very low-income persons with disabilities for at least 40 years. 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. Authority

42 U.S.C. 8013 (Section 811 of the Cranston-Gonzalez National Affordable Housing Act (Pub. L. 101–625, approved November 28, 1990)(NAHA), as amended by the Housing and Community Development Act of 1992) (Pub.L. 102–550, approved October 28, 1992)(HCD Act of 1992); the Rescissions Act (Pub.L. 104–19, approved July 27, 1995); the American Homeownership and Economic Opportunity Act of 2000 (Pub. L. 106–569, approved December 27, 2000) and the Consolidated Appropriations Act, 2004 (P.L. 108–199, approved January 23, 2004) 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)).

C. Eligible Occupancy

You may propose a Section 811 project to serve persons with physical disabilities, developmental disabilities, chronic mental illness, or any combination of the three as defined in 24 CFR 891.305. In addition, you may request HUD approval to restrict occupancy to a subcategory of one of these three defined categories (*e.g.*, HIV/AIDS is a subcategory of physical disability). If restricted occupancy is approved, however, you cannot deny occupancy to any otherwise qualified person that meets the definition of the overall category of disability.

D. Calculation of Fund Reservation

If selected, you will receive a fund reservation that will consist of both a reservation of capital advance funds and a reservation of contract authority (one year) and budget authority (five years) for project rental assistance.

1. Capital advance funds. The reservation of capital advance funds is based on a formula which, for an independent living project (including condominiums), takes the development cost limit for the appropriate building type (elevator, non-elevator) and unit size(s) and multiplies it by the number of units of each size (including a unit for a resident manager, if applicable) and then multiplies the result by the high cost factor for the area. For a group home, the formula is based on the number of persons with disabilities in the appropriate disability category (excluding any unit for a resident manager since such a unit is already incorporated in the development cost limit) multiplied by the high cost factor for the area. The development cost limits can be found in Section IV.E.3. of this program section of the SuperNOFA.

2. PRAC funds. The PRAC contract authority is determined by multiplying the number of units for residents with disabilities in an independent living project or the number of residents with disabilities in a group home by the appropriate operating cost standard and then multiplying the result by 12 (months). The PRAC budget authority is determined by multiplying the PRAC contract authority by 5 (years). The operating cost standards will be published by Notice.

II. Award Information

A. Available Funds. For FY 2004, approximately $117.7 million is available for capital advances for the Section 811 Program of Supportive Housing for Persons with Disabilities. The Consolidated Appropriations Act, 2004 (Pub. L. 108–199, approved

January 23, 2004) provides $249,092,000 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); for project rental assistance for supportive housing for persons with disabilities under section 811 of the NAHA, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a one-year term and for tenant-based rental assistance contracts and renewal of expiring contracts for such assistance entered into pursuant to section 811 of the NAHA, and $467,000 to be transferred to the Working Capital Fund all of which reflect a .59% across-the-board rescission pursuant to Public Law 108–199. $75 million will be provided 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.

In accordance with the waiver authority provided in the FY2004 Consolidated 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 FY2004 formula consists of the following data element from the 2000 Census: the number of non-institutionalized persons age 16 to 64 with a disability. The data on disability status were derived from answers to a two-part question that asked about the existence of the following long-lasting conditions: (a) blindness, deafness, or a severe vision or hearing impairment (sensory disability) and (b) a condition that substantially limits one or more basic physical activities, such as walking, climbing stairs, reaching, lifting, or carrying (physical disability); and a four-part question that asked if the individual had a physical, mental, or emotional condition lasting 6 months or more that made it difficult to perform certain activities. The four activity categories were: (a) learning, remembering, or concentrating (mental disability); (b) dressing, bathing, or getting around inside the home (self-care disability); (c) going outside the home alone to shop or visit a doctor's office (going outside the home disability); and (d) working at a job or business (employment disability).

Under the Section 811 Program, each local 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 local 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 count of disabilities in the data element for each state, or state portion, of each local HUD office jurisdiction as a percent of the data element from the 2000 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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FY 2004 SECTION 811 ALLOCATIONS FOR SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES

OFFICES	UNITS	CAPITAL ADVANCE
BOSTON HUB		
BOSTON	28	$2,890,683
HARTFORD	19	1,964,406
MANCHESTER	19	1,533,503
PROVIDENCE	10	1,016,910
TOTAL	76	$7,405,502
NEW YORK HUB		
NEW YORK	51	$6,078,584
TOTAL	51	$6,078,584
BUFFALO HUB		
BUFFALO	27	$2,456,869
TOTAL	27	$2,456,869
PHILADELPHIA HUB		
CHARLESTON	17	$1,337,954
NEWARK	33	3,498,110
PHILADELPHIA	35	3,462,979
PITTSBURGH	20	1,711,276
TOTAL	105	$10,010,319
BALTIMORE HUB		
BALTIMORE	20	$1,690,704
RICHMOND	26	1,930,701
WASHINGTON	20	1,823,754
TOTAL	66	$5,445,159
GREENSBORO HUB		
COLUMBIA	24	$1,934,983
GREENSBORO	37	3,447,578
TOTAL	61	$5,382,561

OFFICES	UNITS	CAPITAL ADVANCE
ATLANTA HUB		
ATLANTA	36	$2,630,342
KNOXVILLE	18	1,245,797
LOUISVILLE	25	1,978,833
NASHVILLE	22	1,546,717
SAN JUAN	26	2,242,625
TOTAL	127	$9,644,314
JACKSONVILLE HUB		
BIRMINGHAM	26	$1,829,333
JACKSON	21	1,407,174
JACKSONVILLE	62	4,409,117
TOTAL	109	$7,645,624
CHICAGO HUB		
CHICAGO	43	$4,464,533
INDIANAPOLIS	28	2,200,380
TOTAL	71	$6,664,913
COLUMBUS HUB		
CINCINNATI	17	$1,284,419
CLEVELAND	25	2,150,861
COLUMBUS	19	1,460,353
TOTAL	61	$4,895,633
DETROIT HUB		
DETROIT	28	$2,541,189
GRAND RAPIDS	20	1,523,369
TOTAL	48	$4,064,558
MINNEAPOLIS HUB		
MINNEAPOLIS	21	$1,998,690
MILWAUKEE	23	2,076,056
TOTAL	44	$4,074,746

OFFICES	UNITS	CAPITAL ADVANCE
FT. WORTH HUB		
FT. WORTH	48	$3,150,378
HOUSTON	29	1,968,238
LITTLE ROCK	20	1,310,464
NEW ORLEANS	25	1,739,185
SAN ANTONIO	28	1,791,635
TOTAL	150	$9,959,900
KANSAS CITY HUB		
DES MOINES	17	$1,208,698
KANSAS CITY	24	1,842,676
OKLAHOMA CITY	22	1,459,921
OMAHA	10	777,054
ST LOUIS	19	1,699,696
TOTAL	92	$6,988,045
DENVER HUB		
DENVER	34	$2,728,992
TOTAL	34	$2,728,992

OFFICES	UNITS	CAPITAL ADVANCE
SAN FRANCISCO HUB		
SAN FRANCISCO	44	$4,849,879
HONOLULU	10	1,784,052
PHOENIX	25	1,878,257
SACRAMENTO	20	2,033,514
TOTAL	99	$10,545,702
LOS ANGELES HUB		
LOS ANGELES	76	$7,415,595
TOTAL	76	$7,415,595
SEATTLE HUB		
SEATTLE	27	$2,557,226
ANCHORAGE	10	1,784,052
PORTLAND	23	1,927,871
TOTAL	60	$6,269,149
NATIONAL TOTAL	**1,357**	**$117,676,165**

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B. Type of Award. Capital Advance and Project Rental Assistance Contract Funds for new Section 811 applications.

C. Type of Assistance Instrument. The Agreement Letter stipulates the terms and conditions for the Section 811 fund reservation award as well as the submission requirements following the fund reservation award. The duration of the fund reservation award for the capital advance is 18 months from the date of issuance of the fund reservation.

D. Anticipated Start and Completion Date. Immediately upon your acceptance of the Agreement Letter, you are expected to begin work toward the submission of a Firm Commitment Application, which is the next application submission stage. You are required to submit a Firm Commitment Application to the local HUD office within 180 days from the date of the Agreement Letter. Initial closing of the capital advance and start of construction of the project are expected to be accomplished within the duration of the fund reservation award as indicated in the above paragraph regarding the Type of Assistance Instrument. Final closing of this capital advance is expected to occur no later than six months after completion of project construction.

III. Eligibility Information

A. Eligible Applicants: Nonprofit organizations with a section 501(c)(3) tax exemption from the Internal Revenue Service and who meet the threshold requirements contained in the General Section of the SuperNOFA and Section III.C.2. below are the only eligible applicants for this program.

Applicant eligibility for purposes of applying for a Section 811 fund reservation under this NOFA has not changed; *i.e.*, all Section 811 Sponsors and Co-Sponsors must be nonprofit organizations. However, the Owner corporation, when later formed by the Sponsor, may be (1) a single-purpose nonprofit organization that has tax-exempt status under Section 501(c)(3) of the Internal Revenue Code of 1986, OR (2) for purposes of developing a mixed-finance project pursuant to the statutory provision under Title VIII of the American Homeownership and Economic Opportunity Act of 2000, a for-profit limited partnership with a nonprofit entity as the sole general partner.

See Section IV.E.2. below regarding limits on the total number of units and projects for which you may apply for funding.

B. Cost Sharing or Matching: No cost sharing or match is required; however, you are required to make a commitment to cover the estimated start-up expenses, the minimum capital investment of one half of one percent of the HUD-approved capital advance, not to exceed $10,000, and any funds required in excess of the capital advance, including the estimated cost of any amenities or features (and operating costs related thereto) which are not covered by the capital advance. You must make such a commitment by signing the Sponsor's Resolution for Commitment to Project in Exhibit 8(h) of the application found in Section IV.B. below.

C. Other:

1. Eligible Activities. Section 811 capital advance funds must be used to finance the development of housing through new construction, rehabilitation, or acquisition with or without rehabilitation. Capital advance funds may also be used in combination with other non-Section 811 funding sources leveraged by a for-profit limited partnership (of which a single-purpose nonprofit organization with a 501(c)(3) tax exemption is the sole general partner) to develop a mixed-finance project, including a mixed-finance project for additional units over and above the Section 811 units. The development of a mixed-use project in which the Section 811 units are mortgaged separately from the other uses of the structure is not considered a mixed-finance project. 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). The types of housing that can be developed with Section 811 capital advance funds include independent living projects, dwelling units in multifamily housing developments, condominium and cooperative housing and small group homes.

Note: For purposes of approving Section 811 capital advances, HUD will consider proposals involving mixed-financing for additional units over and above the Section 811 units if you have legal control of an approvable site and the additional units do not cause the project, as a whole, to exceed the project size limits if the additional units will also house persons with disabilities (unless your project will be an independent living project and you request and receive HUD approval to exceed the project size limits (See IV.B.2.c.(1)(d)(xii).) However, you must obtain funds to assist the additional units with other than PRAC funds. HUD will not provide PRAC funds for non-Section 811 units.

2. Threshold Criteria for Funding Consideration. In addition to the threshold criteria outlined in the General Section of the SuperNOFA (such as the inclusion of a DUN and Bradstreet Data Universal Numbering System (DUNS) Number on the SF–424), the following threshold requirements must be met:

a. Non-Responsive Application. Your application will be considered non-responsive to the NOFA and will not be accepted for processing if you:

(1) submit less than the required number of copies (an original and four copies are required);

(2) request more units than were allocated to the local HUD Office to which you submitted your application (See the allocation chart in Section II.A. above);

(3) request less than the minimum number of units for persons with disabilities in an independent living project (5 units) or a group home (2 units); or

(4) request more than the maximum number of units for a group home (6 units).

b. Other Criteria. (1) You, or a Co-Sponsor, must have experience in providing housing or services to persons with disabilities.

(2) You and any Co-Sponsor must be eligible nonprofit organizations with tax exempt status under Section 501(c)(3) of the Internal Revenue Service code.

(3) Your application must contain evidence of site control or the identification of a site. Section 811(d)(3) of the National Affordable Housing Act requires you to provide either evidence of site control or a reasonable assurance that you will have control of a site within six months of the date of the Agreement Letter notifying you that you have been selected to receive a Section 811 fund reservation. Accordingly, you must include in your application, the required information specified below for evidence of site control, or the required information specified below under site identification as a reasonable assurance that site control will be obtained within six months of the date of the Agreement Letter.

(a) Evidence of Site Control—If you have control of a site at the time you submit your application, you must provide the information in Exhibit 4(d) in IV.B. of this program section of the SuperNOFA relative to site control.

or

(b) *Site Identification*—If you do not have site control of one or more of your sites, you must provide the information required in Exhibit 4(e) in IV.B. of this program section of the SuperNOFA under ''Identification of Site'' for any site not under control as a reasonable assurance that site control will be obtained within six months of fund reservation notification.

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. During the selection process, all applications with acceptable evidence of site control for all proposed sites and all proposed sites have been found approvable will be grouped in Category A. All applications that are submitted as ''site identified'' as well as those that are submitted with site control but the evidence of control and/or site(s) are not approvable (if the Sponsor indicates that it is willing to seek a different site if the proposed site is unapprovable) will be grouped in Category B. All applications in Category A will be selected before any applications are selected from Category B. See Section V.B.4. for further information on the selection process.

(c) Historic Preservation. If you submit an application with evidence of site control, you are required to send a letter to the State/Tribal Historic Preservation Officer (SHPO/THPO) that attempts to initiate consultation with their office and requests their review of your determinations and findings with respect to the historical significance of your proposed project. Appendix B to this program section of the SuperNOFA contains a sample letter to the SHPO/THPO that you may adapt for your use, if you so choose. You must include a copy of your letter to the SHPO/THPO in your application. You must then also include in your application either:

(i) The response letter(s) from the SHPO/THPO, or

(ii) A statement from you that you have not received a response letter(s) from the SHPO/THPO.

(d) Contamination. HUD must determine if a proposed site contains contamination and, if so, HUD must be satisfied that it is eliminated to the extent necessary to meet non site-specific Federal, State or local health standards. If you submit an application with evidence of site control, you must assist HUD by doing the following:

(i) Phase I Environmental Site Assessment (ESA)—You must submit a Phase I ESA, prepared in accordance with the ASTM Standards E 1527–00, as amended, completed or updated no earlier than six months prior to the application deadline date, in order for the application to be considered as an application with site control. The Phase I ESA must be completed and included in your application. Therefore, it is important that you start the Phase I ESA process as soon after publication of the SuperNOFA as possible. To help you choose an environmentally safe site, HUD invites you to review the document ''Choosing An Environmentally Safe Site'' which is available on HUD's Web site at *http://www.hud.gov/grants/index.cfm* and the ''Supplemental Guidance, Environmental Information'' in Appendix C to this program section of the SuperNOFA.

(ii) Phase II ESA—If the Phase I ESA 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 Phase I ESA process identified above must be followed for the new site. However, if you choose to continue with the original site on which the Phase I ESA indicated contamination or hazards, you must undertake a detailed Phase II ESA by an appropriate professional. In order for your application to be considered as an application with site control, the Phase II must be submitted to the local HUD office on or before August 6, 2004.

(iii) Clean-up—If the Phase II ESA 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 appropriate local HUD office on or before August 6, 2004.

Note: Clean-up could be an expensive undertaking. You must pay for the cost of any clean-up and/or remediation. If the application is approved, clean-up must be completed prior to initial closing. Completion of clean-up means that HUD must be satisfied that the contamination has been eliminated to the extent necessary to meet non site-specific federal, state or local health standards, with no active or passive remediation still taking place, no capping over of any contamination, and no monitoring wells. However, it is acceptable if contamination remains solely in groundwater that is at least 25 feet below the surface.

(e) Asbestos. Asbestos is a hazardous substance commonly used in building products until the late 1970s. Therefore, if you submit an application with evidence of site control, you must submit one of the following with your application:

(i) If there is no pre-1978 structure on the site, a statement to this effect, or

(ii) If there is a pre-1978 structure on the site, an asbestos report which is based on a thorough inspection to identify the location and condition of asbestos throughout any structures. In those cases where suspect asbestos is found, it would either be assumed to be asbestos or would require confirmatory testing. If the asbestos report indicates the presence of asbestos or the presence of asbestos is assumed, and if the application is approved, HUD will condition the approval on an appropriate mix of asbestos abatement and an asbestos Operations and Maintenance Plan.

(4) There must be a market need for the number of units proposed in the area of the project location.

(5) Your application must contain a Supportive Services Plan and a Certification from the appropriate state or local agency that the 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. Exhibit 5 in Section IV.B. 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 and complete the Supportive Services Certification and return it to you so that you can include it in the application you submit to HUD.

(i) HUD will reject your application if the Supportive Services Certification:

A Is not submitted with your application *and* is not submitted to HUD within the 14-day cure period; or

B 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; or

C Indicates that the provision of supportive services will not enhance independent living success or promote the dignity of the persons with disabilities who will live in your proposed project.

(ii) 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 3 or 4 of the certification, HUD determines that:

A You failed to demonstrate that supportive services will be available on a consistent, long-term basis; and/or

B The proposed housing is not consistent with state or local agency plans/policies addressing the housing needs of people 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.

You must not require residents to accept any supportive services as a condition of occupancy or admission.

(6) Delinquent Federal Debt. Refer to the General Section of the SuperNOFA for information regarding delinquent federal debt.

3. Program Requirements. By signing Form HUD–92016–CA, Application for a Section 811 Capital Advance, you are certifying that you will comply with the program requirements listed in the General Section of the SuperNOFA as well as the following requirements:

a. Statutory and Regulatory Requirements. In addition to the statutory, regulatory, threshold and public policy requirements listed in the General Section of the SuperNOFA, you must comply with all statutory and regulatory requirements listed in Sections I and III of this program NOFA.

b. Project Size Limits. (1) *Independent living project.* The minimum number of units for persons with disabilities that can be applied for in one application is five units for persons with disabilities. All of the units are not required to be in one structure and they may be on scattered sites. The maximum number of persons with disabilities that can be housed in an independent living project on one or adjacent sites is 14 plus one additional one- or two-bedroom unit for a resident manager, if necessary. If the proposed independent living project will be located on the same site or on an adjacent site containing existing housing for persons with disabilities, the total number of persons with disabilities housed in both the existing and the proposed project cannot exceed 14.

(2) Exception to project size limit for an independent living project. If you are submitting an application for an independent living project with site control, you may request an exception to the above project size limit by providing the information required in Exhibit 4(d)(xii) of Section IV.B. below in this program section of the SuperNOFA.

(3) Group home. The minimum number of persons with disabilities that can reside in a group home is two, and the maximum number is six. An additional one-bedroom unit can be provided for a resident manager. 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. If you are applying for more than one group home, they cannot be located on the same or adjacent sites.

(4) Condominium Units. Condominium units are treated the same as units in an independent living project except that you cannot request an additional condominium unit for a resident manager.

c. Minimum Capital Investment. If selected, you 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.

d. Accessibility. Your project must meet accessibility requirements published at 24 CFR 891.120, 24 CFR 891.310 and Section 504 of the Rehabilitation Act of 1973, and, if new construction, the design and construction requirements of the Fair Housing Act and HUD's implementing regulations at 24 CFR part 100. In addition, 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. HUD will award higher points to applications that add accessible design features beyond those required under civil rights laws and regulations. Refer to Section V.A. below and the General Section of the SuperNOFA for information regarding the policy priority of encouraging accessible design.

e. Conducting Business in Accordance With Core Values and Ethical Standards. You are not subject to the requirements of 24 CFR parts 84 and 85 as outlined in the General Section of the SuperNOFA. However, you are still subject to the core values and ethical standards as they relate to the conflict of interest provisions in 24 CFR 891.130. To ensure compliance with the program's conflict of interest provisions, you are required to sign a Conflict of Interest Resolution and include it in your Section 811 application. Further, if awarded a Section 811 fund reservation, the officers, directors, board members, trustees, stockholders and authorized agents of the Section 811 Sponsor and Owner entities will be required to submit to HUD individual certifications regarding compliance with HUD's conflict of interest requirements.

f. National Environmental Policy Act. You must comply with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321) and applicable related environmental authorities at 24 CFR 50.4, HUD's programmatic implementing regulations at 24 CFR part 50 and 24 CFR 891.155(b), especially, but not limited to, the provision of information to HUD at 24 CFR 50.31(b), and you must comply with any environmental ''conditions and safeguards'' at 24 CFR 50.3(c).

Under 24 CFR Part 50, HUD has the responsibility for conducting the environmental reviews. HUD cannot approve any site for which you have site control unless it first completes the environmental review. In rare cases where HUD is not able to complete the environmental review, it is due to a complex environmental issue that could not be resolved during the time period allocated for application processing. Thus, if you submit an application with evidence of site control, HUD requires you to attempt to obtain comments from the State/Tribal Historic Preservation Officer (see Exhibit 4(d)(ix) of Section IV.B. below) to help HUD complete the environmental review on time. It is also why HUD may contact you for additional environmental information. So that you can review the type of information that HUD needs for its preparation of the environmental review as well as the type of information requests that HUD may make to you, you are invited to go to the following Web site to view the HUD form 4128, including the Sample Field Notes Checklist, which HUD uses to record the environmental review: *http://www.hud.gov/utilities/intercept.cfm?/offices/cpd/energyenviron/environment/compliance/forms/4128.pdf.*

g. Lead-Based Paint. You must 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.

h. Executive Order 13202, Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects. Refer to the General Section of the SuperNOFA for information regarding Executive Order 13202.

IV. Application and Submission Information

A. Addresses to Request Application Package. All information required to complete and return a valid application

is included in the General Section and this program section of the SuperNOFA, including appendices. Copies of the General Section, this program section, the required forms, and appendices, are available and may be downloaded from HUD's Web site at *http://www.hud.gov/grants.*

You may request general information, copies of the General Section and program section of the SuperNOFA (including appendices), and required forms from the NOFA Information Center (800–HUD–8929 or 800–HUD–2209 (TTY)) between the hours of 9 a.m. and 8 p.m. (eastern time) Monday through Friday, except on federal holidays. When requesting information, please refer to the name of the program you are interested in. 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 copies of the SuperNOFA can be made immediately following its publication. The NOFA Information Center opens for business simultaneously with the publication of the SuperNOFA.

B. Content and Form of Application Submission. The exhibits to be included in your application are contained in the body of this program section of the SuperNOFA below. There will not be a separate Application Kit provided this year. Before preparing your application, you should carefully review the requirements of the regulations (24 CFR Part 891) and general program instructions in Handbook 4571.2, Section 811 Capital Advance Program for Housing Persons with Disabilities.

Note: *Section 1001 of Title 18 of the United States Code (Criminal Code and Criminal Procedure, 72 Stat. 967 applies to all information supplied in the application submission).* (18 U.S.C. 1001, among other things, provides that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.)

The Application for a Section 811 Capital Advance consists of four parts with a total of eight Exhibits. Included with the eight Exhibits are prescribed forms, certifications and resolutions. The components of the Application are:

Part 1—Application Form for Section 811 Supportive Housing—Capital Advance (Exhibit 1).

Part 2—Your Ability to Develop and Operate the Proposed Project (Exhibits 2 and 3).

Part 3—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 Project (Exhibits 4 and 5).

Part 4—General Application Requirements, Certifications and Resolutions (Exhibits 6 through 8).

Appendix A—Listing of Local HUD offices

Appendix B—Letter Requesting SHPO/THPO Review

Appendix C—Supplemental to Choosing An Environmentally Safe Site

Your application must include all of the information, materials, forms, and exhibits listed below (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 Exhibit 2(a), (b), and (c), 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 local HUD office will verify your indication of previous HUD approval by checking the project number and approval status with the appropriate local HUD office based on information submitted.

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.

You must contact the appropriate local HUD office to obtain information about the submission of applications within the jurisdiction of that Office as well as information relating to the Phase I Environmental Site Assessment, Exhibit 4(d)(vii).

Note: You may apply for a scattered site project in one application, in which case the project size limits in III.C.3.b. above apply on a per-site basis.

Please submit your application using the following format provided in this program section of the SuperNOFA, indexed and tabbed accordingly.

1. *Table of Contents* (This is also to be used as a checklist to assist you in submitting a complete application. After your application is complete, insert the page number on the blank line associated with the Exhibit or portion of the Exhibit.)

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a. PART I - APPLICATION FORM FOR SECTION 811 SUPPORTIVE HOUSING - CAPITAL ADVANCE

(1) EXHIBIT 1: Form HUD-92016-CA, Application for Section 811 Supportive Housing Capital Advance ____

b. PART II -YOUR ABILITY TO DEVELOP AND OPERATE THE PROPOSED PROJECT

(1) 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.]

(d) The number of people on your board and the number of board members who have disabilities ____

(2) 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, to the target population, and description of geographic areas served ____

(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) Description of practical solutions to be implemented ____

(h) Project Development Timeline ____

(i) Description of how project will remain viable ____

(i) if service funds are depleted ____

(ii) for State-funded services, if State changes policy ____

(iii) if the need for project changes ____

(j) Identification/coordination with other organizations ____

(k) Description of consultation with Continuum of Care organizations ____

(l) Description of efforts to remove barriers to affordable housing ____

c. PART III - THE NEED FOR SUPPORTIVE HOUSING FOR THE TARGET POPULATION IN THE AREA TO BE SERVED, SITE CONTROL AND/OR IDENTIFICATION OF SITE AND SUITABILITY OF SITE, ADEQUACY OF THE PROVISION OF SUPPORTIVE SERVICES AND OF THE PROPOSED PROJECT

(1) 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 ____

(iii) If applicable, description of plans and actions to create a mixed-finance project for additional units and the number of additional units ____

Evidence of Site Control

(d) Evidence of site control and permissive zoning (If you do not have site control,

skip to (e) Identification of Site below): ____

(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 to make project permissible ____

(iv) Evidence of compliance with URA site notification requirement ____

(v) Narrative topographical/demographic description of site/area suitability, how site will promote greater housing opportunities for minorities/target population ____

(vi) Racial composition/concentration map of site ____

(vii) Phase I Environmental Site Assessment ____

(viii) Asbestos Statement or Report ____

(ix) Letter to State/Tribal Historic Preservation Officer (SHPO/THPO) ____

(x) Response from SHPO/THPO or statement that SHPO/THPO failed to respond ____

(xi) Willingness to seek an alternate site ____

(xii) Request for exception to project size limits (if applicable) - why site was selected and (ILP with site control only): ____

(A) Preference/acceptance of people with disabilities 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 ____

(e) Identification of a Site

(i) Location of site ____

(ii) Steps undertaken to identify site; what must be done to obtain site control ____

(iii) Whether site is properly zoned ____

(iv) Status of the sale of the site ____

(v) Whether the site would involve relocation ____

(2) EXHIBIT 5: Supportive Services Plan

(a) Description of occupancy ____

(b) Request for approval to limit occupancy, if applicable, including:

(i) Description of population to which occupancy will be limited ____

(ii) Why it is necessary to limit occupancy, including:

(A) How Section 811 program goals will still be achieved ____

(B) Why housing and services needs cannot be met in more integrated setting ____

(iii) Experience in providing housing and/or supportive services to proposed population ____

(iv) How you will ensure occupants will be integrated into neighborhood and

community ____

(c) Supportive services needs of proposed population ____

(d) List of community service providers with letters of intent ____

(e) Evidence of each service provider's capability and experience ____

(f) Extent of State and local agency involvement in project ____

(g) Letter indicating your commitment to make services available or coordinate their availability ____

(h) How residents will be afforded employment opportunities ____

(i) Whether project will include manager's unit ____

(j) Statement that you will not condition occupancy on the resident's acceptance of supportive services ____

d. PART IV - GENERAL APPLICATION REQUIREMENTS, CERTIFICATIONS AND RESOLUTIONS

(1) EXHIBIT 6: A list of applications, if any, you have submitted or are planning to submit to any other local HUD Office in response to the Section 202 or Section 811 NOFA, and required information about each ____

(2) EXHIBIT 7: Applies to applications with site control only

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 ____

(3) EXHIBIT 8: Certifications and Resolutions:

(a) Standard Form 424, Application for Federal Assistance ____

(b) Standard Form 424 Supplement, Survey on Ensuring Equal Opportunity for Applicants ____

(c) Form HUD-424B, Applicant Assurances and Certifications ____

(d) Standard Form LLL, Disclosure of Lobbying Activities, if applicable ____

(e) Form HUD-2880, Applicant/Recipient Disclosure/Update Report ____

(f) Form HUD-2991, Certification of Consistency with the Consolidated Plan ____

(g) Form HUD-92041, Sponsor's Conflict of Interest Resolution ____

(h) Form HUD-92042, Sponsor's Resolution for Commitment to Project ____

(i) Form HUD-2990, Certification of Consistency with the RC/EZ/EC Strategic Plan ____

(j) Form HUD-2530, Previous Participation Certification ____

(k) Form HUD-92043, Supportive Services Certification ____

(l) Form HUD-96010, Logic Model ____

(m) Form HUD-27300, Questionnaire for HUD's Initiative on Removal of Regulatory Barriers ____

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2. General Applications Requirements

a. Part I—Application Form for Section 811 Supportive Housing—Capital Advance

(1) Exhibit 1—Form HUD–92016–CA, Application for Section 811 Supportive Housing Capital Advance. Refer to Section IV.B.3. of this program section for a copy of this form.

b. Part II—Your Ability to Develop and Operate the Proposed Project

(1) Exhibit 2—Evidence of your legal status (Nonprofit with 501(c)(3) IRS tax exemption) (If another organization(s) is co-sponsoring the application with you, each Co-Sponsor must also submit the following):

(a) Articles of Incorporation, constitution, or other organizational documents

(b) By-laws

(c) IRS tax exemption ruling (this must be submitted by all Sponsors, including churches)

(Exception: If You Received a Section 811 Fund Reservation Within the Last Three Funding Cycles, You Are Not Required To Submit the Documents Described in (a), (b), and (c) Above. Instead, Submit the Project Number of the Latest Application and the Local 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.)

(d) The number of people on your board and the number of board members who have disabilities.

(2) Exhibit 3—Your purpose, community ties and experience:

(a) A description of your purpose(s), current activities, and how long you have been in existence.

(b) A description of your ties to the community in which your project will be located and to the minority and disability communities in particular, including a description of the specific geographic area(s) in which you have served.

(c) A description of local government support for the project (including financial assistance, donation of land, provision of services, etc.).

(d) Letters of support for your organization and for the proposed project from organizations familiar with the housing and supportive services needs of the target population (*e.g.*, the local center for independent living, the Statewide Independent Living Council) that you expect to serve in the proposed project.

(e) A description of your housing and/or supportive services experience. The description should include any rental housing projects (including any integrated housing developments) and/or supportive services facilities that you sponsored, own and/or operate, 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 target population (persons with disabilities 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.

(f) A description of your efforts to involve members of the target population (persons with disabilities including minority persons with disabilities and persons with disabilities similar to those of the prospective residents) in the development of the application as well as your intent to involve the target population in the development and operation of the project.

(g) A description of the practical solutions you will implement which will enable residents of your project to achieve independent living and economic empowerment. In addition, describe the educational opportunities you will provide for the residents and how you will provide them. This description should include the activities you will undertake to improve computer access, literacy and employment opportunities (*e.g.*, provide programs that can teach residents how to use computers to become educated as well as achieve economic self-sufficiency through job training and placement). And, finally, describe how your proposed project will be an improved living environment for the residents when compared to their previous place of residence.

(h) Describe your plan for completing the proposed project. Include a project development timeline which lists the major development stages for the project with associated dates that must be met in order to get the project to initial closing and start of construction within the 18-month fund reservation period as well as the full completion of the project, including final closing. Completion of Exhibit 8(l), Logic Model, will assist you in completing your response to this Exhibit.

(i) Describe how you will ensure that your proposed project will remain viable as housing with the availability of supportive services for the target population for the 40-year capital advance period. This description should address the measures you would take should any of the following occur:

(i) funding for any of the needed supportive services becomes depleted;

(ii) if, for any state-funded services for your project, the state changes its policy regarding the provision of supportive services to projects such as the one you propose; or

(iii) if the need for housing for the population you will be serving wanes over time, causing vacancies in your project.

(j) A description of the steps you took to coordinate your application with other organizations (*e.g.*, the local center for independent living) that will not be directly involved in your project but with which you share common goals and objectives, to complement and/or support the proposed project so that the project will provide a comprehensive and holistic solution to the needs of persons with disabilities.

(k) A description of your efforts to consult with Continuum of Care organizations in the community where the project will be located about the ways you can assist persons with disabilities who are chronically homeless as defined in the General Section of the SuperNOFA.

(l) A description of the activities you have undertaken to remove barriers to affordable housing in the community in which your proposed project will be located. In this description include how you have supported state and local efforts to streamline processes and procedures, eliminate redundant requirements, statutes, regulations, and codes which impede the availability of affordable housing. Completion of Exhibit 8(m), Questionnaire for HUD's Initiative on Removal of Regulatory Barriers, will assist you in completing your response to this Exhibit.

c. Part III—The Need for Supportive Housing for the Target Population, Site Control and/or Identification of Site and Suitability of Site, Adequacy of the Provision of Supportive Services and of the Proposed Project

(1) Exhibit 4—Need and Project Information

(a) Evidence of need for supportive housing. 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 or (where applicable) the State's Consolidated Plan, Analysis of Impediments to Fair Housing Choice (AI) or other planning document that analyzes fair housing issues was used in documenting the need for the project.

(b) A description of how the proposed project will benefit the target population and the community in which it will be located.

(c) Description of the project.

(i) Narrative description of the building(s) including the number and type of structure(s), number of units with bedroom distribution if independent living units including dwelling units in multifamily housing developments, condominiums and cooperatives, number of bedrooms if group home, number of residents with disabilities, and any resident manager per structure; identification of all commercial and 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. A narrative description of the building design (both interior and exterior), including any special design features, as well as any features that incorporate visitability standards and universal design. Also include a description of how the design of the proposed project will facilitate the integration of the residents into the surrounding community and promote the ability of the residents to live as independently as possible.

Note: If the community spaces, amenities, or features do not comply with the project design and cost standards of 24 CFR 891.120(a) and (c), and the special project standards of 24 CFR 891.310(a), 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.

(ii) Describe whether and how the project will promote energy efficiency, including any plans to incorporate energy efficiency features in the operation of the project through the use of Energy Star labeled products and appliances and, if applicable, innovative construction or rehabilitation methods or technologies to be used that will promote efficient construction.

(iii) For site control applications, if you are proposing to develop a mixed-finance project by developing additional units (*i.e.*, in addition to the 811 units), a description of any plans and actions you have taken to create such a mixed-finance project with the use of 811 capital advance funds, in combination with other funding sources. Provide the number of non-Section 811 units to be included in the mixed-finance project (also provide the number of additional units in the appropriate space on Form HUD–92016–CA). Also, provide copies of any letters you have sent seeking outside funding for the non-811 units and any responses thereto. Your response to this Exhibit will be used to rate your application for Rating Factor 4.c. under Leveraging Resources.

Notes: (1) If you propose to develop a mixed-finance project for additional units, you must complete the development of such a proposal. If you are later unable to develop a mixed-finance project for additional units, you will not be permitted to proceed with a Section 811 project without additional units and your fund reservation will be canceled. This is due to the fact that the project would have received points in the rating of the application in consideration of the additional units and, if selected for funding, a later change in the proposal to exclude the additional units would alter the fairness of the competition. (2) Section 811 capital advance amendment money will not be approved for projects proposing mixed-financing for additional units. (3) If approved for a reservation of capital advance funds, you will be required to submit with your Firm Commitment Application, the additional documents required by HUD for mixed-finance proposals. (4) A mixed-finance project does not include the development of a mixed-use project in which the Section 811 units are mortgaged separately from the other uses of the structure. (5) For a Section 811 mixed-finance project, the additional units cannot cause the project to exceed the project size limit for the type of project proposed, unless you request and receive HUD approval to exceed the project size limit if the project will be an independent living project (See IV.B.2.c.(1)(d)(xii).) or the additional units will house people who do not have a disability.

(d) Evidence of site control and permissive zoning.

Note: If you are applying for Section 811 funding without control of any or all of your proposed sites, you must provide the information under (e) Identification of a Site below for any site you are submitting without evidence of control of that site.

(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 50 years with renewable provisions for 25 years;

(B) Contract of sale for the site that is free of any limitations affecting the ability of the seller 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 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, must state a firm price binding on the seller, and be renewable at the end of the sixth month period. The only condition on which the option may be terminated is if you are not awarded a fund reservation;

(D) If the site is covered by a mortgage under a HUD program, (*e.g.*, a previously funded Section 202 or Section 811 project or an FHA-insured mortgage) you must submit evidence that consent to release the site from the mortgage has been obtained or is being requested from HUD and from the mortgagee, if other than HUD (approval to release the site from the mortgage must be done before the local HUD Office makes its selection recommendations to HUD Headquarters); or

(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. Where 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 of 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 of commitment will be considered sufficient evidence of site control.

(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 and the application will be considered a ''site identified'' application. 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.

(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 the 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.).

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.

(iv) Evidence of compliance with the URA requirement that the seller has been provided, in writing, with the required information regarding a voluntary, arm's length purchase transaction (*i.e.*, (1) applicant does not have the power of eminent domain and, therefore, will not acquire the property if negotiations fail to result in an amicable agreement, and (2) of the estimate of the fair market value of the property).

Note: This information should have been provided before making the purchase offer. However, in those cases where there is an existing option or contract, the seller must be provided the opportunity to withdraw from the agreement or transaction, without penalty, after this information is provided.''

(v) Narrative describing topographical and demographic aspects of the site, the suitability of the site and area (as well as a description of the characteristics of the neighborhood), how use of the site will promote greater housing opportunities for minority persons with disabilities, and how use of the site will affirmatively further 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 jurisdiction's Analysis of Impediments (AI) to Fair Housing Choice, 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 quality and services for all persons with disabilities.

(vi) A map showing the location of the site, the racial composition of the neighborhood, and any areas of racial concentration.

Note: For this competition, when determining the racial and ethnic composition of the neighborhood surrounding the proposed site, use data from the 2000 Census of Population. Data from the 2000 Census may be found at *http://www.factfinder.census.gov/servlet/BasicFactsServlet.*

(vii) A Phase I Environmental Site Assessment (ESA), in accordance with the ASTM Standards E 1527–00, as amended, must be completed and submitted with the application. In order for the Phase I ESA to be acceptable, it must have been completed or updated no earlier than six months prior to the application deadline date. Therefore, it is important to start the site assessment process as soon after the publication of the NOFA as possible. If the Phase I ESA indicates 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 Phase I ESA process identified above must be followed for the new site. If the property is to be acquired from the FDIC/RTC, include a copy of the FDIC/RTC prepared Transaction Screen Checklist or Phase I ESA and applicable documentation, per the FDIC/RTC Environmental Guidelines. If you choose to continue with the original site on which the Phase I ESA indicated contamination or hazards, you must undertake a detailed Phase II ESA by an appropriate professional. If the Phase II Assessment reveals site contamination, your must submit the extent of the contamination and a plan for clean-up of the site including 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 to the local HUD office. The Phase II and any necessary plans for clean-up do not have to be submitted with the application but must be submitted to the local HUD office by August 6, 2004. If it is not submitted by that date, the site will be rejected and the application will be considered a ''site identified'' application.

Note: You must pay for the cost of any clean-up or remediation which can be very expensive.

(viii) If you submit an application with evidence of site control, you must submit one of the following:

(A) If there is no pre-1978 structure on the site, a statement to this effect, or

(B) If there is a pre-1978 structure on the site, an asbestos report which is based on a thorough inspection to identify the location and condition of asbestos throughout any structures.

Note: In those cases where suspect asbestos is found, it would either be assumed to be asbestos or would require confirmatory testing. If the asbestos report indicates the presence of asbestos, or the presence of asbestos is assumed, and if the application is approved, HUD will condition the approval on an appropriate mix of asbestos abatement and an asbestos Operations and Maintenance Plan.

(ix) The letter you sent to the State/Tribal Historic Preservation Officer (SHPO/THPO) initiating consultation with their office and requesting their review of your determinations and

findings with respect to the historical significance of your proposed project. Appendix B to this program section of the SuperNOFA contains a sample letter that you may adapt and send to the SHPO/THPO.

(x) The SHPO/THPO response to your letter or a statement that you have not received a response letter from the SHPO/THPO.

(xi) 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.

(xii) If an exception to the project size limits is being requested, describe why the site was selected and demonstrate the following: (Only for applications for independent living projects [not group homes] with site control)

(A) People with disabilities have indicated their acceptance or preference to live in housing with as many units/people as proposed for the project.

(B) The increased number of units/people is warranted by the market conditions in the area in which the project will be located.

(C) Your project is compatible with other residential development and the population density of the area in which the project is to be located.

(D) The increased number of people will not prohibit their successful integration into the community.

(E) The project is marketable in the community.

(F) The size of the project is consistent with state and/or local policies governing similar housing for the proposed population.

(G) A statement that you are willing to have your application processed at the project size limit should HUD not approve the exception.

(e) Identification of a Site. If you have identified a site, but do not have it under control, you must submit the following information:

Note: If an application is submitted without evidence of site control and does not provide a specific street address for the identified site(s) (*e.g.*, only an indication that the project will be developed in a particular part of town but a site(s) has not been chosen) the application will be rejected.

(i) 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, how the site will promote greater housing opportunities for minority persons with disabilities and affirmatively further 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.

(ii) 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.

(iii) 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.

(iv) A status of the sale of the site.

(v) An indication as to whether the site would involve relocation.

(2) Exhibit 5—Supportive Services Plan

Note: Your supportive services plan and the Supportive Services Certification (Exhibit 8(k)) must be sent to the appropriate state or local agency (identified by the local HUD office) far enough in advance of the application deadline date so that the agency can review the plan, complete the certification and return both to you for inclusion in your application to HUD.

(a) A detailed description of whether the housing is expected to serve persons with physical disabilities, developmental disabilities, or chronic mental illness or any combination of the three. Include how and from whom/where persons will be referred and admitted for occupancy in the project. You may, with the approval of the Secretary, restrict occupancy within housing developed under the SuperNOFA to a subcategory of one of the three main categories of disability noted above (*e.g.*, AIDS is a subcategory of physical disability). However, the Owner must permit occupancy by any qualified person with a disability that qualifies under the main category of disability.

(b) If requesting approval to restrict occupancy, also submit the following:

(i) A description of the population of persons with disabilities to which occupancy will be limited.

(ii) An explanation of why it is necessary to restrict occupancy of the proposed project(s) to the population described in (i) above, including the following:

(A) An explanation of how restricting occupancy to a subcategory of persons with disabilities promotes the goals of the Section 811 program.

(B) An explanation of why the housing and/or service needs of this population cannot be met in a more integrated setting.

(iii) A description of your experience in providing housing and/or supportive services to proposed occupants.

(iv) A description of how you will ensure that occupants of the proposed project will be integrated into the neighborhood and community.

(c) A detailed description of the supportive service needs of the persons with disabilities that the housing is expected to serve.

(d) A list of community service providers, (including consumer-controlled providers), including letters of intent to provide services to proposed residents from as many potential providers as possible.

(e) The evidence of each service provider's capability and experience in providing such supportive services (even if you will be the service provider).

(f) 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/local agency's philosophy/policy concerning housing for the population to be served and a demonstration that your application is consistent with state and/or local agency plans and policies governing the development and operation of housing for persons with disabilities.

(g) 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:

(i) 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;

(ii) An assurance that any supportive services that you will make available to the residents will be based on their individual needs; and

(iii) A commitment to make the supportive services available or coordinate their availability for the life of the project.

(h) A description of how the residents will be afforded opportunities for employment.

(i) An indication as to whether the project will include a unit for a resident manager.

(j) A statement that you will not condition admission or occupancy on the resident's acceptance of any supportive services.

d. Part IV—General Application Requirements, Certifications and Resolutions

(1) Exhibit 6: A list of the applications, if any, you have submitted or are planning to submit to any other local HUD office in response to the Section 202 or Section 811 NOFA. Indicate by local HUD office, the proposed location by city and state and the number of units requested for each application. Include a list of all FY2003 and prior year Section 202 and Section 811 capital advance projects to which you are a party. Identify each by project number and local HUD office and include the following information:

(a) whether the project has initially closed and, if so, when;

(b) if the project was older than 24 months when it initially closed (specify how old) or if older than 24 months now (specify how old) and has not initially closed, provide the reasons for the delay in closing;

(c) whether amendment money was or will be needed for any project in (b) above; and,

(d) those projects which have not been finally closed.

(2) Exhibit 7: A statement that: (applicable to applications with site control only)

(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.

(b) indicates the estimated cost of relocation payments and other services.

(c) identifies the staff organization that will carry out the relocation activities.

(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 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).

(3) Exhibit 8: Certifications and Resolutions—With the exception of Form HUD–424CB and Form HUD–424CBW listed in the General Section of the SuperNOFA, and OMB Circulars A–87 and A–21, you are required to submit signed copies of the following:

(a) Standard Form 424—Application for federal Assistance, including a DUNS number, an indication of whether you are delinquent on any federal debt, and compliance with Executive Order 12372 (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). Refer to the General Section of the SuperNOFA for a copy of this form and instructions on how to obtain a DUNS number.

(b) Standard Form 424 Supplement, Survey on Ensuring Equal Opportunity for Applicants. Although the information on this form will not be considered in making funding decisions, it will assist the federal government in ensuring that all qualified applicants have an equal opportunity to compete for federal funding. Refer to the General Section of the SuperNOFA for a copy of this form.

(c) Form HUD–424B, Applicant Assurances and Certifications. Refer to the General Section of the SuperNOFA for a copy of this form.

(d) Standard Form LLL—Disclosure of Lobbying Activities (if applicable). A disclosure of activities conducted to influence any federal transactions. Refer to the General Section of the SuperNOFA for a copy of this form.

(e) Form HUD–2880, Applicant/Recipient Disclosure/Update Report, including Social Security and Employee Identification Numbers. A disclosure of assistance from other government sources received in connection with the project. Refer to the General Section of the SuperNOFA for a copy of this form.

(f) Form HUD–2991, Certification of Consistency with the Consolidated Plan (Plan), 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 the program section of the SuperNOFA. The Plan regulations are published in 24 CFR part 91. Refer to the General Section of the SuperNOFA for a copy of this form.

(g) Form HUD–92041, Sponsor's Conflict of Interest Resolution. 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. Refer to Section IV.B.3. below for a copy of this Resolution.

(h) Form HUD–92042, Sponsor's Resolution for Commitment to Project. 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. Refer to Section IV.B.3.below for a copy of this Resolution.

(i) Form HUD–2990, Certification of Consistency with the RC/EZ/EC Strategic Plan. A certification that the project is consistent with the RC/EZ/EC strategic plan, is located within the RC/EZ/EC, and serves RC/EZ/EC residents. (This certification is not required if the project site(s) will not be located in an RC/EZ/EC.) Refer to the General Section of the SuperNOFA for a copy of this form.

(j) Form HUD–2530, Previous Participation Certification. This form must be submitted for the Sponsor and all of the Officers and Directors of the Board of the Sponsor, including any Co-Sponsor, if applicable. This form provides HUD with a certified report of all your previous participation in HUD multifamily housing projects. The information is used to determine if you meet the standards established to ensure that all principal participants in HUD projects will honor their legal, financial and contractual obligations and are acceptable risks from the underwriting standpoint of an insurer, lender or governmental agency. Refer to Section IV.B.3. below for a copy of this form.

(k) Form HUD–92043, Supportive Services Certification. A certification

from the appropriate state or local agency (identified in the application or obtained from the local HUD office), indicating whether the:

(i) Provision of supportive services is well designed to serve the needs of persons with disabilities the housing is expected to serve;

(ii) The provision of supportive services will enhance independent living success and promote the dignity of those who will access your proposed project;

(iii) Supportive services will be available on a consistent, long-term basis; and

(iv) Proposed housing is consistent with state or local plans and policies addressing the housing needs of people with disabilities 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 can also be obtained from the appropriate local HUD Office.) Refer to Section IV.B.3. below for a copy of this form.

(l) Form HUD–96010, Logic Model. In addition to the Project Development Timeline to be submitted in Exhibit 3(h) above, the information provided in the Logic Model will be used in rating your application for Rating Factor 5, Achieving Results and Program Evaluation. Refer to the General Section of the SuperNOFA for a copy of this form.

(m) Form HUD–27300, Questionnaire for HUD's Initiative on Removal of Regulatory Barriers. In addition to the information you provide in response to Exhibit 3(l) above, this Questionnaire will be considered in the rating of your application for Rating Factor 3.j. Refer to the General Section of the SuperNOFA for a copy of this form.

3. Required Forms. In addition to the required forms that are found in the General Section of the SuperNOFA as specified above, the following required forms (HUD–92016–CA, HUD–92041, HUD–92042, HUD–2530, and HUD–92043) are specific to the Section 811 program.

BILLING CODE 4210–32–P

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.12/31/2003)

For HUD Use Only	HUD Project Number	PRAC Number

1. Name(s), Address(es), Contact Person, and Telephone Number(s) of Sponsor(s)

1a. Sponsor is a "grassroots" organization ☐ Yes ☐ No

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, (4) Strategic Planning Community, or (5) Renewal 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
$

Note: For a group home(s)in 10. below, 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.

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.

Totals

	Units (Section 811)
	Disabled Residents
	Sites

Mixed Finance or Mixed Use Project for Additional Units
☐ Yes ☐ No # of Add'l Units _____

form **HUD-92016-CA** (04/2002)
ref Handbook 4571.2

Previous editions are obsolete

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 Spaces to be Included inProject: (identified by site no. indicated in 10 above):

15. If Sponsor is applying for more than one HUD program from the SuperNOFA, 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.

form **HUD-92016-CA** (04/2002)
ref Handbook 4571.2

Previous editions are obsolete

SPONSOR'S CONFLICT OF INTEREST RESOLUTION

U.S. Department of Housing and Urban Development
Office of Housing
Federal Housing Commissioner

OMB Approval No. 2502-0267
(exp. 03/31/2004)

Public reporting burden for this collection of information is estimated to average .40 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. HUD 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 required for HUD's Supportive Housing for the Elderly under Section 202 and Supportive Housing for Persons with Disabilities under Section 811. The information is necessary to assist HUD in determining applicant eligibility and ability to develop housing for the elderly and for persons with disabilities within 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 collection of information does not collect any sensitive information. HUD does not ensure confidentiality.

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 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 _____

day of _____, _____.

_____

Authorized Signature

SPONSOR'S RESOLUTION FOR COMMITMENT TO PROJECT

U.S. Department of Housing and Urban Development
Office of Housing
Federal Housing Commissioner

Public reporting burden for this collection of information is estimated to average .40 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. HUD 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 required for HUD's Supportive Housing for the Elderly under Section 202 and Supportive Housing for Persons with Disabilities under Section 811. The information is necessary to assist HUD in determining applicant eligibility and ability to develop housing for the elderly and for persons with disabilities within 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 collection of information does not collect any sensitive information. HUD does not ensure confidentiality.

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

Previous Participation Certification

U.S. Department of Housing and Urban Development
Office of Housing/Federal Housing Commissioner

U.S. Department of Agriculture
Farmers Home Administration

OMB Approval No. 2502-0118
(exp. 7/31/2006)

Part I To be completed by Principals of Multifamily Projects. See Instructions
Reason for Submitting Certification

For HUD HQ/FmHA use only

1. Agency Name and City where the application is filed

2. Project Name, Project Number, City and Zip Code contained in the application

3. Loan or Contract Amount

4. Number of Units or Beds

5. Section of Act

6. Type of Project (check one)
☐ Existing ☐ Rehabilitation ☐ Proposed (New)

List of All Proposed Principal Participants

7. Names and Addresses of All Known Principals and Affiliates (people, businesses & organizations) proposing to participate in the project described above. (list names alphabetically; last, first, middle initial)	8. Role of Each Principal in Project	9. Expected % Owner ship Interest in Project	10. Social Security or IRS Employer Number

Certifications: I (meaning the individual who signs as well as the corporations, partnerships or other parties listed above who certify) hereby apply to HUD or USDA-FmHA, as the case may be, for approval to participate as a principal in the role and project listed above based upon my following previous participation record and this Certification.

I certify that all the statements made by me are true, complete and correct to the best of my knowledge and belief and are made in good faith, including the data contained in Schedule A and Exhibits signed by me and attached to this form. **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)

I further certify that:

1. Schedule A contains a listing of every assisted or insured project of HUD, USDA-FmHA and State and local government housing finance agencies in which I have been or am now a principal.
2. For the period beginning 10 years prior to the date of this certification, and except as shown by me on the certification.
   a. No mortgage on a project listed by me has ever been in default, assigned to the Government or foreclosed, nor has mortgage relief by the mortgagee been given;
   b. I have not experienced defaults or noncompliances under any Conventional Contract or Turnkey Contract of Sale in connection with a public housing project;
   c. To the best of my knowledge, there are no unresolved findings raised as a result of HUD audits, management reviews or other Governmental investigations concerning me or my projects;
   d. There has not been a suspension or termination of payments under any HUD assistance contract in which I have had a legal or beneficial interest;
   e. I have not been convicted of a felony and am not presently, to my knowledge, the subject of a complaint or indictment charging a felony. (A felony is defined as any offense punishable by imprisonment for a term exceeding one year, but does not include any offense classified as a misdemeanor under the laws of a State and punishable by imprisonment of two years or less);
   f. I have not been suspended, debarred or otherwise restricted by any Department or Agency of the Federal Government or of a State Government from doing business with such Department or Agency.
   g. I have not defaulted on an obligation covered by a surety or performance bond and have not been the subject of a claim under an employee fidelity bond.
3. All the names of the parties, known to me to be principals in this project(s) in which I propose to participate, are listed above.
4. I am not a HUD/FmHA employee or a member of a HUD/FmHA employee's immediate household as defined in Standards of Ethical Conduct for Employees of the Executive Branch in 5 C.F.R. Part 2635 (57 FR 35006) and HUD's Standard of Conduct in 24 C.F.R. Part O and USDA's Standard of Conduct in 7 C.F.R. Part O Subpart B.
5. I am not a principal participant in an assisted or insured project as of this date on which construction has stopped for a period in excess of 20 days or which has been substantially completed for more than 90 days and documents for closing, including final cost certification have not been filed with HUD or FmHA.
6. To my knowledge I have not been found by HUD or FmHA to be in noncompliance with any applicable civil rights laws.
7. I am not a Member of Congress or a Resident Commissioner nor otherwise prohibited or limited by law from contracting with the Government of the United States of America.
8. Statements above (if any) to which I cannot certify have been deleted by striking through the words with a pen. I have initialed each deletion (if any) and have attached a true and accurate signed statement (if applicable) to explain the facts and circumstances which I think helps to qualify me as a responsible principal for participation in this project.

Typed or Printed Name of Principal	Signature of Principal	Certification Date (mm/dd/yyyy)	Area Code and Telephone No.

This form was prepared by (Please print name) | Area Code and Telephone No.

Schedule A: List of Previous Projects and Section 8 Contracts. By my name below is the complete list of my previous projects and my participation history as a principal; in Multifamily Housing programs of HUD/FmHA, State, and Local Housing Finance Agencies. **Note:** Read and follow the instruction sheet carefully. Abbreviate where possible. Make full disclosure. Add extra sheets if you need more space. Double check for accuracy. If you have no previous projects write, by your name, **"No previous participation, First Experience."**

1. List each Principal's Name (list in alphabetical order, last name first)	2. List Previous Projects (give the I.D. number, project name, city location, & government agency involved if other than HUD)	3. List Principals' Role(s) (indicate dates participated, and if fee or identity of interest participant)	4. Status of Loan (current, defaulted, assigned, or foreclosed)	5. Was Project ever in Default, during your participation? Yes	No	If "Yes," explain	6. Last Mgmt. and/or Physical Inspctn Rating

Part II – For HUD Internal Processing Only

Received and checked by me for accuracy and completeness; recommend approval or transferral to Headquarters as checked below:

Date (mm/dd/yyyy)	Telephone Number and Area Code	☐ A. No adverse information; form HUD-2530 approval is recommended.	☐ C. Disclosure or Certification problem
Staff	Processing and Control	☐ B. Name match in system	☐ D. Other, our memorandum is attached.
Supervisor		Director of Housing / Director, Multifamily Division	Approved ☐ Yes ☐ No — Date (mm/dd/yyyy)

Previous editions are obsolete

Page 2 of 2

ref Handbook 4065.1 form **HUD-2530** (5/2001)

Instructions for Completing the Previous Participation Certificate, form HUD-2530

Carefully read these instructions and the applicable regulations. A copy of those regulations published at 24 C.F.R. 200.210 to 200.245 can be obtained from the Multifamily Housing Representative at any HUD Office. Type or print neatly in ink when filling out this form. Mark answers in all blocks of the form. If the form is not filled completely, it will delay approval of your application.

Attach extra sheets as you need them. Be sure to indicate "Continued on Attachments" wherever appropriate. Sign each additional page that you attach if it refers to you or your record. If you have many projects to list (20 or more) and expect to be applying frequently for participation in HUD projects, you should consider filing a Master List. See Master List instructions below under "Instructions for Completing Schedule A."

Carefully read the certification before you sign it. Any questions regarding the form or how to complete it can be answered by your HUD Office Multifamily Housing Representative.

Purpose: This form provides HUD with a certified report of all previous participation in HUD multifamily housing projects by those parties making application. The information requested in this form is used by HUD to determine if you meet the standards established to ensure that all principal participants in HUD projects will honor their legal, financial and contractual obligations and are acceptable risks from the underwriting standpoint of an insurer, lender or governmental agency. HUD requires that you certify your record of previous participation in HUD/USDA-FmHA, State and Local Housing Finance Agency projects by completing and signing this form, before your project application or participation can be approved.

HUD approval of your certification is a necessary precondition for your participation in the project and in the capacity that you propose. If you do not file this certification, do not furnish the information requested accurately, or do not meet established standards, HUD will not approve your certification.

Note that approval of your certification does not obligate HUD to approve your project application, and it does not satisfy all other HUD program requirements relative to your qualifications.

Who Must Sign and File Form HUD-2530: Form HUD-2530 must be completed and signed by all parties applying to become principal participants in HUD multifamily housing projects, including those who have no previous participation. The form must be signed and filed by all principals and their affiliates who propose participating in the HUD project. Use a separate form for each role in the project unless there is an identity of interest.

Principals include all individuals, joint ventures, partnerships, corporations, trusts, nonprofit organizations, any other public or private entity, that will participate in the proposed project as a sponsor, owner, prime contractor, turnkey developer, managing agent, nursing home administrator or operator, packager, or consultant. Architects and attorneys who have any interest in the project other than an arms length fee arrangement for professional services are also considered principals by HUD.

In the case of partnerships, all general partners regardless of their percentage interest and limited partners having a 25 percent or more interest in the partnership are considered principals. In the case of public or private corporations or governmental entities, principals include the president, vice president, secretary, treasurer and all other executive officers who are directly responsible to the board of directors, or any equivalent governing body, as well as all directors and each stockholder having a 10 percent or more interest in the corporation.

Affiliates are defined as any person or business concern that directly or indirectly controls the policy of a principal or has the power to do so. A holding or parent corporation would be an example of an affiliate if one of its subsidiaries is a principal.

Exception for Corporations – All principals and affiliates must personally sign the certificate except in the following situation. When a corporation is a principal, all of its officers, directors, trustees and stockholders with 10 percent or more of the common (voting) stock need not sign personally if they all have the same record to report. The officer who is authorized to sign for the corporation or agency will list the names and title of those who elect not to sign. However, any person who has a record of participation in HUD projects that is separate from that of his or her organization must report that activity on this form and sign his or her name. The objective is **full** disclosure.

Exemptions – The names of the following parties do not need to be listed on form HUD-2530: Public Housing Agencies, tenants, owners of less than five condominium or cooperative units and all others whose interests were acquired by inheritance or court order.

Where and When Form HUD-2530 Must Be Filed: The original of this form must be submitted to the HUD Office where your project application will be processed at the same time you file your initial project application. This form must be filed with applications for projects, or when otherwise required in the situations listed below:

- Projects to be financed with mortgages insured under the National Housing Act (FHA).
- Projects to be financed according to Section 202 of the Housing Act of 1959 (Elderly and Handicapped).
- Projects in which 20 percent or more of the units are to receive a subsidy as described in 24 C.F.R. 200.213.
- Purchase of a project subject to a mortgage insured or held by the Secretary of HUD.
- Purchase of a Secretary-owned project.
- Proposed substitution or addition of a principal, or principal participation in a different capacity from that previously approved for the same project.
- Proposed acquisition by an existing limited partner of an additional interest in a project resulting in a total interest of 25 percent or more, or proposed acquisition by a corporate stockholder of an additional interest in a project resulting in a total interest of 10 percent or more.
- Projects with U.S.D.A., Farmers Home Administration, or with state or local government housing finance agencies that include rental assistance under Section 8 of the Housing Act of 1937. For projects of this type, form HUD-2530 should be filed with the appropriate applications directly to those agencies.

Review of Adverse Determination: If approval of your participation in a HUD project is denied, withheld, or conditionally granted on the basis of your record of previous participation, you will be notified by the HUD Office. You may request reconsideration by the HUD Review Committee. Alternatively, you may request a hearing before a Hearing Officer. Either request must be made in writing within 30 days from your receipt of the notice of determination.

If you do request reconsideration by the Review Committee and the reconsideration results in an adverse determination, you may then request a hearing before a Hearing Officer. The Hearing Officer will issue a report to the Review Committee. You will be notified of the final ruling by certified mail.

Specific Line Instructions:

Reason for submitting this Certificatioin: e.g., refinance, management, change in ownership, transfer of physical assets, etc.

Block 1: Fill in the name of the agency to which you are applying. For example: HUD Office, Farmers Home Administration District office, or the name of a State or local housing finance agency. Below that, fill in the name of the city where the office is located.

Block 2: Fill in the name of the project, such as "Greenwood Apts." If the name has not yet been selected, write "Name unknown." Below that, enter the HUD contract or project identification number, the Farmers Home Administration project number, or the State or local housing finance agency project or contract number. Include **all** project or contract identification numbers that are relevant to the project. Also enter the name of the city in which the project is located, and the ZIP Code of the site location.

Block 3: Fill in the dollar amount requested in the proposed mortgage, or the annual amount of rental assistance requested.

Block 4: Fill in the number of apartment units proposed, such as "40 units." For hospital projects or nursing homes, fill in the number of beds proposed, such as "100 beds."

Block 5: Fill in the section of the Housing Act under which the application is filed.

Block 7: Definitions of all those who are considered principals and affiliates are given above in the section titled "Who Must Sign and File...."

Block 8: Beside the name of each principal, fill in the role that each will perform. The following are possible roles that the principals may perform: Sponsor, Owner, Prime Contractor, Turnkey Developer, Managing Agent, Packager, Consultant, General Partner, Limited Partner (include percentage), Executive Officer, Director, Trustee, Major Stockholder, or Nursing Home Administrator. Beside the name of each affiliate, write the name of the person or firm of affiliation, such as "Affiliate of Smith Construction Co."

Block 9: Fill in the percentage of ownership in the proposed project that each principal is expected to have. Also specify if the participant is a general or limited partner. Beside the name of those parties who will not be owners, write "None."

Block 10: Fill in the Social Security Number or IRS employer number of every party listed, including affiliates.

Instructions for Completing Schedule A:

Be sure that Schedule A is filled-in completely, accurately and the certification is properly dated and signed, because it will serve as a legal record of your previous experience. All Multifamily Housing projects involving HUD/FmHA, and State and local Housing Finance Agencies in which you have previously participated **must** be listed. Applicants are reminded that previous participation pertains to the individual principal within an entity as well as the entity itself. A newly formed company may not have previous participation, but the principals within the company may have had extensive participation and disclosure of that activity is required. To avoid duplication of disclosure, list the project and then the entities or individuals involved in that project. You may use the name or a number code to denote the entity or individual that participated. The number code can then be used in column 3 to denote role.

Column 2 List the project or contract identification of each previous project. **All previous projects must be included or your certification cannot be processed.** Include the name of all projects, the cities in which they are located and the government agency (HUD, USDA-FmHA or State or local housing finance agency) that was involved. At the end of your list of projects, draw a straight line across the page to separate your record of projects from that of others signing this form who have a different record to report.

Column 3 List the role(s) of your participation, dates participated, and if fee or identity of interest with owners.

Column 4 Indicate the current status of the loan. Except for current loans, the date associated with the status is required. Loans under a workout arrangement are considered assigned. An explanation of the circumstances surrounding the status is required for all non-current loans.

Column 5 Explain any project defaults during your participation.

Column 6 Enter the latest Management and/or Physical Inspection Review rating. If either of the ratings are below average, the report issued by HUD is required to be submitted along with the applicant's explanation of the circumstances surrounding the rating.

No Previous Record: Even if you have never participated in a HUD project before, you must complete form HUD-2530. If you have no record of previous projects to list, fill in your name in column 1 of Schedule A, and write across the form by your name – "No previous participation, first experience."

Master List System: If you expect to file this form frequently and you have a long list of previous projects to report on Schedule A, you should consider filing a Master List. By doing so, you will avoid having to list all your previous projects each time you file a new application.

To make a Master List, use form HUD-2530. On page 1, in block 1, enter (in capital letters) the words **"Master List."** In blocks 2 through 6 enter in "N.A." meaning Not Applicable. Complete blocks 7 through 10.

In the box below the statement of certification, fill in the names of all parties who wish to file a Master List together (type or print neatly). Beside each name, every party must sign the form. In the box titled "Proposed Role," fill in "N.A." Also, fill in the date you sign the form and provide a telephone number where you can be reached during the day. No determinations will be made on these certificates.

File one copy of the Master List with each HUD Office where you do business and mail one copy to the following address:

HUD-2530 Master List
Participation and Compliance
Division – Housing
U.S. Department of Housing and
Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410

Once you have filed a Master List, you do not need to complete Schedule A when you submit form HUD-2530. Instead, write the name of the participant in column 1 of Schedule A and beside that write "See Master List on file." Also give the date that appears on the Master List that you submitted. Below that, report all changes and additions that have occurred since that date. Be sure to include any mortgage defaults, assignments or foreclosures not listed previously.

If you have withdrawn from a project since the date the Master List was filed, be sure to name the project. Give the project identification number, the month and year your participation began and/or ended.

Certification:

After you have completed all other parts of form HUD-2530, including Schedule A, read the Certification carefully. In the box below the statement of certification, fill in the name of all principals and affiliates (type or print neatly). Beside the name of each principal and affiliate, each party must sign the form, with the exception in some cases of individuals associated with a corporation (see "Exception for Corporations" in the section of the instructions titled "Who Must Sign and File form HUD-2530"). Beside each signature, fill in the role of each party (the same as shown in block 8). In addition, each person who signs the form should fill in the date that he or she signs, as well as providing a telephone number where he or she can be reached during business hours. By providing a telephone number where you can be reached, you will help to prevent any possible delay caused by mailing and processing time in the event HUD has any questions.

If you cannot certify and sign the certification as it is printed because some statements do not correctly describe your record, use a pen and strike through those parts that differ with your record, then sign and certify to that remaining part which does describe you or your record.

Attach a signed letter, note or an explanation of the items you have struck out on the certification and report the facts of your correct record. Item A(2)(e) relates to felony convictions within the past 10 years. If you have been convicted of a felony within 10 years, strike out all of A(2)(e) on the certificate and attach your statement giving your explanation. A felony conviction will not necessarily cause your participation to be disapproved unless there is a criminal record or other evidence that your previous conduct or method of doing business has been such that your participation in the project would make it an unacceptable risk from the underwriting standpoint of an insurer, lender or governmental agency.

The Department of Housing and Urban Development (HUD) is authorized to collect this information by law (42 U.S.C. 3535(d) and 24 C.F.R. 200.217) and by regulation at 24 CFR 200.210. This information is needed so that principals applying to participate in multifamily programs can become HUD-approved participants. The information you provide will enable HUD to evaluate your record with respect to established standards of performance, responsibility and eligibility. Without prior approval, a principal may not participate in a proposed or existing multifamily project. HUD uses this information to evaluate whether or not principals pose an unsatisfactory underwriting risk. The information is used to evaluate the potential principals and approve only individuals and organizations who will honor their legal, financial and contractual obligations.

Privacy Act Statement: The Housing and Community Development Act of 1987, 42 U.S.C. 3543 requires persons applying for a Federally-insured or guaranteed loan to furnish his/her Social Security Number (SSN). HUD must have your SSN for identification of your records. HUD may use your SSN for automated processing of your records and to make requests for information about you and your previous records with other public agencies and private sector sources. HUD may disclose certain information to Federal, State and local agencies when relevant to civil, criminal, or regulatory investigations and prosecutions. It will not be otherwise disclosed or released outside of HUD, except as required and permitted by law. You must provide all of the information requested in this application, including your SSN.

Public reporting burden for this collection of information is estimated to average 1 hour 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.
A response is mandatory. Failure to provide any of the information will result in your disapproval for participation in this HUD program.

CERTIFICATION FOR PROVISION OF SUPPORTIVE SERVICES (Section 811 Only)

U.S. Department of Housing and Urban Development
Office of Housing
Federal Housing Commissioner

OMB Approval No. 2502-0462
(exp. 12/31//2003)

Public reporting burden for this collection of information is estimated to average .40 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. HUD 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 required for HUD's Supportive Housing for Persons with Disabilities under Section 811. The information is necessary to assist HUD in determining applicant eligibility and ability to develop housing for persons with disabilities within 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 collection of information does not collect any sensitive information. HUD does not ensure confidentiality.

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 the housing is expected to serve.

2. The provision of supportive services will enhance independent living success and promote the dignity of those who will access the proposed project.

   ☐ Will enhance ☐ Will not enhance

3. The supportive services will be available on a consistent, long-term basis.

   ☐ Yes ☐ No

4. The proposed housing is:

   ☐ Consistent ☐ Inconsistent

   with State or local plans and policies addressing the housing needs of people with disabilities.

_____
Sponsor

_____
Project Location

_____
(Print Name of Authorized Official)

_____ _____
(Signature) (Date)

_____
(Title)

_____
(Agency Name)

BILLING CODE 4210–32–C

C. Submission Dates and Time

You must submit an original and four copies of your application. Applications may be hand delivered, mailed or submitted by courier service. If mailed by the United States Postal Service, the original and four copies must be postmarked on or before midnight of July 7, 2004, and received in the local HUD Office within 15 days of the due date. If hand delivered or submitted by courier service, the original and four copies must be received on or before the close of business for the appropriate office on the application due date. Please refer to the General Section of the SuperNOFA for further instructions regarding application mailing and receipt procedures.

D. Intergovernmental Review

1. State Review. This funding opportunity is subject to Executive Order (EO) 12372, ''Intergovernmental Review of Federal Programs''. You must contact your State's Single Point of Contact (SPOC) to find out about and comply with the state's process under EO 12372. The names and addresses of the SPOCs are listed in the Office of Management and Budget's home page at *http://www.whitehouse.gov/omb/grants/spoc.html*. If required by the state, the submission to the state needs to occur before the Section 811 application due date. It is recommended that you provide the state with sufficient time to review the application. Therefore, it is important that you consult with the SPOC for state review time frames and take that into account when submitting the application.

2. *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.

E. Funding Restrictions

1. Ineligible Activities. Section 811 funds may not be used for any of the following:

a. Supportive Services

b. Nursing homes, infirmaries and medical facilities;

c. Transitional housing;

d. Manufactured housing;

e. Intermediate care facilities;

f. Community centers, with or without special components for use by persons with disabilities;

g. Sheltered workshops and centers for persons with disabilities;

h. Headquarters for organizations for persons with disabilities; and

i. Refinancing of Sponsor-owned facilities without rehabilitation.

Note: You may propose to rehabilitate an existing currently-owned or leased structure that does not already serve persons with disabilities, except that the refinancing of any federally funded or assisted project or project insured or guaranteed by a federal agency is not permissible under this Section 811 NOFA. HUD does not consider it appropriate to utilize scarce program resources to refinance projects that have already received some form of assistance under a federal program or that currently house persons with disabilities. (For example, Section 202, Section 202/8 or Section 202/PAC direct loan projects cannot be refinanced with capital advances and project rental assistance.)

2. Application Limits (Units/Projects). 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 or more than 10 percent of the total units allocated to all local HUD offices. Affiliated entities (organizations that are branches or offshoots of a parent organization) that submit separate applications are considered a single entity for the purpose of these limits. In addition, no single application may propose more units in a given local HUD office than allocated for the Section 811 program in that local HUD office. If the proposed project will be an independent living project, your application must request at least five units for persons with disabilities, not necessarily in one structure. If your proposed project will be a group home, you must request at least two units for persons with disabilities per group home. If your proposed project will be a combination of an independent living project and a group home, your application must request at least the minimum number of units for each project type (*i.e.*, 5 units for an independent living project and 2 units for a group home).

3. Development Cost Limits.

a. The following development cost limits, adjusted by locality as described in Section IV.E.3.b. below must be used to determine the capital advance amount reserved for projects for persons with disabilities. You are responsible for any costs over and above the capital advance amount including costs associated with any excess amenities and design features.

(1) For independent living projects and dwelling units in multifamily housing developments, condominium and cooperative housing: The capital advance amount for the project attributable to dwelling use (less the incremental development cost and the capitalized operating costs associated with any excess amenities and design features and other costs you must pay for) may not exceed:

Non-elevator Structures

$42,980 per family unit without a bedroom;

$49,557 per family unit with one bedroom;

$59,766 per family unit with two bedrooms;

$76,501 per family unit with three bedrooms;

$85,225 per family unit with four bedrooms.

For Elevator Structures

$45,232 per family unit without a bedroom;

$51,849 per family unit with one bedroom;

$63,049 per family unit with two bedrooms;

$81,563 per family unit with three bedrooms;

$89,531 per family unit with four bedrooms.

(2) For group homes only (the development cost limits are capped by type of occupancy and number of person with disabilities):

TYPE OF DISABILITY

Residents	Physical/developmental	Chronic mental illness
2	$172,303	$166,325
3	185,287	178,860
4	198,273	189,995
5	211,257	201,130
6	224,228	212,265

(3) 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. b. Increased development cost limits.

(1) HUD may increase the development cost limits set forth 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.

Note: In applying the applicable high cost percentage, the local HUD office may use a percentage that is higher or lower than that which is assigned to the local HUD office if it is needed to provide a capital advance amount that is comparable to what it typically costs to develop a Section 811 project in that area.

(2) 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 above, 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.

(3) For group homes only, local HUD offices may approve increases in the development cost limits in Section IV.E.3.a.(2), 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 that 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 ten percent of the development cost limit for your project in order for an increase to be considered.

4. Commercial Facilities. A commercial facility for the benefit of the residents may be located and operated in the Section 811 project. However, the commercial facility cannot be funded with the use of Section 811 capital advance or PRAC funds. The maximum amount of space permitted for a commercial facility cannot exceed 10 percent of the total project cost. An exception to this 10 percent limitation is if the project involves acquisition or rehabilitation and the additional space was incorporated in the existing structure at the time the proposal was submitted to HUD. Commercial facilities are considered public accommodations under Title III of the Americans with Disabilities Act of 1990 (ADA), and thus must comply with all the accessibility requirements of the ADA.

5. Expiration of Section 811 Funds. The Consolidated Appropriations Act, 2004, requires HUD to obligate all Section 811 funds appropriated for FY 2004 by September 30, 2006. Under 31 U.S.C. 1551, no funds can be disbursed from this account after September 30, 2011. Under Section 811, obligation of funds occurs for both capital advances and project rental assistance upon fund reservation and acceptance. If all funds are not disbursed by HUD and expended by the project Owner by September 30, 2011, the funds, even though obligated, will expire and no further disbursements can be made from this account. In submitting an application, you need to carefully consider whether your proposed project can be completed through final capital advance closing no later than September 30, 2011. Furthermore, all unexpended balances, including any remaining balance on PRAC contracts, will be cancelled as of October 1, 2011. Amounts needed to maintain PRAC payments for any remaining term on the affected contracts beyond that date will have to be funded from other current appropriations.

F. Other Submission Requirements

Address for Submitting Applications. Submit an original and four copies of your completed application to the Director of the appropriate local HUD office listed in Appendix A below.

Note: Do not use the listing in Attachment B to the General Section of the SuperNOFA.

V. Application Review Information

A. Criteria

Policy Priorities. HUD encourages applicants to undertake specific activities that will assist the Department in implementing its policy priorities and which help the Department achieve its strategic goals for FY2004. Refer to the General Section of the SuperNOFA for information regarding HUD's Strategic Goals and Policy Priorities. For the Section 811 program, applicants who include work activities that specifically address the policy priorities of encouraging accessible design features by incorporating visitability standards and universal design, ending chronic homelessness and removing barriers to affordable housing will receive additional points. A Notice pertaining to the removal of barriers to affordable housing was published in the **Federal Register** and may be downloaded from the HUD Web site at *http://www.hud.gov/grants/index.cfm.*

Rating Factors. 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 this program section of the SuperNOFA. The maximum number of points an application may receive under this program is 102. This includes two (2) RC/EZ/EC bonus points, as described in the General Section of the SuperNOFA and Section V.A.6 below.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Staff (30 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 Exhibits 3(a), 3(b), 3(e), 5 and 6 of Section IV.B. 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.

b. (10 points) The scope, extent, and quality of your experience in providing housing or related services to minority persons or families and your ties to the community at large and to the minority and disability communities in particular.

(1) (5 points) The scope, extent, and quality of your experience in providing housing or related services to minority persons or families.

(2) (5 points) The scope, extent, and quality of your ties to the community at large and to the minority and disability communities in particular.

To earn the maximum number of points under subcriteria (b)(1) and (b)(2) above, you must describe both your relationships over time with the minority community and significant previous experience in providing housing and/or supportive services to minorities generally and to minority persons with disabilities, in particular. For the purpose of this competition, ''significant previous experience'' means that the previous housing assistance or related services to minorities, *i.e.*, the percentage of minorities being provided housing or related services in your current developments, was equal to or greater than the percentage of minorities in the jurisdiction where the previous housing or services occurred.

c. (-2 to -4 points) HUD will deduct (except if the delay was beyond your control) 2 points if a fund reservation you received under either the Section 811 program of Supportive Housing for Persons with Disabilities or the Section 202 program of Supportive Housing for the Elderly in FY1999 or later has been extended beyond 24 months, 3 points if beyond 36 points, and 4 points if beyond 48 months. Examples of delays beyond your control include, but are not limited to, initial closing delays that are: (1) directly attributable to HUD, (2) directly attributable to third party opposition, including litigation, and (3) due to a disaster, as declared by the President of the United States.

d. (-1 point) HUD will deduct 1 point if amendment money was required as a result of the delay (except if the delay was beyond your control).

e. (5 points) You have experience in developing integrated housing and/or the proposed project will be an integrated housing model (*e.g.*, condominium units scattered within one or more buildings or non-contiguous independent living units on scattered sites).

2. 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 Exhibits 4(a) and 4(b) of Section IV.B. of this program section of the SuperNOFA. HUD will consider the following in evaluating this factor:

The extent of the need for the project in the area based on a determination by the local 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 local HUD office. The data should include a general assessment of the current conditions in the market for the type of housing proposed, an estimate of the demand for additional housing of the type proposed in the applicable housing market area; as well as, information on the numbers and types of existing comparable subsidized housing for persons with disabilities, current occupancy in such housing and recent market experience, 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.

In evaluating this factor, HUD will rate your application as follows:

a. (12 points) The extent of the need for the project in the area based on a determination by the local HUD office, taking into consideration the Sponsor's evidence of need in the area, as well as other economic, demographic and housing market data available to HUD.

b. (3 points) The extent that a connection has been established between the project and the community's Consolidated Plan, 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.

3. Rating Factor 3: Soundness of Approach (40 Points)

This factor addresses the quality and effectiveness of your proposal, the extent to which you involved persons with disabilities, including minority persons with disabilities, in the development of the application and will involve them in the development and operation of the project, the extent to which you coordinated your application with other organizations, including local independent living centers, with which you share common goals and objectives and are working toward meeting these objectives in a holistic and comprehensive manner, whether you consulted with Continuum of Care organizations to address efforts to assist persons with disabilities who are chronically homeless as defined in the General Section of the SuperNOFA, and whether you have undertaken activities that will remove barriers to affordable housing within the community where the proposed project will be located. There must be a clear relationship between the proposed design, 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 Exhibits 2(d), 3(f), 3(j), 3(k), 3(l), 4(c)(i), 4(d)(iii), 4(d)(v), 4(d)(vi), 4(e)(i) and 5 of Section IV.B. of this program section of the SuperNOFA. In evaluating this factor, HUD will consider the following:

a. (14 points) Site approvability—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, 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) and 24 CFR 891.320. Sites where amenities are accessible other than by project residence or private vehicle will be rated more favorably;

b. (-1 point) One or more of your proposed sites is not permissively zoned for the intended use.

c. (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 local HUD office. If appropriate, HUD may visit the site.

(1) 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). The term ''non-minority area'' is defined as one in which the minority population is lower than 10 percent; 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.

(2) 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:

(a) 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 that housing market as a whole;

(b) 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

(c) In the case of a metropolitan area, the neighborhood's total percentage of minority persons exceeds 50 percent of its population.

d. (2 points) The extent to which the proposed design of the project (exterior and interior) and its placement in the neighborhood will meet the individual needs of the residents and will facilitate their integration into the surrounding community and promote their ability to live as independently as possible.

e. (1 point) The proposed design incorporates visitability standards and universal design in the construction or rehabilitation of the project. Refer to the General Section of the SuperNOFA for further information.

f. (5 points) At least 51 percent of your board members are persons with disabilities.

g. (3 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.

h. (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) that will not be directly participating in your project, but with which you share common goals and objectives and are working toward meeting these goals and objectives in a holistic and comprehensive manner.

i. (1 point) You consulted with the Continuum of Care organizations in the community in which your proposed project will be located and have developed ways in which the proposed project will assist persons with disabilities who have been experiencing chronic homelessness become more productive members of society. Refer to the General Section of the SuperNOFA for further information.

j. (2 points) You have undertaken activities that will remove barriers to affordable housing within the community in which the proposed project will be located, such as supporting state and local efforts to streamline processes and procedures, eliminate redundant requirements, statutes, regulations and codes which impede the availability of affordable housing.

4. Rating Factor 4: Leveraging Resources (5 Points)

This factor addresses your ability to secure other funding sources, including funding sources to develop a mixed-finance project for additional units over and above the Section 811 units, if proposed, and community resources that 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 Exhibits 3(a), 3(b), 3(c), 3(d), 3(e), 4(c)(iii) and 5(f) of Section IV.B. of this program section of the SuperNOFA.

a. (1 point) The extent of local government support (including financial assistance, donation of land, provision of services, etc.) for the project.

b. (2 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.

c. (2 points) The extent of your plans to develop a mixed-finance project for additional units over and above the Section 811 units.

(1) (1 point) The proposed project involves mixed-financing for additional units in which the non-Section 811 units represent 30 percent or less of the Section 811 units in the project; or

(2) (2 points) The proposed project involves mixed-financing for additional units in which the non-Section 811 units represent over 30 percent of the Section 811 units in the project.

Note: If you are proposing a mixed-finance project for additional units over and above the Section 811 units, your application may receive a maximum of 2 points under Rating Factor 4(c). Your application will receive either 1 or 2 points under this Rating Factor, depending upon the number of non-Section 811 units to be developed in the project. If your project will not involve mixed-financing for additional units, no points will be assigned for Rating Factor 4(c).

5. Rating Factor 5: Achieving Results and Program Evaluation (10 Points)

This factor reflects HUD's goal to embrace high standards of ethics, management and accountability and, as such, emphasizes HUD's commitment to ensuring that you keep the promises made in your application. This factor requires that you clearly identify the benefits or outcomes of your project and develop an evaluation plan to measure performance, which includes what you are going to measure, how you are going to measure it, and the steps you will have in place to make adjustments to your project development timeline should you not be able to achieve any of the major milestones. Completion of Exhibit 8(l), Logic Model, will assist you in completing your response to this rating factor. This rating factor also addresses the extent to which your project will implement practical solutions that result in residents achieving independent living, economic empowerment, educational opportunities and improved living environments. Finally, this factor addresses the extent to which the long-term viability of your project will be sustained for the duration of the 40-year capital advance period. Submit information responding to this factor in accordance with Application Submission Requirements in Exhibits 3(g), 3(h), 3(i), and 8(l) of Section IV.B. of this program section of the SuperNOFA.

a. (5 points) The extent to which your project development timeline is indicative of your full understanding of the development process and will, therefore, result in the timely development of your project.

b. (2 points) The extent to which your project will implement practical solutions that will result in assisting residents in achieving independent living, economic empowerment, educational opportunities, and improved living environments (*e.g.,* activities that will improve computer access, literacy and employment opportunities).

c. (3 points) The extent to which you demonstrated that your project will remain viable as housing with the availability of supportive services for very low income persons with disabilities for the 40-year capital advance period.

6. Bonus Points (2 bonus points) Location of proposed site in an RC/EZ/EC area, as described in the General Section of the SuperNOFA. Submit the information responding to the bonus points in accordance with the Application Submission Requirements in Exhibit 8(i) of Section IV.B. of this program section of the SuperNOFA.

B. Reviews and Selection Process

1. *Review for Curable Deficiencies.* You should ensure that your application is complete and that you have an original and four copies before submitting it to the appropriate local HUD office. Submitting fewer than an original and the required four copies is not a curable deficiency and will cause your application to be considered nonresponsive to the NOFA and

returned to you. 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 the application. Refer to the General Section of the SuperNOFA for additional information regarding procedures for corrections to deficient applications. The following is a list of the only deficiencies that will be considered curable in a Section 811 application:

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EXHIBIT		DESCRIPTION
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)(i)	Evidence of site control
	(d)(ii)	Evidence site is free of limitations, restrictions or reverters
	(d)(iv)	Evidence of compliance with URA site notification requirement
	(d)(vii)	Phase I ESA
	(d)(viii)	Asbestos Statement or Report
	(d)(ix)	Letter to the State Historic Preservation Officer (SHPO/THPO)
	(d)(x)	Letter from the SHPO/THPO, or a statement that the SHPO/THPO failed to respond
	(d)(xi)	Seek alternate site
	(d)(xii)	Exception to project size limit
	(e)(ii)	Steps undertaken to identify site
	(e)(iv)	Status of the sale of the site
	(e)(v)	Whether the site would involve relocation
5		Supportive Services Plan
7		Relocation
8	(a)	Standard Form 424, Application for Federal Assistance
	(b)	Standard Form 424 Supplement, Survey on Ensuring Equal Opportunity for Applicants
	(c)	Form HUD-424B, Applicant Assurances and Certifications
	(d)	Standard Form LLL, Disclosure of Lobbying Activities (if applicable)
	(e)	Form HUD-2880, Applicant/Recipient Disclosure/Update Report
	(f)	Form HUD-2991, Certification of Consistency with Consolidated Plan
	(g)	Form HUD-92041, Sponsor's Conflict of Interest Resolution
	(h)	Form HUD-92042, Sponsor's Resolution for Commitment to Project*
	(j)	Form HUD-2530, Previous Participation Certification
	(k)	Form HUD-92043, Supportive Services Certification

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The local 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 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. If an Exhibit or portion of an Exhibit listed above as curable is not discovered as missing until technical processing, HUD will provide you with 14 calendar days in which to cure the deficiency.

2. Rating. HUD will review and rate your application in accordance with the Reviews and Selection Process in the General Section of the SuperNOFA except as described in 3. Appeal Process below. Your application 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, including HUD approval of you, the Section 811 applicant, based on HUD's evaluation of the applicant's previous participation activities as reported on Form HUD–2530, Previous Participation Certification, it will be rated according to the rating factors in Section V.A. above.

3. Appeal Process. 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 local HUD office. The local HUD office will make a determination on any appeals before making its selection recommendations.

4. Ranking and Selection Procedures. Applications that have a total base score of 75 points or more (without the addition of RC/EC/EZ bonus points) and meet all of the applicable threshold requirements in the General Section of the SuperNOFA and this program NOFA will be eligible for selection and will be placed in rank order in two categories; Category A and Category B. Category A will consist of approvable applications that contain acceptable evidence of control of all proposed sites and all proposed sites have been found approvable. Category B will consist of the following approvable applications: (a) Those that were submitted with identified sites; (b) those that were submitted with evidence of site control where the evidence and/or any of the proposed sites were found unapprovable provided you indicate your willingness to locate another site(s) should the proposed site(s) be found unapprovable; and (c) those that were submitted with a combination of sites under control and identified sites. Each HUD Multifamily Program Center will select applications, after adding any bonus points for RC/EC/EZ, based on rank order, from Category A first that most closely approximates the capital advance authority available in its allocation. If capital advance authority remains after selecting all approvable applications from Category A, each HUD Multifamily Program Center shall then select applications, in rank order, from Category B that most closely approximates the capital advance authority remaining in its allocation. HUD Multifamily Program Centers will not skip over any applications in order to select one based on the funds remaining. After making the initial selections from the applicable category, however, HUD Multifamily Program Centers may use any residual funds to select the next rank-ordered application in that category 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 the HUD Multifamily Program Centers have funded all possible projects based on the process above, residual funds from all HUD Multifamily Program Centers within each Multifamily Hub will be combined. First, these funds will be used to restore units to projects reduced by HUD Multifamily Program Centers based on the above instructions. Second, additional approvable applications within each Multifamily Hub will be selected in rank order, first from Category A, and if sufficient funds remain, from Category B, with only one application selected per HUD Multifamily Program Center. More than one application may be selected per HUD Multifamily Program Center if there are no approvable applications in other HUD Multifamily Program Centers 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, the Multifamily Hub may use any remaining residual funds to select the next rank-ordered application in the applicable category 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 the Multifamily Hub selection process is completed will be returned to Headquarters. HUD Headquarters will use these residual funds first to fund the Mental Illness Recovery Center, Inc. and MHA Clarendon County, in the jurisdiction of the Columbia Multifamily Program Center, two FY2003 applications that were not funded due to HUD error. Second, HUD Headquarters will use the residual funds to restore units to projects reduced by HUD Multifamily Program Center or Multifamily Hub as a result of the instructions for using their residual funds. Third, HUD Headquarters will use these funds for selecting applications based on HUD Program Centers' rankings, beginning with the highest rated application nationwide in Category A. Only one application will be selected per HUD Multifamily Program Center in Category A from the national residual amount, excluding the Columbia Multifamily Program Center, already funded. If there are no approvable applications in Category A in other HUD Multifamily Program Centers, then the next highest rated application in Category B in another HUD Multifamily Program Center will be selected, excluding the Columbia Multifamily Program Center, already funded. This process will begin again with the selection of the next highest rated application in Category A nationwide. Once each HUD Multifamily Program Center that has approvable applications in Category A receives another selection then the next highest rated application in Category B will be selected. This process will continue until all approvable applications are selected using the available remaining funds. Headquarters may skip over a higher rated application in order to use as much of the available remaining funds as possible.

5. HUD Error. In the event HUD commits an error that, when corrected, would have resulted in selection of an otherwise eligible applicant during the funding round of the SuperNOFA, HUD may select that applicant when sufficient funds become available.

VI. Award Administration Information

A. Award Notices

1. Agreement Letter. If you are selected to receive a Section 811 fund reservation, you will receive an Agreement Letter that stipulates the terms and conditions for the Section 811 fund reservation award as well as the submission requirements following the fund reservation award. The duration of the fund reservation award for the capital advance is 18 months from the date of issuance of the fund reservation.

Immediately upon your acceptance of the Agreement Letter, you are expected to begin work towards the submission of a Firm Commitment Application, which is the next application submission stage. You are required to submit a Firm Commitment Application to the local HUD Office within 180 days from the date of the Agreement Letter. Initial closing of the capital advance and start of construction of the project are expected to be accomplished within the duration of the fund reservation award. Final closing of the capital advance is expected to occur no later than six months after completion of project construction.

2. Non-selection Letter. If your application is approvable but unfunded due to insufficient funds or receives a rating that is below the minimum threshold score established for funding eligibility, you will receive a letter to this effect.

3. Debriefing. Refer to the General Section of the SuperNOFA for further information regarding debriefings except that the request must be made to the Director of Multifamily Housing in the appropriate local HUD office.

B. Administrative and National Policy Requirements

1. Ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Women-Owned Businesses. Although the Section 811 program is not subject to the provisions of 24 CFR 85.36(e) as described in the corresponding paragraph in the General Section of the SuperNOFA, you are required to comply with Executive Order 12432, Minority Business Enterprise Development and Executive Order 11625, Prescribing Additional Arrangements for Developing and Coordinating a National Program for Minority Business Enterprise as they relate to the encouragement of HUD grantees to utilize minority business enterprises.

2. Fair Housing Requirements. Refer to the General Section of the SuperNOFA for information regarding fair housing requirements.

3. 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, 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. To comply with Section 3 requirements you are hereby certifying that you will strongly encourage your general contractor and subcontractors to participate in local apprenticeship programs or training programs registered or certified by the Department of Labor's Office of Apprenticeship, Training, Employer and Labor Services or recognized State Apprenticeship Agency.

4. Design and Cost Standards. You must comply 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, where applicable, the Americans with Disabilities Act of 1990.

HUD has adopted a wide-ranging energy action plan for improving energy efficiency in all program areas. As a first step in implementing the energy plan, HUD, the Environmental Protection Agency (EPA) and the Department of Energy (DoE) have signed a joint partnership to promote energy efficiency in HUD's affordable housing efforts and programs. The purpose of the Energy Star partnership is to promote energy efficiency of the affordable housing stock, but also to help protect the environment. Although it is not a requirement, you are nonetheless encouraged to promote energy efficiency in design and operations. You are especially urged to purchase and use Energy Star-labeled products. Program activities can include developing Energy Star promotional and information materials, outreach to low- and moderate-income renters on the benefits and savings when using Energy Star products and appliances, and promoting the designation of community buildings and homes as Energy Star compliant. For further information about Energy Star, see *http://www.energystar.gov* or call 888–STAR–YES (1–888–782–7937) or for the hearing-impaired, 888–588–9920 TTY.

5. Acquisition and Relocation. You must comply with 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)) (URA), which covers the acquisition of sites, with or without existing structures, and with 24 CFR 8.4(b)(5) of the Section 504 regulations which prohibits discrimination based on disability in determining the site or location of a federally-assisted facility. However, you are exempt from complying with the site acquisition requirements of the URA if you do not have the power of eminent domain and prior to entering into a contract of sale, option to purchase or any other method of obtaining site control, you inform the seller of the land *in writing:* (1) That you do not have the power of eminent domain and, therefore, you will not acquire the property if negotiations fail to result in an amicable agreement, and (2) of the estimate of the fair market value of the property. An appraisal is not required to meet this requirement; however, your files must include an explanation, (with reasonable evidence) of the basis for the estimate. *Evidence of compliance with this advance notice requirement must be included in Exhibit 4(d)(iv) of your application.*

6. Formation of Owner Corporation. You must form an ''Owner'' entity (in accordance with 24 CFR 891.305) after issuance of the capital advance fund reservation and must cause the Owner entity to file a request for determination of eligibility and a request for capital advance, and must provide sufficient resources to the Owner entity to ensure the development and long-term operation of the project, including capitalizing the Owner entity at firm commitment processing in an amount sufficient to meet its obligations in connection with the project over and above the capital advance amount.

7. Davis-Bacon. You must comply with the Davis-Bacon Requirements (42 U.S.C. 8013(j)6) and the Contract Work Hours and Safety Standards Act.

8. Flood Disaster Protection Act of 1973 and Coastal Barriers Resources Act. You must comply with 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).

C. Reporting

1. The Regulatory Agreement (Form HUD–92466–CA) requires the Owner of the Section 811 project to submit an annual financial statement for the project. This financial statement must be audited by an Independent Public Accountant who is a Certified Public Accountant or other person accepted by HUD and filed electronically with HUD's Real Estate Assessment Center (REAC) through the Financial Assessment Subsystem for Multifamily Housing (MF–FASS). The submission of annual financial statements is required

throughout the 40-year term of the mortgage.

2. HUD requires that funded recipients collect racial and ethnic beneficiary data. It has adopted the Office of Management and Budget's Standards for the Collection of Racial and Ethnic Data. In view of these requirements, you should use Form HUD–27061, Racial and Ethnic Data Reporting Form (and instructions for its use), found at: *http://www.hudclips.org,* a comparable program form, or a comparable electronic data system for this purpose.

VII. Agency Contact(s)

For Technical Assistance. You may contact the appropriate local HUD office, or Gail Williamson at HUD Headquarters at (202) 708–3000 (this is not a toll-free number), or access the Internet at: *http://www.hud.gov/grants/index.cfm.* Persons with hearing and speech impairments may access the above number via TTY by calling the Federal Relay Service at 800–877–8339 (This is a toll-free number).

VIII. Other Information

A. Field Office Workshop

HUD encourages minority organizations and grassroots organizations (*e.g.,* civic organizations, faith-communities and grassroots faith-based and other community-based 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, contamination identification and remediation, historic preservation, floodplain management, other environmental requirements, 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 local 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 local 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 local 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.

B. Satellite Broadcast

HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. It is strongly recommended that potential applicants, especially those who may be applying for Section 811 funding for the first time, tune in to this broadcast, if at all possible. Copies of the broadcast tapes are also available from the NOFA Information Center. For more information about the date and time of the broadcast, you should consult the HUD Web site at: *http://www.hud.gov/grants/index.cfm.*

C. Related Programs

Section 811 funding for tenant-based assistance is administered by public housing agencies and nonprofit organizations through the Mainstream Housing Opportunities for Persons with Disabilities Program.

D. Paperwork Reduction Act

The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2502–0462. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB number. Public reporting burden for the collection of information is estimated to average 35.92 hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application, semi-annual reports and final report. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits derived.

Appendix A—Local HUD Offices

Notes:

1. Your application must be sent to the appropriate local HUD Office having jurisdiction over the locality in which your project will be located. If you send your application to the wrong local HUD Office, it will be rejected. Therefore, if you are uncertain as to which local HUD Office to submit your application, you are encouraged to contact the local HUD Office below that is closest to your proposed project location(s) to ascertain the Office's jurisdiction and ensure that you submit your application to the correct local HUD 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.

5. Applications for projects proposed to be located within the jurisdiction of the Grand Rapids, Michigan Office must be submitted to the Detroit, Michigan Office.

6. Applications for projects proposed to be located within the jurisdiction of the Boston, Massachusetts Office must be submitted to the Manchester, New Hampshire Office.

BILLING CODE 4210–32–P

HUD - BOSTON HUB **HARTFORD OFFICE** One Corporate Center 19th Floor Hartford, CT 06103-3220 (860) 240-4800 TTY Number: (860) 240-4665	**HUD - BUFFALO HUB** **BUFFALO OFFICE** Lafayette Court Building 465 Main Street, 2nd Floor Buffalo, NY 14203-1780 (716) 551-5755, ext. 5000 TTY Number: (716) 551-5787
MANCHESTER OFFICE 1000 Elm Street 8th Floor Manchester, NH 03101 (603) 666-7510 TTY Number: (603) 666-7518	**HUD - PHILADELPHIA HUB** **PHILADELPHIA OFFICE** The Wanamaker Building 100 Penn Square East Philadelphia, PA 19107-3380 (215) 656-0609 TTY Number: (215) 656-3452
PROVIDENCE OFFICE Sixth Floor 10 Weybosset Street Providence, RI 02903-2808 (401) 528-5230 TTY Number: (401) 528-5403	**CHARLESTON OFFICE** Suite 708 405 Capitol Street Charleston, WV 25301-1795 (304) 347-7000 TTY Number: (304) 347-5332
HUD - NEW YORK HUB **NEW YORK OFFICE** 26 Federal Plaza, Room 3200 New York, NY 10278-0068 (212) 264-8000 TTY Number: (212) 264-0927	**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 15222-2507 (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	**HUD - ATLANTA HUB** **ATLANTA OFFICE** ATTN: Multifamily Housing, 12th Floor 40 Marietta Street - Five Points Plaza Atlanta, GA 30303- 2806 (404) 331- 4976 TTY Number: (404) 730-2654
RICHMOND OFFICE 600 East Broad Street Richmond, VA 23219 (804) 771-2100, ext. 3839 TTY Number: (804) 771-2038	**SAN JUAN OFFICE** Edificio Administracion de Terrenos 171 Carlos Chardon Avenue Suite 301 San Juan, PR 00918-0903 (787) 766-5401 TTY Number: (787) 766-5104
HUD - GREENSBORO HUB **GREENSBORO OFFICE** Asheville Building 1500 Pinecroft Road , Suite 401 Greensboro, NC 27407-3838 (336) 547-4000 TTY Number: (336) 547-4020	**LOUISVILLE OFFICE** 601 West Broadway Louisville, KY 40202 (502) 582-5251 TTY Number: (866) 800-0289
COLUMBIA OFFICE Strom Thurmond Federal Building 13th Floor 1835-45 Assembly Street Columbia, SC 29201-2480 (803) 765-5592	**KNOXVILLE OFFICE** Third Floor, Room #315 John J. Duncan Federal Building 710 Locust Street Knoxville, TN 37902-2526 (423) 545-4384 TTY Number: (423) 545-4559
	NASHVILLE OFFICE Suite 200 235 Cumberland Bend Nashville, TN 37228-1803 (615) 736-5213 TTY Number: (866) 503-0267

HUD - JACKSONVILLE HUB **JACKSONVILLE OFFICE** Suite 2210 Southern Bell Tower 301 West Bay Street Jacksonville, FL 32202-5121 (904) 232-2626 TTY Number: (904) 232-2631	**HUD - DETROIT HUB** **DETROIT OFFICE** Patrick V. McNamara Federal Building 477 Michigan Avenue, Suite 1635 Detroit, MI 48226-2592 (313) 226-7900 TTY Number: (313) 226-6899
BIRMINGHAM OFFICE Medical Forum Building 950 22nd St., North Suite 900 Birmingham, AL 35203-5301 (205) 731-2630 TTY Number: (205) 731-2624	**HUD - COLUMBUS HUB** **COLUMBUS OFFICE** 200 North High Street 7th Floor Columbus, OH 43215-2499 (614) 469-5737 TTY Number: (614) 469-6694
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	**CLEVELAND OFFICE** US Bank Centre 1350 Euclid Avenue Suite 500 Cleveland, OH 44115-1815 (216) 522-4058 TTY Number: (216) 522-2261
HUD - 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	**HUD - MINNEAPOLIS HUB** **MINNEAPOLIS OFFICE** 920 Second Avenue South, Suite 1300 Minneapolis, MN 55402-4012 (612) 370-3000 TTY Number: (612) 370-3186
INDIANAPOLIS OFFICE 151 North Delaware Street Indianapolis, IN 46204-2526 (317) 226-6482, 6831, or 7183 TTY Number: (317) 226-7081	**MILWAUKEE OFFICE** Suite 1380 Henry S. Reuss Federal Plaza 310 West Wisconsin Avenue, Suite 1380 Milwaukee, WI 53203-2289 (414) 297-3214, ext. 8673 TTY Number: (414) 297-1423

HUD - FT. WORTH HUB	HUD – KANSAS CITY 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	**DES MOINES OFFICE** Room 239 Federal Building 210 Walnut Street Des Moines, IA 50309-2155 (515) 284-4583 TTY Number: (515) 284-4728
NEW ORLEANS OFFICE Ninth Floor Hale Boggs Federal Building 500 Poydras Street New Orleans, LA 70130-3099 (504) 589-7200 TTY Number: (504) 589-7279	**KANSAS CITY OFFICE** Room 200 Gateway Tower II 400 State Avenue Kansas City, KS 66101-2406 (913) 551-5462 TTY Number: (913) 551-6972
FT. WORTH OFFICE 801 Cherry Street P.O. Box 2905 Fort Worth, TX 76113-2905 (817) 978-5965 TTY Number: (817) 978-5595	**OMAHA OFFICE** Executive Tower Centre 10909 Mill Valley Road, Suite 100 Omaha, NE 68154-3955 (402) 492-3122 TTY Number: (402) 492-3183
HOUSTON OFFICE 1301 Fannin, Suite 2200 Houston, TX 77002 (713) 718-3199 TTY Number: (713) 718-3289	**ST. LOUIS OFFICE** Third Floor Robert A. Young Federal Building 1222 Spruce Street, Room 3.207 St. Louis, MO 63103-2836 (314) 539-6583 TTY Number: (314) 539-6331
SAN ANTONIO OFFICE 106 South St. Mary's, Suite 405 San Antonio, TX 78205 (210) 475-6800 TTY Number: (210) 475-6885	**OKLAHOMA CITY OFFICE** 301 N.W. 6th, Suite 200 Oklahoma City, OK 73102 (405) 609-8410 TTY Number: 405-609-8480

HUD - DENVER HUB **DENVER OFFICE** UMB Bank Building 23rd Floor 1670 Broadway Denver, CO 80202 (303) 672-5343 TTY Number: (303) 672-5113	**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 - SAN FRANCISCO HUB **PHOENIX OFFICE** One North Central #600 Phoenix, AZ 85004 (602) 379-7149 TTY Number: (602) 379-4557	**HUD - SEATTLE HUB** **PORTLAND OFFICE** 400 Southwest Sixth Avenue Suite 700 Portland, OR 97204-1632 (503) 326-3228 TTY Number: (503) 326-2568
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) 436-8356 TTY Number: (415) 436-6594	**ANCHORAGE OFFICE** 3000 C Street, Suite 401 Anchorage, AK 99503 (503) 326-3228 TTY Number: (503) 326-2568
HONOLULU OFFICE 500 Ala Moana Boulevard, Suite 3A Honolulu, HI 96813 (808) 522-8185 TTY Number: (808) 522-8193	**SEATTLE OFFICE** 909 First Avenue, Suite 200 Seattle, WA 98104-5254 (503) 326-3228 TTY Number: (503) 326-2568

APPENDIX B

Sample Letter Requesting SHPO/THPO Review

Applicant return address
Date

[SHPO/THPO mailing address]
(see: www.ncshpo.org or www.nathpo.org)

Dear [SHPO/THPO]:

In accordance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470f), and its implementing regulation, 36 CFR 800, "Protection of Historic Properties," and as authorized by the U.S. Department of Housing and Urban Development (HUD) as an applicant for a Section [202/811] Supportive Housing Capital Advance, we are initiating consultation with your office regarding the proposed [xxx project] (ex. rehabilitation of 123 Elm Street, Anytown, AB). Please find enclosed the necessary documentation per §800.11.

Based on our initial research, we have made the required determinations and findings, which we now ask you to review. Please respond in writing to us and HUD within the thirty-day time period as noted at §800.3(c)4. HUD's mailing address is:

[xxx]

If you concur with the findings in this submission, please sign and date on the line below and return as noted above. If you do not concur, we request that you express your concerns and objections clearly in writing so that HUD may continue the consultation process as needed. Please also indicate in your non-concurrence letter if there are other sources of information that should be checked, and if there are other parties, tribes, or members of the public you believe should be included in the consultation process. Thank you for your prompt attention to this matter.

Sincerely,

Applicant signatory

CONCURRENCE:_____

State/Tribal Historic Preservation OfficerDate

Description of the Undertaking

[xxx] (Specify federal involvement; include photographs, drawings, location map, etc).

Area of Potential Effect

We define the Area of Potential Effect for this proposed project as [xxx] (written boundary description). Please see the attached map marked with the APE boundary. We made this determination for the following reason(s): [xxx].

Basis for Determining No Historic Properties Affected (Option #1)

To obtain background information on the APE and to identify any potential historic properties, we researched and contacted the following sources:

[xxx] (list surveys, National Register data, research at SHPO office or local govt, etc.)

Based on our initial information search, it is our determination that no historic properties will be affected by this project. We base this finding on: [xxx].

OR

Basis for Determining Historic Properties Affected (Option #2)

To obtain background information on the APE and to identify any potential historic properties, we researched and contacted the following sources:

[xxx] (list surveys, National Register data, research at SHPO office or local govt, etc.)

Based on our initial information search, it is our determination that historic properties will be affected by this project and that additional consultation will be required to assess/resolve effects. We base this finding on: [xxx].

APPENDIX C

Choosing an Environmentally "Safe" Site Supplemental Guidance Environmental Information For 202/811 Programs

Under 24 CFR Part 50, the U.S. Department of Housing and Urban Development (HUD) has the responsibility for conducting the environmental review for 202 and 811 Programs. **In the conduct of its review, applicants may be asked to provide information necessary for completing the environmental review in an expeditious and comprehensive manner.** What follows is the type of information collected and analyzed in the conduct of the environmental review.

NATURAL RESOURCES

The natural environment is important, and there are many federal regulations and executive orders promulgated to "protect" and conserve natural resources, historic properties, endangered and threatened species and their habitats. Wetlands, coastal barrier resources, and wild and scenic rivers are natural resources, which may also be under threat from development activities. Each of these natural resources has their own regulatory requirements with regard to determining potential environmental impacts.

Natural Resources

+ Rivers
+ Streams
+ Lakes
+ Ponds
+ Designated Wetlands
+ Drainage ways
+ Swamps
+ Creeks
+ Waterways
+ Coastlines
+ Unique natural features
+ Endangered Species*

ENDANGERED AND THREATENED SPECIES

*In some areas, like Seattle, Washington or Portland, Oregon for example, there is an aggressive effort to protect certain types of salmon and their habitat (living environment). As a result, all projects may be considered a "threat" to their survival, as they may impact either the species or their habitat. In other areas, especially with regard to endangered species, it may be a butterfly, insect, or certain types of birds that are under threat. Articles in newspapers or on the news may alert you to controversies surrounding natural resource issues, especially those involving endangered species and wetlands.

**Applicants must comply with the requirements under the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001-4128) and the Coastal Barrier Resources Act (19 U.S.C. 3601).

MANMADE HAZARDS

Completion of the Phase I Assessment is required and must be included among the Exhibits for submission. **However, other potential hazardous or site contaminations problems may be discovered during the conduct of they environmental review. Specific environmental risks and hazards that may result in site contamination are discussed in Choosing and Environmentally "Safe " Site. Additional environmental information on manmade hazards that HUD may collect in the conduct of the environmental review may include the following categories.**

Manmade Hazards

+ Industrial Operations
(e.g. lead smelter, facilities handling explosive material, heavy industry, etc.

+ Airports

+ Landfills, dumps,

+ Odors

+ Noise

+ Traffic (major transportation or truck routes, railroad lines, highways, etc)

+ Agricultural operations

+ Incinerators, oil refineries

+ Large parking facilities/lots

+ Nuisances and Hazards (natural and built)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MAINSTREAM HOUSING OPPORTUNITIES FOR PERSONS WITH DISABILITIES (MAINSTREAM PROGRAM)

Billing Code 4210-32-C

Mainstream Housing Opportunities for Persons with Disabilities (Mainstream Program)

Overview Information

A. Federal Agency Name: U.S. Department of Housing and Urban Development, Office of Public and Indian Housing, Office of Public Housing and Voucher Programs.

B. Funding Opportunity Title: Mainstream Housing Opportunities for Persons With Disabilities (Mainstream Program).

C. Announcement Type: Initial announcement.

D. Funding Opportunity Number: The Federal Register number for this NOFA is FR–4900–N–21. The OMB approval number is 2577–0169.

E. Catalog of Federal Domestic Assistance (CFDA) Number: 14.871, Section 8 Housing Choice Vouchers.

F. Dates: Application Deadline: Applications must be submitted on or before July 16, 2004. Please see the General Section of the SuperNOFA for application submission, delivery, and timely receipt requirements.

G. Optional, Additional Overview Content Information: The purpose of the Mainstream Program is to provide vouchers under the Housing Choice Voucher Program to enable persons with disabilities (elderly and non-elderly) to access affordable private housing. Public housing agencies (PHA) and nonprofit organizations that provide services to the disabled are eligible to apply. Those PHAs and nonprofits interested in applying for the approximately $11.8 million in five-year budget authority (anticipated to fund approximately 320 vouchers) under this funding announcement should carefully review the General Section of the SuperNOFA and the detailed information contained in this Mainstream Program funding announcement. The available funding is derived from FY 2004 Section 811 funding.

Full Text of Announcement

I. Funding Opportunity Description

A. Authority and Purpose. Authority for this program is found in the Consolidated Appropriations Act, FY 2004 (Pub. L. 108–199, approved January 22, 2004). The Secretary has established a Mainstream Housing Opportunities for Persons with Disabilities Program (Mainstream Program) to provide vouchers to enable persons with disabilities to access affordable private housing of their choice. The Mainstream Program will assist PHAs and nonprofit organizations in providing housing choice 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. 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 I.B.1. 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 heretofore having served only certain types of disabled persons. The Housing Choice Voucher Program regulations provide at 24 CFR 982.207(b)(3) 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 organizations that receive funding under this announcement; as such organizations must comply with the regulatory requirements applicable to the Housing Choice Voucher Program. Because Mainstream vouchers are targeted for use by disabled persons, each successful applicant will need to revise the administrative plan for its voucher program to clearly indicate Mainstream vouchers will be issued only to disabled persons. Preferences within the disability category; *e.g.,* disabled veterans, *etc.,* may be used as long as the result is not to give a preference to the admission of persons with any specific type of disability.

B. Definitions. The following definitions apply to the approximately $11.8 million in five-year budget authority available under this funding announcement.

1. Disabled Family. Disabled family means a family whose head, spouse, or sole member is a person with disabilities. It may include two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides.

2. Person With Disabilities.

a. Means a person who:

(1) Has a disability as defined in 42 U.S.C. 423;

(2) Is determined, pursuant to HUD regulations, to have a physical, mental or emotional impairment that:

(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 the ability to live independently could be improved by more suitable housing conditions; or

(3) Has a developmental disability as defined in 42 U.S.C. 6001.

b. Does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome;

c. For purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence.

Note: HUD is exercising its waiver authority under the ''Housing for Persons With Disabilities'' section of the Consolidated Appropriations Act, 2004, to use the definition of ''person with disabilities'' found at section 3(b)(3)(E) of the U.S. Housing Act of 1937, as implemented in the HUD regulations for the Housing Choice Voucher Program at 24 CFR 5.403, in lieu of the definition of ''person with disabilities'' found at 24 CFR 811 (k)(2).

3. Housing Choice Voucher 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.

II. Award Information

A. Available Funds

1. Available Funding for Mainstream Program. Approximately $11.8 million in five-year funding is available for approximately 320 vouchers. This allocation is consistent with the Consolidated Appropriations Act, FY 2004 (Pub. L. 108–199, approved January 22, 2004), which provides that the Secretary of HUD may designate up to 25 percent of the amounts appropriated for supportive housing for persons with disabilities, excluding amounts for voucher renewals, under section 811 of the Cranston-Gonzalez National Affordable Housing Act (NAHA) (42 U.S.C. 12701 *et seq.*), for tenant-based assistance. All future references in this funding announcement to five-year budget authority are based upon this funding source. The five-year budget authority made available to applicants under this Mainstream Program funding announcement does not exceed 25

percent of the $250,750,000 million made available for the Section 811 Program under the FY 2004 Consolidated Appropriations Act, excluding amounts for voucher renewals. All of the approximately $11.8 million in Mainstream funding is for use in the housing of persons with disabilities.

2. Funding for the Section 811 Program. The Section 811 Program of Supportive Housing for Persons With Disabilities, located elsewhere in the SuperNOFA, provides capital advances and project rental assistance in FY 2004. 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 14 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.

B. Housing Choice Voucher Funding

1. Determination of Funding Amount for the Applicant's Requested Number of Vouchers. HUD's Housing Voucher Financial Management Division will determine the amount of funding that an applicant will be awarded under this announcement based upon an actual annual per unit cost {except for Moving to Work (MTW) agencies in which the per unit cost will be calculated in accordance with the agency's MTW Agreement for MTW units}, using the following two-step process:

a. HUD will extract the total expenditures for the PHA's housing choice voucher program and the unit months leased information, as reported on the PHA's most recent year-end statement, Form HUD–52681, or as subsequently submitted to HUD by the PHA on Form HUD–52681–B, Voucher for Payment of Annual Contributions and Operating Statement. HUD will divide the total expenditures for the PHA's housing choice voucher program 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.

III. Eligibility Information

A. Eligible Applicants. PHAs and nonprofit organizations that provide services to the disabled (as defined in Section I.B.1. of this announcement) are eligible applicants for the five-year budget authority funding available under this funding announcement. PHAs with less than 300 vouchers under an annual contributions contract (ACC), nonprofit organizations not previously funded under the Mainstream Program, as well as PHAs or nonprofit organizations that fall into any of the categories in Section III. C. 1. of this announcement, are ineligible to have an application funded under this announcement. Indian Housing Authorities (IHAs), Indian tribes and their tribally designated housing entities are not eligible to apply for new increments of housing choice voucher funding because the Native American Housing Assistance and Self-Determination Act of 1996, (25 U.S.C. 4101 *et seq.*) does not allow HUD to enter into new housing choice voucher annual contributions contracts (ACC) with IHAs after September 30, 1997.

B. Cost Sharing or Matching. None required.

C. Other

1. Program Related Threshold Requirements. An applicant must be eligible under the following threshold requirements at the time of the application due date, as well as at such subsequent time of HUD's selection of awardees. The Grants Management Center will use information available within HUD's information systems, as well as coordinate with HUD's local HUD Field Offices, in assessing whether applicants fall into any of the threshold categories. Applications from PHAs or nonprofit organizations that fall into any of the following threshold categories will not be processed:

a. PHAs or nonprofit organizations that do not meet the fair housing and civil rights compliance threshold requirements of Sections III.C 2.c. and Section III.C 4 a. and b. of the General Section of the SuperNOFA.

b. The applicant is designated as troubled by HUD under SEMAP, or has major program management findings in an Inspector General audit for its voucher program that are unresolved, or has other significant program compliance problems that are not resolved. Major program management findings, or significant program compliance problems, are those that would cast doubt on the capacity of the applicant to effectively administer any new housing choice voucher funding in accordance with applicable HUD regulatory and statutory requirements. The only exception to this category is if the applicant has been identified under the policy established in Section III.C.2.(c.) of this announcement and the applicant makes application with a designated contract administrator.

c. The PHA or nonprofit organization has failed to achieve a lease-up rate of 97 percent for its voucher units under contract. The lease-up percentage for a PHA's or nonprofit organization's voucher program will be calculated by HUD Headquarters' Housing Voucher Financial Management Division based upon the lease-up rate information submitted electronically to HUD on a quarterly basis for the most recent 12-month period (prior to the Mainstream application due date) on Form HUD–52681–B, Voucher for Payment of Annual Contributions and Operating Statement. The lease-up rate will be determined by HUD comparing unit months leased to unit months available for the period. (In the absence of current and complete PHA reporting on the Form HUD–52681–B, the leasing level reported by the PHA on the last HUD-approved Year End Settlement Statement, Form HUD–52681, will be used by HUD to determine the PHA's voucher lease-up percentage.) (**Note:** Lease-up rates of 96.5 percent but less than 97 percent shall be rounded up to 97 percent.) *See* Section IV.B.1.f. of this funding announcement which addresses the certification to be submitted by MTW agencies in connection with the 97 percent lease-up requirement referenced above.

d. The PHA or nonprofit organization is involved in litigation and HUD determines that the litigation may seriously impede the ability of the applicant to administer the vouchers.

e. An application that does not comply with the requirements of 24 CFR 982.103 and this program section after the expiration of the seven-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 ''Other Submission Requirements'' in Section IV.F. of this funding announcement.

h. The applicant has been debarred or otherwise disqualified from providing assistance under the program.

i. The PHA did not have its PHA plans approved by HUD for the FY2002 plan cycle on the application due date for this funding announcement. (This category of ineligibility does not apply to nonprofit organizations whose housing choice voucher program is based solely upon previously approved housing choice vouchers under the Mainstream Program.)

j. The applicant does not have a financial management system that meets Federal standards. *See* Section III.C.2.f. of the General Section of the SuperNOFA regarding those applicants that may be subject to HUD's arranging for a pre-award survey of an applicant's financial management system.

k. The PHA (does not apply to nonprofit applicants) does not have a HUD-approved designated housing plan, as of the application due date under this funding announcement.

2. PHA Program Requirements

a. A PHA may submit only one application under this announcement. This one application per PHA limit applies regardless of whether or not the PHA is a State or regional PHA, except in those instances where such a PHA has more than one PHA code number due to its operating under the jurisdiction of more than one HUD Field Office. In such an instance, a separate application under each code shall be considered for funding, with the cumulative total of vouchers applied for under the applications not to exceed the maximum of 20 vouchers the PHA is eligible to apply for under Section IV.E. of this announcement, *i.e.*, no more than the number of vouchers the same PHA would be eligible to apply for if it only had one PHA code number.

b. PHAs are encouraged to involve nonprofit organizations that provide services to disabled families, as defined in Section III.C.3. of this announcement, in the administration of the Mainstream Program's vouchers. In the past, such organizations have frequently demonstrated a capacity to assist disabled families, as well as have an in-depth knowledge of the disability community.

(1) A nonprofit organization could function as either a contract administrator for the PHA's 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.

(2) Such contractual arrangements must, however, ensure equal opportunity among the wide variety of disabled populations in the PHA's service area.

c. In some cases an applicant currently administering the housing choice voucher program has, at the time of publication of the SuperNOFA, been designated by HUD as troubled under the Section 8 Management Assessment Program (SEMAP), has major program management findings from Inspector General audits that are unresolved, or has other significant program compliance problems. HUD will not accept an application from such an applicant as a contract administrator if, on the application due date, the troubled designation under SEMAP has not been removed by HUD, and the findings or other significant program compliance problems are not resolved. If the applicant wants to apply for funding under this announcement, it must submit an application that designates another contractor that is acceptable to HUD. The application must include an agreement by the other contractor to administer the new funding increment on behalf of the applicant, and (in the instance of an applicant with unresolved major program management findings or other significant program compliance problems) a statement that outlines the steps the applicant is taking to resolve the program findings or 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 and nonprofit organizations that have been designated by HUD as troubled under SEMAP, and those PHAs and nonprofit organizations with unresolved major program management findings or other significant program compliance problems 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 Director of the Grants Management Center (GMC). The applicant may appeal the decision, in writing, if HUD has mistakenly classified the applicant as having unresolved major program findings or other significant program compliance problems. The applicant may not appeal its designation as troubled under SEMAP. Any appeal with respect to unresolved major program management findings or other significant program compliance problems must be accompanied by conclusive evidence of HUD's error (*i.e.*, documentation showing that the finding has been cleared or the program compliance problem has been resolved) 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 the applicant's written appeal and the Field Office's written response to the appeal. Copies of all letters of ineligibility and matters that relate to PHA appeals referenced in this paragraph must be submitted to the GMC by the Field Office so as to be received by the GMC no later than 10 days after the application deadline date. Major program management findings, or significant program compliance problems, are those that would cast doubt on the capacity of the applicant to effectively administer any new housing choice voucher funding in accordance with applicable HUD regulatory and statutory requirements.

(**Note:** If any additional PHAs or nonprofit disability organizations fall into the above category prior to HUD's announcement of awards under this NOFA, but subsequent to the local HUD Field Office's notification of the GMC addressed above, the Field Office shall immediately notify the GMC of the applicant's name and the category into which the applicant falls, *i.e.*, designated as troubled under SEMAP, major unresolved OIG management findings, or other significant program compliance problems. As indicated in Section III.C.1. of this NOFA, an applicant must be eligible for funding at the time of the application due date, as well as at such subsequent time of HUD's selection of awardees. No PHA appeals, based upon Field Office letters of ineligibility issued after the application deadline date, shall be considered for purposes of eligibility for funding under this funding announcement.)

3. Nonprofit Organization Program Requirements. A nonprofit organization may submit only one application under this announcement. For purposes of the Mainstream Program, a nonprofit organization shall be defined as an 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, under section 501(c)(3) of the Internal Revenue Code, from the U.S. Internal Revenue Service.

a. The nonprofit entity must:

(1) Have a voluntary board;

(2) Be authorized by its charter or State law to enter into a contract with the Federal Government to provide

housing assistance to persons with disabilities;

(3) 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;

(4) Practice nondiscrimination in the provision of assistance; and

(5) Provide services to the disabled as part of its ongoing activities and responsibilities.

b. Nonprofit 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 organizations may also wish to contact regional (multi-county), or statewide PHAs.

4. Eligible Participants. Only a disabled family that is income eligible under 24 CFR 982.201(b)(1), as well as otherwise eligible under the regulations at 24 CFR 982.201, may receive a voucher awarded under the Mainstream Program. Applicants with disabilities must be selected from the PHA's or nonprofit organization's housing choice voucher waiting list. Additional information on those families and individuals eligible to receive a voucher is located at the following HUD Web site: *http://www.hud.gov/offices/pih/programs/hcv.*

IV. Application and Submission Information

A. Addresses to Request Application Package

1. Web Site. A copy of this funding announcement for the Mainstream Program, the forms to be submitted with the application, and reference materials for use in preparing an application are located at, and may be downloaded from, the following Web site at: *http://www.grants.gov/Find.*

2. Application Kit. 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.

3. Further Information. You may request general information, copies of the General Section and Program Sections of the SuperNOFA from the NOFA Information Center (800–HUD–8929) or {800–HUD–2209 (TTY)} between the hours of 9 a.m. and 8 p.m. (eastern time) Monday through Friday, except on Federal Holidays. When requesting information, please refer to the name of the program you are interested in. 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 copies of the SuperNOFA can be made immediately following publication of the SuperNOFA. The NOFA Information Center opens for business simultaneously with the publication of the SuperNOFA. You can also download application information for the SuperNOFA through the *http://www.grants.gov/FIND Web site.*

B. Content and Form of Application Submission

1. Content of Application. Applicants are requested to *read this section very carefully, as it addresses the specific information that must be in the applications submitted to HUD* under this NOFA. Applications failing to provide this information will be determined either ineligible for processing, or in the instance of an application having a curable (correctable) technical deficiency (*see* the General Section of the SuperNOFA), the applicant will be requested to submit additional information. *Those application submission items identified below in this Section IV.B.1. as ''not curable'' shall mean that any item, e.g., Mainstream Program Operating Plan, for which the applicant does not provide all the requested information shall result in the application being determined ineligible for processing.* The turnaround times established by HUD in the instance of curable technical deficiencies are relatively brief, so the initial submission of a carefully prepared and complete application is extremely important. Applicants should also *carefully review Sections III.C.1.(b) and (c).* of this funding announcement to determine if their SEMAP designation, OIG status, existence of significant program compliance problems, or voucher lease-up rate will require the submission of additional information with their application.

a. Form HUD–52515. All applicants must complete and submit Form HUD–52515, Funding Application, for the Housing Choice Voucher Program. Applicants are *required to enter their housing authority code number (for example, CT002), telephone number, facsimile number, and electronic mail address at the top of the form where they are also to enter their name and mailing address.* Section C of the form should be left blank. Each applicant is required to submit signed copies of Assurances and Certifications. The standard Assurances and Certifications required to be submitted by each applicant are on the Form HUD–52515 which includes the Equal Opportunity Certification, and the Certification Regarding Lobbying. The form must be completed in its entirety, with the exception of Section C. A copy of Form HUD–52515 is included in the forms found in the General Section of the SuperNOFA. Copies of the form may also be downloaded from the grants.gov Web site at: *http://www.grants.gov/FIND.*

The Form HUD–52515 must be signed and dated by the applicant. The signature and date shall signify that the information provided on the form is complete and accurate, and that all other information provided by the applicant in its application (including any certifications) are complete and accurate.

b. Letter of Intent and Narrative. The applicant must state in its cover letter to the application whether it is a PHA or a nonprofit organization applying for funding. The applicant also must indicate the number of vouchers being requested, whether it 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 an amount smaller than the number of vouchers requested. The maximum number of vouchers that an applicant may apply for under this announcement is limited to 20, and the minimum number of vouchers an applicant may apply for is 10.

The letter of intent and narrative should also include information addressing how the applicant meets the selection criteria in Section V.A. of this NOFA. Failure of the applicant to provide information in connection with selection criterion 1 shall result in the GMC scoring the applicant solely on the basis of information HUD already has on-hand. An applicant (with the exception of a Block Grant MTW PHA) is not required to submit any information with its application relative to selection criterion 2, as HUD will determine the applicant's voucher lease-up rate based upon information already available within HUD's data systems. Failure of the applicant to provide the information called for under selection criteria 3, 4, 5 and 6 shall be considered not curable, but shall not make the application ineligible for processing. Failure to provide the information shall simply mean that the applicant is ineligible for the points under the

categories for which it failed to provide the information requested in this funding announcement.

c. Description of Need for Mainstream Program Vouchers. The PHA's and nonprofit 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 would equal or exceed the requested number of vouchers. 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 housing choice voucher), statistics on recent public housing admissions and housing choice 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).} Failure of the applicant to provide the information required under this section (c) shall be determined not curable and the application deemed ineligible for processing.

d. Mainstream Program Operating Plan. The application must include a plan for operating a program to serve eligible disabled families. This Mainstream Program Operating Plan must, at a minimum, address the following:

(1) How the applicant will carry out its responsibilities under 24 CFR 8.28 to assist recipients in locating units with needed accessibility features;

(2) 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; and

(3) How the applicant will use a nonprofit organization or PHA under a contract to administer the Mainstream Program vouchers or to otherwise provide services. (This area need be addressed only if the applicant intends to partner with a PHA or nonprofit organization as part of its efforts to serve eligible disabled families receiving Mainstream vouchers.)

Failure of the applicant to provide the information required under this section (d) shall be determined not curable and the application deemed ineligible for processing.

e. Statement Regarding the Steps the PHA and Nonprofit Organization Will Take to Affirmatively Further Fair Housing. The statement must include specific steps to address the categories outlined in section III. C. 4. b. in the General Section of the HUD SuperNOFA.

f. Block Grant Moving to Work (MTW) PHA Certification. Block Grant MTW agencies must submit a certification with their application certifying to HUD that their voucher program funds have been used to meet the commitments of their MTW Agreement. Block Grant MTW PHAs that cannot rightfully submit such a certification shall submit a statement with their application explaining specifically why such a certification would not be accurate. (MTW PHAs in this latter category will have the number of Mainstream vouchers they are requesting evaluated by HUD on a case-by-case basis.)

Failure of a Block Grant MTW PHA to provide the certification or statement required under this section (f) shall be determined not curable and the application deemed ineligible for processing.

g. Form HUD–2993. All applicants must complete and submit Form HUD–2993, Acknowledgement of Application Receipt. In addition to the applicant's entering its name and address on the form, the full title of the program under which the applicant is seeking funding must also be entered. This form is located in the General Section of the SuperNOFA and is also available at the following Web site: *http://www.grants.gov/Find.*

h. Identification of Primary Market Area. Each applicant must specify in the application its primary market area, *i.e.*, the geographic area in which it is legally authorized to operate and where the vouchers will be issued. This information may be different from that entered by such an applicant on the Form HUD–52515, as the form calls for the applicant to identify its ''legal area of operation'' which may be far more geographically expansive than the specific city, county, or area within a State where a PHA (particularly a regional or State PHA), or nonprofit organization intends to issue the vouchers. This information is critical because, as indicated in Section V.A2.a. of this funding announcement, the geographic area in which the vouchers are intended to be issued and in which the applicant is legally authorized to operate a Housing Choice Voucher Program will be used by the applicant (and subsequently by the GMC during the review of applications) to determine the percentage of the nation's housing needs for disabled persons at or below the poverty level that are within the applicant's primary market area. For example, although an applicant may be legally authorized to operate throughout the entire county in which it is located, if the vouchers will be issued only in two cities within that county then the primary market area is those two cities and not the entire county. Conversely, if the applicant is planning to issue vouchers to all cities within a county, then the applicant must list the county only and not list the individual cities within that county (the county is the sum of all housing needs for cities within a county). If, in addition to the county, there are individual cities outside the county where the applicant also will be issuing vouchers, the PHA then also must list these cities. A State PHA or nonprofit organization legally authorized to operate throughout the entire State, but which intends to issue the Mainstream vouchers in only one county, must list solely that county as its primary market area. In addition, the primary market area shall not include a geographic area in which the applicant is issuing vouchers, outside its normal, legally authorized area of operation, based upon an agreement with another agency/PHA to issue vouchers in the other agency's/PHA's jurisdiction.

i. DUN and Bradstreet Universal Numbering System (DUNS) Number Requirement. Each applicant is required to submit within its application a separate page that lists the DUNS number assigned to the applicant. (*See* Section III.C.2.b. in the General Section of the SuperNOFA concerning how an applicant obtains a DUNS number.) An applicant will need to obtain a DUNS number in order to receive an award of Mainstream vouchers from HUD.

2. SF 424 Supplement, Survey on Ensuring Equal Opportunity for Applicants. Non-profit applicants are invited to respond to a survey questionnaire. This survey is designed to help HUD assess the availability of our funding opportunities to grass roots community-based organizations, including faith-based organizations. A copy of the survey form can be found in the General Section of the SuperNOFA.

C. Submission Date and Time. Submit your completed application (an original and one copy) to HUD on or before July 16, 2004. This application deadline date is firm. In the interest of fairness to all competing PHAs and nonprofit organizations, HUD will not consider any application that is submitted after 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 competition under this funding announcement, application materials sent via facsimile (FAX) transmission. *See* the paragraph titled Addresses and Application Submission Procedures in the General Section of the SuperNOFA regarding HUD's mailing, delivery and receipt procedures pertinent to the submission of your application.

D. Intergovernmental Review. Applicants submitting an application under this funding announcement are not subject to intergovernmental review; *i.e.*, Executive Order (EO) 12372, Intergovernmental Review of Federal Programs.

E. Funding Restrictions. There is a limit on the minimum and maximum number of vouchers that may be requested. An eligible applicant may apply for not less than 10 vouchers and no more than a maximum of 20 vouchers. No less than 10 vouchers and no more than 20 vouchers will be awarded to any applicant under the FY 2004 Mainstream Program. Any application incorrectly requesting more than 20 vouchers shall have its voucher request reduced by HUD to 20 vouchers. Likewise, because an applicant is not to request less than 10 vouchers under this NOFA, any applicant requesting less than 10 vouchers shall have that voucher request increased by HUD to 10 vouchers.

F. Other Submission Requirements. Your completed application consists of the original and one copy. Submit your original application and one copy to: Grants Management Center, Mail Stop: Mainstream Program, 2001 Jefferson Davis Hwy, Suite 703, Arlington, VA 22202.

The Grants Management Center (GMC) is the official place of receipt for all applications in response to this announcement of funding availability. Applications not submitted to the GMC will not be considered. A copy of the application is not required to be submitted to the local HUD Field Office. For ease of reference, the term ''local HUD Field Office'' will be used in this announcement to mean the local HUD Field Office Hub and the local HUD Field Office Program Center. A listing of HUD Field Offices is attached to the General Section of the SuperNOFA.

V. Application Review Information

A. Criteria

1. Rating and Ranking. After the Grants Management Center has screened and disapproved any applications found unacceptable for further processing, it will review all acceptable applications to ensure they are technically adequate and responsive to the requirements of this announcement. HUD Headquarters will fund all applications from PHAs and nonprofit organizations that are recommended for funding by the Grants Management Center unless HUD receives approvable applications for more funds than are available. HUD will select applicants to be funded based upon the methodology indicated in Section V.B.1. of this NOFA. Applications meeting all the application submission requirements of Section IV.B. of this NOFA will be rated and ranked on the basis of their score under the selection criteria in section V. A. of this NOFA. The maximum score under the selection criteria is 100 points.

2. Selection Criteria.

a. Selection Criterion 1, Disabled Persons at or Below the Poverty Level, (40 Points)

(1) *Description.* This criterion assesses the number of disabled persons at or below the poverty level in the primary market area served by the applicant, as a percentage of such disabled persons on a national basis using 2000 census data. The primary market area is defined as the geographic area in which the applicant is legally authorized to operate and where the vouchers will be issued. (*See* Section IV.B.1.h. of this NOFA regarding the description of the primary market area required to be included in each PHA's/nonprofit organization's application.) A table listing all the cities and counties with a population of 10,000 or more persons within the nation (States and territories) will be listed with this funding announcement at the following HUD Web site: *http://www.grants.gov/FIND.* Also indicated on the table will be the number of disabled persons/percentage of such disabled persons at or below the poverty level within each city or county, as a percentage of the number of disabled persons at or below the poverty level within the nation. An applicant (and the GMC during the review of applications) will use the table to determine the percentage of disabled persons at or below the poverty level that is in the applicant's primary market area. The percentage will determine the number of points that the applicant is eligible for under Selection Criterion 1.

(2) *Rating and Assessment.* Points will be assigned based upon the number of disabled persons at or below the poverty level in the applicant's primary market area, as a percentage of such persons within the nation. For each tenth of one percent (.001) within the applicant's primary market area the applicant will receive 5 points. Percentages of .0015, .0025, etc. or higher but less than the next whole tenth of one percent, *i.e.*, .002, .003, etc. shall be rounded to the next whole tenth of a percentage point. An applicant having a primary market area with less than one-tenth of one percent for disabled persons, or a population of 10,000 or fewer, or for which disability percentages are not listed on the table, will receive 5 points under Selection Criterion 1. Likewise, an applicant having a primary market area comprised of more than one community with a population of 10,000 or fewer shall receive a total of 5 points for all such communities combined. In addition, an applicant with a primary market area comprised of one or more cities and/or counties, for which the total combined percentage is equal to or less than .00149 shall receive 5 points. A maximum of 40 points is available under Selection Criterion 1 regardless of how high a percentage of disabled persons at or below the poverty level is located within the applicant's primary market area.

b. Selection Criterion 2, Lease-Up Rate, (20 Points)

(1) *Description.* This criterion focuses on a PHA's and nonprofit organization's success in leasing its housing choice vouchers. While a PHA or nonprofit organization must have a lease-up rate of at least 97 percent under Section III.C.1.c. of this NOFA in order to have an acceptable application, Selection Criterion 2 provides for the award of selection points to those PHAs and nonprofit organizations having a voucher lease-up rate of 99 percent or higher. The lease-up percentage for a PHA's or nonprofit organization's voucher program will be calculated by HUD Headquarters' Housing Voucher Financial Management Division based upon the lease-up rate information submitted electronically to HUD on a quarterly basis for the most recent 12-month period (prior to the Mainstream application due date) on Form HUD–52681–B, Voucher for Payment of Annual Contributions and Operating Statement. The lease-up rate will be determined by HUD comparing unit months leased to unit months available for the period. (In the absence of current and complete PHA reporting on the Form HUD–52681–B, the leasing level reported by the PHA on the last HUD-approved Year End Settlement Statement, Form HUD–52681, will be used by HUD to determine the PHA's voucher lease-up percentage.) Lease-up rates of a half or more of one percentage

point will be rounded to the next highest percentage point for purposes of qualifying for the points available under Selection Criterion 2 (for example, 98.5 percent will be rounded up to 99 percent).

See section IV.B.1.f. of this NOFA regarding the certification requirement applicable to Block Grant MTW PHAs in connection with qualifying for the points available under Selection Criterion 2.

(2) *Rating and Assessment.* The GMC will assign 20 points if the PHA or nonprofit organization has a lease-up rate for its voucher program of 99 percent.

c. Selection Criterion 3, Homeownership Option Under Housing Choice Voucher Program, (15 Points)

(**Note:** Selection Criterion 3 addresses HUD's homeownership policy priority.)

(1) *Description.* Applicants are encouraged, consistent with 24 CFR 982.625–982.641, to establish a homeownership component or to expand upon an existing component within their housing choice voucher program. Points will be awarded under this NOFA to applicants that are able to meet the rating and assessment criteria listed below.

(2) *Rating and Assessment.* The GMC will assign points under Selection Criterion 3 as follows:

(a) *5 points:* The applicant has established a housing choice voucher homeownership program as evidenced by its submission with its application of a copy of the Board resolution approving changes to its administrative plan for the implementation of the homeownership option under its housing choice voucher program.

(b) *10 points:* The applicant qualifies for the five points under the paragraph immediately above and has had one or more closings under its homeownership program, as evidenced by the applicant's submission of information to HUD's Public and Indian Housing Information Center (PIC) on Form HUD–50058, Family Report, indicating at least one homeownership unit has completed the closing process.

(**Note:** The applicant can only qualify for the ten points under this paragraph if it has first qualified for the five points under the paragraph immediately above.)

d. Selection Criterion 4, Family Self-Sufficiency (FSS) Slots Filled, (15 Points)

(1) *Description.* PHAs are encouraged, consistent with 24 CFR 984, to fill the slots required under a mandatory FSS program, and to establish a voluntary FSS program and fill slots under that program where a mandatory FSS program is not required. Points will be awarded under this NOFA to PHAs submitting a certification with their application certifying that they have filled 60 percent or more of the required slots under a mandatory FSS program, or that have filled one or more slots under a voluntary FSS program, and that these slots have been reported to HUD's PIC on the Form HUD–50058. Prior to calculating the percentage of mandatory FSS slots filled, PHAs must reduce the number of mandatory slots to reflect any HUD-approved exception and/or program graduates.

(**Note:** Nonprofit organizations may also qualify for points under this selection criterion, but the basis upon which they may do so is different than for PHAs, as indicated below.)

(2) *Rating and Assessment for PHAs.* The GMC will assign rating points under Selection Criterion 4 as follows (PHAs may receive a maximum of 15 points under the Mandatory FSS Program category or 15 points under the Voluntary FSS Program category, but shall not receive more than a combined maximum total of 15 points under Selection Criterion 4):

(a) *Mandatory FSS Program* (percentages rounded to the nearest whole percent)

(i) *15 points:* 80 percent or more of the applicant's FSS slots are filled.

(ii) *10 points:* 60–79 percent of the applicant's FSS slots are filled.

(iii) *0 points:* Less than 60 percent of the applicant's FSS slots are filled.

(b) *Voluntary FSS Program*

(i) *15 points:* 25 or more of the applicant's FSS slots are filled.

(ii) *10 points:* 1 to 24 of the applicant's FSS slots are filled.

(iii) *0 points:* None of the applicant's FSS slots are filled

(3) *Rating and Assessment for Nonprofit Organizations:* The GMC will assign rating points under Selection Criterion 4 as follows:

(i) *15 points:* A certification is submitted with the application certifying that the nonprofit organization will assist 80 percent or more of its Mainstream voucher families either directly, or indirectly through referrals to other agencies, with such needs as child care, transportation, educational and job training opportunities, employment, money management, and such other similar needs as are necessary to assist these families in achieving economic independence and self-sufficiency.

(ii) *10 points:* A certification is submitted with the application certifying that the nonprofit organization will assist 50 to 79 percent of its Mainstream voucher families either directly, or indirectly through referrals to other agencies, with such needs as child care, transportation, educational and job training opportunities, employment, money management, and such other similar needs as are necessary to assist these families in achieving economic independence and self-sufficiency.

(iii) *0 points:* The nonprofit organization submits neither of the certification statements indicated immediately above.

e. Selection Criterion 5, Commitments from Outside Agencies, (5 Points)

(**Note:** Selection Criterion 5's category for five points addresses HUD's grass roots faith-based and other community-based organizations policy priority.)

(1) *Description.* The applicant documents that it has entered into agreements with one or more organizations to assist disabled families with moving costs, security deposits, utility hook-up fees, utility deposits, medical care, transportation, educational opportunities, employment and child care.

(2) *Rating and Assessment:* The GMC will assign points as follows:

(a) *5 points:* The applicant provides copies of the agreements that it has entered into with three or more organizations to assist disabled families with moving costs, security deposits, utility hook-up fees, utility deposits, medical care, transportation, educational opportunities, employment and child care. The applicant must also provide information indicating it has taken one or more of the activities to promote the participation of grass roots and other community based organizations indicated in Section II (6) of the General Section of the SuperNOFA, as relates to the aforementioned agreements. The applicant's provision of the former, but not the latter information, shall result in the application receiving no more than 3 points under this Selection Criterion 5, as indicated below.

(b) *3 points:* The applicant provides copies of the agreements that it has entered into with three or more organizations to assist disabled families with moving costs, security deposits, utility hook-up fees, utility deposits, medical care, transportation, educational opportunities, employment and child care.

(c) *2 points:* The applicant provides copies of the agreements it has entered into with two organizations to assist

disabled families with moving costs, security deposits, utility hook-up fees, utility deposits, medical care, transportation, educational opportunities, employment and child care.

(d) *1 point:* The applicant provides copies of the agreements it has entered into with one organization to assist disabled families with moving costs, security deposits, utility hook-up fees, utility deposits, medical care, transportation, educational opportunities, employment and child care.

f. Selection Criterion 6, Achieving Results and Program Evaluation (5 Points)

(1) *Description.* This criterion emphasizes HUD's determination to ensure that applicants meet commitments made in their applications and assess their performance in meeting performance goals. HUD requires Mainstream Program applicants to develop an effective, quantifiable, outcome oriented *monitoring and evaluation plan* for measuring performance and determining that *goals* have been met. The plan must include *interim products or activities* that lead to the ultimate achievement of the applicant's goals. *Performance indicators* must also be developed by the applicant to measure performance. Performance indicators must be objectively quantifiable and measure actual achievements against planned achievements. The applicant's evaluation and monitoring plan must identify what it is going to measure, how it will be measured, and the steps that will be taken to make adjustments to the plan if performance targets are not met within established deadlines. An example of a goal is that the applicant will have 100 percent of the Mainstream vouchers under lease by disabled families within 180 days of the effective date of the Annual Contributions Contract (ACC) for the funding increment. Examples of interim activities to achieve such a goal might include assisting disabled families with transportation to rental properties, efforts to identify and provide lists of accessible units, approval of exception payment standards, or use of special housing types. An example of related performance indicators might include assisting disabled families with transportation needs within 24 hours of a disabled family's request to visit a potential rental unit, and that 50 percent of all the Mainstream vouchers are to be under lease within 90 days of the ultimate goal of having all vouchers under lease within 180 days. Examples of other areas in which applicants may wish to consider establishing goals are with respect to Selection Criterion 3, Selection Criterion 4, Selection Criterion 5, and any one or more of the areas to be addressed in the applicant's Mainstream Program Operating Plan, etc.

(2) *Rating and Assessment.* The GMC will assign points 5 points if the applicant submits a monitoring and evaluation plan meeting the descriptive requirements outlined immediately above.

B. Reviews and Selection Process

1. Selection for Funding. HUD will select applications for funding that meet all of the application submission requirements in Section IV.B. of this NOFA and that score a sufficient number of points under the selection criteria listed in section V. A. of this NOFA. Applications will be ranked from highest to lowest score in descending order, with the highest ranked application selected first for funding, and so forth. Where two or more applicants have exactly the same score under the selection criteria in Section V.A. of this NOFA and insufficient funding remains to fund all of them, applicants will be funded in the order of the exact percentage of disabled persons at or below the poverty level that is in each applicant's primary market area. The applicant with the highest percentage will be funded first, etc. HUD will limit the number of applications selected for funding from any State to 10 percent of the budget authority available for the Mainstream Program. 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. When remaining budget authority is insufficient to fund the last selected application in full, the application will be funded 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 the one indicating a willingness to accept the lesser amount of funding for the units available.

2. Deficient Applications. The application must include all of the information specified in Section IV.B.1., Content of Application, of this announcement. The General Section of the SuperNOFA provides the procedures for corrections to deficient applications. (**Note:** The submission by applicants of clarifications or corrections of technical deficiencies under this funding announcement must be provided to HUD within seven (7) calendar days (not the 14 calendar days indicated in the General Section of the SuperNOFA) of receipt of the HUD notification.)

3. Unacceptable Applications. After the 7-calendar day technical deficiency correction period, the Grants Management Center will disapprove all applications from PHAs and nonprofit organizations that the Grants Management Center determines are not acceptable for processing. The Grants Management Center's notification of rejection letter must state the basis for the decision. The applicant may request an applicant debriefing. Beginning 30 days after the awards for assistance are publicly announced in the **Federal Register**, and for at least 120 days thereafter, HUD will, upon receiving a written request from the applicant, provide a debriefing to the requesting applicant. (*See* the General Section of the SuperNOFA for additional information regarding a debriefing.) Applicants requesting to be debriefed must send a written request to Iredia Hutchinson, Director, Grants Management Center, Department of Housing and Urban Development, 501 School Street, SW., Suite 800, Washington, DC 20024.

C. Anticipated Announcement and Award Dates

The announcement of Mainstream awards is anticipated to occur during the month of September or October, 2004.

VI. Award Administration Information

A. Award Notices

Successful applicants will receive a letter from HUD Headquarters' Office of Public and Indian Housing (OPIH) advising of their having been selected to receive an award of Mainstream vouchers. Shortly thereafter the awardee will receive award documents from OPIH's Financial Management Center (FMC) providing the awardee with notification of its Mainstream voucher award, contract documents, and a funding exhibit.

B. Administrative and National Policy Requirements

1. Housing Choice Voucher Program Regulations. Applicants must administer the Mainstream Program in accordance with HUD regulations and requirements governing the Housing Choice Voucher Program. The only exception to this requirement shall be for nonprofit organizations which shall not be required to comply with the requirements of 24 CFR part 903,

subpart B concerning the requirement for a PHA Plan.

2. Housing Choice Voucher Program Admission Requirements. Housing choice voucher assistance must be provided to eligible disabled families in conformity with regulations and requirements governing the 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 voucher may be used only for another family eligible for assistance under this announcement for five years from the date the rental assistance is placed under an annual contributions contract (ACC). In addition, any renewal by HUD of the five-year voucher funding shall require the continued reissuance of the vouchers to disabled families.

If there is ever an insufficient pool of disabled families on the PHA's or nonprofit organization's housing choice voucher waiting list, the PHA or nonprofit organization shall conduct outreach to encourage eligible persons to apply for this special allocation of 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 housing choice voucher assistance. If the PHA's or nonprofit organization's housing choice voucher waiting list is closed, and if the PHA or nonprofit organization has insufficient applicants on its housing choice voucher waiting list to use all awarded vouchers under this announcement, the PHA or nonprofit disability organization should open the waiting list for applications from disabled families. PHAs and nonprofit organizations must take care to keep track of the number of disabled vouchers they have been awarded under this funding announcement versus the number of such vouchers they have actually issued to disabled families.

4. PHA and Nonprofit Organization Responsibilities. In addition to the responsibilities under the 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 organizations that receive voucher funding shall:

a. 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.

b. 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.

c. Not deny persons who qualify for rental assistance under this program other housing opportunities, or otherwise restrict access to PHA or nonprofit organization programs to eligible applicants who choose not to participate.

d. Provide housing choice voucher search assistance.

e. In accordance with regulatory guidance, provide higher rents to owners necessary for the provision of accessible units and structural modifications for persons with disabilities.

f. Provide technical assistance to owners for making reasonable accommodations or making units accessible to persons with disabilities.

5. Conducting Business in Accordance With Core Values and Ethical Standards. To reflect core values, all PHAs shall develop and maintain a written code of conduct in the PHA administrative plan that (1) requires compliance with the conflict of interest requirements of the Housing Choice Voucher Program at 24 CFR 982.161, and (2) prohibits the solicitation or acceptance of gifts or gratuities, in excess of a nominal value, by any officer or employee of the PHA, or any contractor, subcontractor or agent of the PHA. The PHA's administrative plan shall state PHA policies concerning PHA administrative and disciplinary remedies for violation of the PHA code of conduct. The PHA shall inform all officers, employees and agents of its organization of the PHA's code of conduct.

6. Environmental Impact. In accordance with 24 CFR 50.19(b)(11) and 58.35(b)(1) 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. Activities under the homeownership option of this program are categorically excluded from NEPA requirements and excluded from other environmental requirements under 24 CFR 58.5 in accordance with 24 CFR 58.35(b)(5), but PHAs and nonprofit organizations are responsible for the environmental requirements in 24 CFR 982.626(c).

C. Reporting

Reporting requirements are the same as for regular vouchers under the Housing Choice Voucher Program. In addition, HUD requires that funded recipients collect racial and ethnic beneficiary data. It has adopted the Office of Management and Budget's Standards for the Collection of Racial and Ethnic Data. In view of these requirements, funded recipients should use form HUD–27061, Racial and Ethnic Data Reporting Form (found on *http://www.HUDclips.org*), a comparable program form, or a comparable electronic data system for this purpose.

VII. Agency Contacts

A. For Technical Assistance

Prior to the application due date, you may contact George C. Hendrickson, Housing Program Specialist, Room 4214, Office of Public Housing and Voucher Programs, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; telephone (202) 708–0477, ext. 4064. *Subsequent to application submission*, you may contact the Grants Management Center at (202) 358–0221. (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 800–877–8339 (this is a toll-free number).

B. Satellite Broadcast

HUD will hold an information broadcast via satellite for potential applicants to learn more about the Mainstream Program and the preparation of an application. For more information about the date and time of this broadcast, you should consult the HUD Web site at *http://www.hud.gov*.

VIII. Other Information

A. Increasing the Participation of Faith-Based and Community-Based Organizations in HUD Program Implementation

HUD believes that grassroots organizations, *e.g.*, faith communities, civic organizations, and other community-based organizations, have not been effectively utilized. These grassroots organizations have a strong history of providing vital community services such as assisting the homeless and preventing homelessness; counseling individuals and families on fair housing rights; providing elderly housing opportunities; developing first

time homeownership programs; increasing homeownership and rental housing opportunities; developing affordable and accessible housing in neighborhoods across the country; and creating economic development programs. The goal of this policy priority is to make HUD's housing choice voucher program more effective, efficient, and accessible by expanding opportunities for faith-based and other community-based organizations to participate in developing solutions for their own neighborhoods. Applicants are encouraged to coordinate with and otherwise involve faith-based and other community-based organizations in those activities under the housing choice voucher program where their services, expertise and knowledge may be most effective.

B. Paperwork Reduction Act

The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2577–0169. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average one hour per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application, semi-annual reports and final report. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

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BAE Systems (Operations) Ltd.; comments due by 5-17-04; published 4-15-04 [FR 04-08536]
Boeing; comments due by 5-17-04; published 4-1-04 [FR 04-07289]
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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 202–741–6043. This list is also available online at *http://www.archives.gov/federal_register/public_laws/public_laws.html*.

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.gpoaccess.gov/plaws/index.html*. Some laws may not yet be available.

S. 1904/P.L. 108–225

To designate the United States courthouse located at 400 North Miami Avenue in Miami, Florida, as the "Wilkie D. Ferguson, Jr. United States Courthouse". (May 7, 2004; 118 Stat. 641)

S. 2022/P.L. 108–226

To designate the Federal building located at 250 West Cherry Street in Carbondale, Illinois the "Senator Paul Simon Federal Building". (May 7, 2004; 118 Stat. 642)

S. 2043/P.L. 108–227

To designate a Federal building in Harrisburg, Pennsylvania, as the "Ronald Reagan Federal Building". (May 7, 2004; 118 Stat. 643)

Last List May 6, 2004

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