



**U.S. Department of Housing and Urban Development**

Public and Indian Housing

Capital Fund High Risk/Receivership/Substandard/Troubled Program

FR-6800-N-81

09/09/2024

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**Program Office:**  
Public and Indian Housing

**Funding Opportunity Title:**

Capital Fund High Risk/Receivership/Substandard/Troubled Program

**Funding Opportunity Number:**

FR-6800-N-81

**Assistance Listing Number:**

14.888

**Due Date for Applications:**

09/09/2024

## OVERVIEW

The U.S. Department of Housing and Urban Development (HUD) issues this Notice of Funding Opportunity (NOFO) to invite applications from eligible applicants for the program and purpose described within this NOFO. You, as a prospective applicant, should carefully read all instructions in all sections to avoid sending an incomplete or ineligible application. HUD funding is highly competitive. Failure to respond accurately to any submission requirement could result in an incomplete, ineligible, or noncompetitive proposal.

In accordance with [Title 24 part 4, subpart B](#) of the Code of Federal Regulations (CFR), during the selection process (which includes HUD's NOFO development and publication, and concludes with the announcement of the selection of recipients of assistance), HUD is prohibited from disclosing covered selection information. Examples of impermissible disclosures include: 1) information regarding any applicant's relative standing; 2) the amount of assistance requested by any applicant; and 3) any information contained in the application. Prior to the application deadline, HUD may not disclose the identity of any applicant or the number of applicants who have applied for assistance.

For further information regarding this NOFO, direct questions regarding the specific requirements of this NOFO to the agency contact identified in section VII.

**Paperwork Reduction Act Statement.** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. §§ 3501- 3520) (PRA), the Office of Management and Budget (OMB) approved the information collection requirements in this NOFO. 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. This NOFO identifies the applicable OMB control number, unless the collection of information is excluded from these requirements under [5 CFR Part 1320](#).

**OMB Control Number(s):**

2577-0301

## I. FUNDING OPPORTUNITY DESCRIPTION

### A. Program Description

#### 1. Purpose

*This NOFO is re-opened to allow applicants additional time to submit applications, due to a HUD error in communicating the application due date. This NOFO updates the application due date; no other changes were made to this NOFO since the previous publication in April 2024. Applicants who previously applied do not need to reapply. However, during this extended application period, applicants who previously applied may update their application*

***and submit a new one. HUD only considers the most recently submitted applications for funding.***

The purpose of this funding opportunity is to provide funds for costs associated with public housing asset improvement to Public Housing Agencies (PHAs) that are either in receivership, designated troubled or substandard, or otherwise high risk. For this NOFO, asset improvement means capital improvements. Use of funding provided under this NOFO is focused on improving public housing asset management project (AMP) performance in two core areas:

- **Physical Condition:** Improve the physical condition of public housing. Successful applicants must demonstrate a comprehensive strategy on how the funds will provide residents access to safe, accessible, and decent public housing through improved public housing assets.
- **Management:** Increase occupancy and reduce long-term vacancies through capital investment and affirmative marketing.

Applicants may submit a maximum of one application with only one AMP, which may include multiple properties or scattered sites.

The application must adhere to the application submission requirements in this NOFO, including the required narrative demonstrating how use of the funding at the identified AMP will improve the targeted AMP and all additional narratives listed in Section IV.B.

Grantees must submit obligation documents (signed contracts) and expenditure documentation (e.g., invoices) to the local field office. The field office will review the documentation to ensure compliance with the conditions of the award and approve the payment requests through HUD's electronic Line of Credit Control System (eLOCCS). To measure the effectiveness of funding, HUD will assess physical inspection scores and occupancy data at the designated AMP.

## **2. HUD and Program-Specific Goals and Objectives**

HUD's Strategic Plan sets the direction and focus of our programs and staff to create strong, sustainable, inclusive communities and quality, affordable homes for all. This NOFO supports [HUD's Strategic Plan for Fiscal Years \(FY\) 2022-2026](#) to accomplish HUD's mission and vision. Each of the five goals in the [Strategic Plan](#) include what HUD hopes to accomplish, the strategies to accomplish those objectives, and the indicators of success.

HUD will pursue two overarching priorities focused on increasing equity and improving customer experience across all HUD programs. Five strategic goals and several objectives undergird the Plan; however the following goals are applicable to this NOFO.

You are expected to align your application to the applicable strategic goals and objectives below. Use the information in this section to describe in your application the specific goals, objectives, and measures that your project is expected to help accomplish. If your project is selected for funding, you are also expected to establish a plan to track progress related to those goals, objectives, and measures. HUD will monitor compliance with the goals, objectives, and measures in your project.

### **Applicable Goals and Objectives from HUD's Strategic Plan**

### **Strategic Goal 1: Support Underserved Communities**

Fortify support for underserved communities and support equitable community development for all people.

#### **1A: Advance Housing Justice**

Fortify support for vulnerable populations, underserved communities, and Fair Housing enforcement.

#### **1B: Reduce Homelessness**

Strengthen Federal, State, Tribal, and community implementation of the Housing First approach to reducing the prevalence of homelessness, with the ultimate goal of ending homelessness.

#### **1C: Invest in the Success of Communities**

Promote equitable community development that generates wealth-building for underserved communities, particularly for communities of color.

### **Strategic Goal 2: Ensure Access to and Increase the Production of Affordable Housing**

Ensure housing demand is matched by adequate production of new homes and equitable access to housing opportunities for all people.

#### **2A: Increase the Supply of Housing**

Enhance HUD's programs that increase the production and supply of housing across the country.

#### **2B: Improve Rental Assistance**

Improve rental assistance to address the need for affordable housing.

### **Strategic Goal 4: Advance Sustainable Communities**

Advance sustainable communities by strengthening climate resilience and energy efficiency, promoting environmental justice, and recognizing housing's role as essential to health.

#### **4A: Guide Investment in Climate Resilience**

Invest in climate resilience, energy efficiency, and renewable energy across HUD programs.

#### **4B: Strengthen Environmental Justice**

Reduce exposure to health risks, environmental hazards, and substandard housing, especially for low-income households and communities of color.

#### **4C: Integrate Health and Housing**

Advance policies that recognize housing's role as essential to health.

### **3. Changes from Previous NOFO**

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**Section V.A. Review Criteria** – This section is updated to specify discrete points for receivership PHAs under Rating Factor 1: Status of PHA. Points under this section were changed because separate funding for Receiverships/Monitorships PHAs is not anticipated for FY 24.

**Section B. 2. Experience Promoting Racial Equity** – For this section, PHAs must provide a narrative. This section was scored last year, it is not scored this year.

**Section III.F. Program-Specific Requirements** – This section is updated to include a new requirement to ensure applicants have experience promoting racial equity.

#### **4. Definitions**

##### a. Standard Definitions

**Affirmatively Furthering Fair Housing (AFFH)** means taking meaningful actions, in addition to combating discrimination to overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunities, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. The duty to affirmatively further fair housing extends to all program participant’s activities and programs relating to housing and urban development.

**Assistance Listing number** refers to the unique number assigned to each Federal assistance program publicly available in the Assistance Listing, which is managed and administered by the General Services Administration. The Assistance Listing number was formerly known as the Catalog of Federal Domestic Assistance (CFDA) number.

**Authorized Organization Representative (AOR)** is a person authorized to legally bind your organization and submit applications via Grants.gov. The AOR is authorized by the E-Business Point of Contact (E-Biz POC) in the System for Award Management (see E-Biz POC definition). An AOR may include an Expanded AOR and/or a Standard AOR.

*Expanded Authorized Organization Representative* is a user in Grants.gov who is authorized by the E-Biz POC to perform the functions of a Standard AOR, initiate and submit applications on behalf of your organization, and is allowed to modify organization-level settings and certifications in Grants.gov.

*Standard Authorized Organization Representative* is a user in Grants.gov who is authorized by the E-Biz POC to initiate and submit applications in Grants.gov. A Grants.gov user with the Standard AOR role can only submit applications when they are a Participant for that workspace.

**Consolidated Plan** is the document submitted to HUD that serves as the comprehensive housing affordability strategy, community development plan, and submission for funding under any of the Community Planning and Development formula grant programs (e.g., CDBG, ESG, HOME, and HOPWA). This Plan is prepared in accordance with the process described in [24 CFR part 91](#). This plan is completed by engaging in a participatory process to assess affordable housing and community development needs and market conditions, and to make data-driven, place-based investment decisions with funding from formula grant programs. (See [24 CFR part 91](#) for HUD’s requirements regarding the Consolidated Plan and related Action Plan).

**Contract** means, for the purpose of Federal financial assistance, a legal instrument by which a recipient or subrecipient purchases property or services needed to carry out the project or program under a Federal award. For additional information on contractor and subrecipient determinations, see [2 CFR 200.331](#).

**Contractor** means an entity that receives a contract as defined above and in [2 CFR 200.1](#).

**Cooperative agreement** has the same meaning defined at [2 CFR 200.1](#).

**Deficiency**, with respect to the making of an application for funding, is information missing or omitted within a submitted application. Examples of deficiencies include missing documents, missing or incomplete information on a form, or some other type of unsatisfied information requirement. Depending on specific criteria, a deficiency may be either Curable or Non-Curable.

**A Curable Deficiency** is missing or incomplete application information that may be corrected by the applicant with timely action. To be curable, the deficiency must:

- Not be a threshold requirement, except for documentation of applicant eligibility;
- Not influence how an applicant is ranked or scored versus other applicants; and
- Be remedied within the time frame specified in the notice of deficiency.

**A Non-Curable Deficiency** is missing or incomplete application information that cannot be corrected by an applicant after the submission deadline. A non-curable deficiency is a deficiency that is a threshold requirement, or a deficiency that, if corrected, would change an applicant's score or rank versus other applicants. If an application includes a non-curable deficiency, the application may receive an ineligible determination, or the non-curable deficiency may otherwise adversely affect the application's score and final funding determination.

**E-Business Point of Contact (E-Biz POC)** is an individual associated with the applicant organization who is responsible for the administration and management of award activities for the applicant organization. The E-Biz POC is likely to be an organization's chief financial officer or authorizing official. The E-Biz POC authorizes representatives of their organization to apply on behalf of the organization (see Authorized Organization Representative definition). There can only be one E-Biz POC per unique entity identifier (see definition of Unique Entity Identifier below).

**Eligibility requirements** are mandatory requirements for an application to be eligible for funding.

**Environmental Justice** means investing in environmental improvements, remedying past environmental inequities, and otherwise developing, implementing, and enforcing environmental laws and policies in a manner that advances equity and provides meaningful involvement for people and communities that have been environmentally underserved or overburdened, such as Black and Brown communities, indigenous groups, and individuals with disabilities. This definition does not alter the requirements under HUD's regulations at [24 CFR 58.5\(j\)](#) and [24 CFR 50.4\(l\)](#) implementing [Executive Order 12898](#). E.O. 12898 requires a consideration of how Federally assisted projects may have disproportionately high and adverse human health or environmental effects on minority and/or low-income populations. For additional information on environmental review compliance, refer to:

[https://www.hud.gov/program\\_offices/comm\\_planning/environment\\_energy/regulations](https://www.hud.gov/program_offices/comm_planning/environment_energy/regulations).



**Equity** has the meaning given to that term in Section 2(a) of Executive Order [13985](#) and means the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.

**Federal award**, has the meaning, depending on the context, in either paragraphs (1) or (2) of this definition:

(1)

(a) The Federal financial assistance that a recipient receives directly from a Federal awarding agency or indirectly from a pass-through entity, as described in [2 CFR 200.101](#); or

(b) The cost-reimbursement contract under the Federal Acquisition Regulations that a non-Federal entity receives directly from a Federal awarding agency or indirectly from a pass-through entity, as described in [2 CFR 200.101](#).

(2) The instrument setting forth the terms and conditions. The instrument is the grant agreement, cooperative agreement, other agreement for assistance covered in paragraph (2) of the definitions of Federal financial assistance in [2 CFR 200.1](#), and this NOFO, or the cost-reimbursement contract awarded under the Federal Acquisition Regulations.

(3) Federal award does not include other contracts that a Federal agency uses to buy goods or services from a contractor or a contract to operate Federal Government owned, contractor operated facilities (GOCOs).

(4) See also definitions of Federal financial assistance, grant agreement, and cooperative agreement in [2 CFR 200.1](#).

**Federal Financial Assistance** has the same meaning defined at [2 CFR 200.1](#).

**Grants.gov** is the website serving as the Federal government's central portal for searching and applying for Federal financial assistance throughout the Federal government. Registration on Grants.gov is required for submission of applications to prospective agencies unless otherwise specified in this NOFO.

**Historically Black Colleges and Universities (HBCUs)** are any historically Black college or university that was established prior to 1964, whose principal mission was, and is, the education of Black Americans, and that is accredited by a nationally recognized accrediting agency or association determined by the Secretary of Education to be a reliable authority as to the quality of training offered or is, according to such an agency or association, making reasonable progress toward accreditation. [A list of accredited HBCUs can be found at the U.S. Department of Education's website.](#)

**Minority-Serving Institutions (MSIs)** are

(1) a part B institution (as defined in [20 U.S.C. § 1061\(2\)](#));

(2) a Hispanic-serving institution (as defined in [20 U.S.C. § 1101a\(5\)](#));

- (3) a Tribal College or University (as defined in [20 U.S.C. § 1059c\(b\)\(3\)](#));
- (4) an Alaska Native-serving institution or a Native Hawaiian-serving institution (as defined in [20 U.S.C. § 1059d\(b\)](#));
- (5) a Predominantly Black Institution (as defined in [20 U.S.C. § 1059e\(b\)\(6\)](#));
- (6) an Asian American and Native American Pacific Islander-serving institution (as defined in [20 U.S.C. § 1059g\(b\)\(2\)](#)); or
- (7) a Native American-serving nontribal institution (as defined in [20 U.S.C. § 1059f\(b\)\(2\)](#)).

**Non-Federal Entity (NFE)** means a state, local government, Indian tribe, Institution of Higher Education (IHE), or non-profit organization that carries out a Federal award as a recipient or subrecipient.

**Primary Point of Contact (PPOC)** is the person who may be contacted with questions about the application submitted by the AOR. The PPOC is listed in item 8F on the SF-424.

**Racial Equity** is the elimination of racial disparities and is achieved when race can no longer predict opportunities, distribution of resources, or outcomes – particularly for Black and Brown persons.

**Recipient** means an entity, usually but not limited to non-Federal entities, that receives a Federal award directly from HUD. The term recipient does not include subrecipients or individuals that are beneficiaries of the award.

**Small business** is defined as a privately-owned corporation, partnership, or sole proprietorship that has fewer employees and less annual revenue than regular-sized business. The definition of “small”—in terms of being able to apply for government support and qualify for preferential tax policy—varies by country and industry. The U.S. Small Business Administration defines a small business according to a set of standards based on specific industries. See [13 CFR part 121](#).

**Subaward** means an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

**Subrecipient** means an entity, usually but not limited to non-Federal entities, that receives a subaward from a pass-through entity to carry out part of a Federal award but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.

**System for Award Management (SAM)** is the Federal Repository into which an entity must provide information required for the conduct of business as a recipient. Registration with SAM is required for submission of applications via Grants.gov. You can access the website at <https://www.sam.gov/SAM/>. There is no cost to use SAM.

**Threshold Requirements** are eligibility requirements that must be met for an application to be reviewed, rated, and ranked. Threshold requirements are not curable, except for documentation of applicant eligibility, which are listed in Section III.D., Threshold Eligibility Requirements.

Similarly, there are eligibility requirements under Section III.E., Statutory and Regulatory Requirements Affecting Eligibility.

**Underserved Communities** has the meaning given to that term in Section 2(b) of Executive Order [13985](#) and refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, as exemplified by the list in the definition of “equity” above.

**Unique Entity Identifier (UEI)** means the identifier assigned by SAM to uniquely identify entities. As of April 4, 2022, the Federal government has transitioned from the use of the DUNS Number to the use of UEI, as the primary means of entity identification for Federal awards government-wide.

#### b. Program Definitions.

**High Risk.** A PHA that is neither troubled nor substandard under the Public Housing Assessment System (PHAS) but has at least one AMP that scored **less than 60 percent** on its most recent Uniform Physical Condition Standards (UPCS) or National Standards for the Physical Inspection of Real Estate (NSPIRE) inspection, whichever scoring method is most current. In this NOFO, these PHAs are referred to as “high risk.”

**IMS/PIC or HIP.** The Inventory Management System, also known as the Public and Indian Housing Information Center (IMS/PIC or HIP) serves as a national repository of information related to PHAs, HUD-assisted families, HUD-assisted properties, and other HUD programs for the purpose of monitoring and evaluating the effectiveness of HUD rental housing assistance programs.

**IMS/PIC or HIP Development/AMP.** A grouping of a PHA’s buildings as identified with the IMS/PIC or HIP development number in HUD data systems. In this NOFO, this term will sometimes be shortened to “AMP” for Asset Management Project.

**Receivership PHA.** A PHA of which HUD has taken possession or is under HUD’s control, or a PHA that is subject to an appointment of a receiver (which may be another PHA or a private management entity), or a PHA in which a federal court imposes a judicial receivership that is established, monitored and supervised by a federal court.

**Substandard PHA.** A PHA that is designated as substandard under PHAS pursuant to 24 C.F.R. 902.11 for its most recently released assessment of record.

**Troubled PHA.** A PHA that is designated as troubled under PHAS pursuant to section 6(j) of the 1937 Act for its most recently released assessment of record.

**UPCS or NSPIRE Inspection.** An inspection protocol developed by HUD to evaluate if its residents live in decent, safe, and sanitary housing.

## **B. Authority**

The following authorities apply to this NOFO:

- Section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (1937 Act)
- This program NOFO is authorized under the Consolidated Appropriations Act, 2024 (Public Law 118-42, approved March 9, 2024).

- Public Housing Capital Fund Program regulations (24 CFR Part 905) including relocation requirements (24 CFR Part 905, Subparts B and C). Temporary relocation of residents must also be carried out in compliance with all applicable fair housing and nondiscrimination requirements at 24 CFR 5.105 and 24 CFR Part 5, Subpart L.

## **II. AWARD INFORMATION**

### **A. Available Funds**

Funding of approximately **\$12,500,000** is available through this NOFO. Subject to appropriations, HUD reserves the right to award fiscal year 2025 funds based on this NOFO competition.

Additional funds may become available for award under this NOFO consistent with VI.A.2.e., Adjustments to Funding. Use of these funds is subject to statutory constraints. All awards are subject to the funding restrictions contained in this NOFO.

### **B. Number of Awards**

HUD expects to make approximately 5 awards from the funds available under this NOFO.

### **C. Minimum/Maximum Award Information**

Estimated Total Funding:  
**\$12,500,000.**

Minimum Award Amount:  
**\$250,000**

Per Project Period

Maximum Award Amount:  
**\$3,000,000**

Per Project Period

Estimated Total Funding:  
\$12,500,000

Minimum Award Amount:  
\$250,000

Per Project Period

Maximum Award Amount:  
\$3,000,000

Per Project Period

### **D. Period of Performance**

Section 9(j) of the 1937 Act applies. Unless HUD grants an obligation extension, PHAs must obligate 90 percent of the grant award within 24 months of the date the funds are made available to the PHA and expend all grant funds within 48 months after the date on which funds become available. See 24 CFR § 905.306. An obligation is a binding agreement (executed by all parties)

for work or financing that will result in outlays of Capital Funds by the PHA, immediately or in the future.

Estimated Project Start Date:

10/04/2024

Estimated Project End Date:

10/04/2028

Length of Project Periods:

48-month project period and budget period

Length of Periods Explanation of Other:

## **E. Type of Funding Instrument**

Funding Instrument Type:

G (Grant)

## **III. ELIGIBILITY INFORMATION**

### **A. Eligible Applicants**

08 (Public housing authorities/Indian housing authorities)

#### **Additional Information on Eligibility**

PHAs with the legal authority to develop, own, modernize, and operate a public housing project in accordance with the 1937 Act are eligible. Tribes and tribally designated housing entities (TDHEs), nonprofit organizations, resident management corporations, and resident associations are not eligible to apply.

Eligible applicants under this NOFO are troubled, substandard, receivership or high risk PHAs, as defined in Section I.A.3, Definitions.

Faith-based organizations

(1) Faith-based organizations may apply for this award on the same basis as any other organization, as set forth at [24 CFR part 5.109](#), and subject to the protections and requirements of 42 U.S.C. § 2000bb et seq., HUD will not, in the selection of recipients, discriminate against an organization based on the organization's religious character, affiliation, or exercise.

(2) A faith-based organization that participates in this program will retain its independence and may continue to carry out its mission consistent with religious freedom and conscience protections in Federal law, including the Free Speech and Free Exercise Clauses of the Constitution, 42 U.S.C. § 2000bb et seq., 42 U.S.C. § 238n, 42 U.S.C. § 18113, 42 U.S.C. §§ 2000e-1(a) and 2000e-2€, 42 U.S.C. § 12113(d), and the Weldon Amendment, among others. Religious accommodations may also be sought under many of these religious freedom and conscience protection laws, particularly under the Religious Freedom Restoration Act.

(3) A faith-based organization may not use direct financial assistance from HUD to support or engage in any explicitly religious activities except where consistent with the Establishment Clause and any other applicable requirements. Such an organization also may not, in providing services funded by HUD, discriminate against a beneficiary or prospective program beneficiary on the basis of religion, religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice.

## **B. Ineligible Applicants**

1. Individuals are **not** eligible to apply.
2. Any entity that does not meet the eligibility criteria listed above in Section III.A. is **not** eligible for funding.
3. Tribes and tribally designated housing entities (TDHEs), Indian Housing Authorities (IHAs), nonprofit organizations, resident management corporations, and resident associations are **not** eligible to apply.

## **C. Cost Sharing or Matching**

This Program does not require cost sharing or matching.

## **D. Threshold Eligibility Requirements**

Applicants who fail to meet any of the following threshold eligibility requirements are deemed ineligible. Applications from ineligible applicants are not rated or ranked and will not receive HUD funding.

### **1. Resolution of Civil Rights Matters**

Outstanding civil rights matters must be resolved before the application submission deadline. Applicants with unresolved civil rights matters at the application deadline are deemed ineligible. Applications from ineligible applicants are not rated or ranked and will not receive HUD funding.

- a. An applicant is ineligible for funding if the applicant has any of the charges, cause determinations, lawsuits, or letters of findings referenced in subparagraphs (1) – (5) that are not resolved to HUD’s satisfaction before or on the application deadline date for this NOFO.

(1) Charges from HUD concerning a systemic violation of the Fair Housing Act or receipt of a cause determination from a substantially equivalent state or local fair housing agency concerning a systemic violation of a substantially equivalent state or local fair housing law proscribing discrimination because of race, color, religion, sex (including sexual orientation and gender identity), national origin, disability or familial status;

(2) Status as a defendant in a Fair Housing Act lawsuit filed by the United States alleging a pattern or practice of discrimination or denial of rights to a group of persons raising an issue of general public importance under 42 U.S.C. § 3614(a);

(3) Status as a defendant in any other lawsuit filed or joined by the Department of Justice, or in which the Department of Justice has intervened, or filed an amicus brief or statement of interest, alleging a pattern or practice or systemic violation of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Section 109 of the Housing and Community Development Act of 1974, the Americans with Disabilities Act, Violence Against Women Act, or a claim under the False Claims Act related to fair housing, non-discrimination, or civil rights generally including an alleged failure to affirmatively further fair housing;

(4) Receipt of a letter of findings identifying systemic non-compliance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Section 109 of the Housing and Community Development Act of 1974; Violence Against Women Act; or the Americans with Disabilities Act; or

(5) Receipt of a cause determination from a substantially equivalent state or local fair housing agency concerning a systemic violation of provisions of a state or local law prohibiting discrimination in housing based on sexual orientation, gender identity, or lawful source of income.

b. HUD will determine if actions to resolve the charge, cause determination, lawsuit, or letter of findings taken before the application deadline date will resolve the matter. Examples of actions that may be sufficient to resolve the matter include, but are not limited to:

- (1) Current compliance with a voluntary compliance agreement signed by all the parties;
- (2) Current compliance with a HUD-approved conciliation agreement signed by all the parties;
- (3) Current compliance with a conciliation agreement signed by all the parties and approved by the state governmental or local administrative agency with jurisdiction over the matter;
- (4) Current compliance with a consent order or consent decree;
- (5) Current compliance with a final judicial ruling or administrative ruling or decision; or
- (6) Dismissal of charges.

## **2. Timely Submission of Applications**

Applications submitted after the deadline stated within this NOFO that do not meet the requirements of the grace period policy are marked late. Late applications are ineligible and are not considered for funding. See Section IV. D. Application Submission Dates and Times.

2. **Additional Program-Specific Threshold Eligibility Requirements.** Applicants who fail to meet any of the following program-specific eligibility requirements will be deemed ineligible. Applications from ineligible applicants will not be evaluated.
  - PHAs that are not in receivership, designated troubled or substandard, or otherwise high risk as of the application due date.
  - Applicants that do not submit a narrative response as described in Section IV.B.2 Format and Form and a completed form HUD-50075.1 Parts I and II including the proposed activities for this grant application for Rating Factor 3, Soundness of Approach.
  - Applicants that do not indicate which IMS/PIC or HIP Development AMP is proposed for funding under this grant. Note that the AMP name, number, and address(es) in the grant application must match the name, number, and address(es) in PIC. If more than one AMP is proposed in the application, the application will be ineligible.
  - Applicants that request less than the minimum award amount, or over the maximum award amount.
  - Funds provided under this NOFO may not be used at projects under Commitments to enter into Housing Assistance Payments Contracts (CHAPs) under the Rental Assistance Demonstration (RAD) as authorized under Public Law 112-55, as amended in subsequent Appropriation Acts and implementing notices. Properties that will be converting to another federal housing assistance program, such as through a Section 18 disposition or Streamlined Voluntary Conversion, are not eligible for funding under this program. HUD shall consider ineligibility to start when an application for demolition or disposition of that AMP is submitted to HUD's Special Application Center or when a CHAP is issued.

If the application is submitted or CHAP is issued after funds are awarded under this NOFO, but before the grant period ends, the AMP will no longer be eligible for this program and remaining funds will be recaptured.

## **E. Statutory and Regulatory Requirements Affecting Eligibility**

### **Eligibility Requirements for Applicants of HUD's Financial Assistance Programs**

The following requirements affect applicant eligibility. Detailed information on each requirement is found in the "[Eligibility Requirements for Applicants of HUD's Competitive Programs](#)" document on HUD's Funding Opportunities page. Applicants who fail to meet any of these eligibility requirements are deemed ineligible to receive HUD funding.

1. Universal Identifier and System for Award Management (SAM.gov) Requirements
2. Outstanding Delinquent Federal Debts
3. Debarments or Suspensions, or both
4. Mandatory Disclosure Requirement
5. Pre-selection Review of Performance
6. Sufficiency of Financial Management System
7. False Statements
8. Prohibition Against Lobbying Activities

In addition, each applicant under this NOFO must have the necessary processes and systems in place to comply with the Award Term in Appendix A of [2 CFR part 170](#) if the applicant receives an award, unless an exception applies as provided in [2 CFR 170.110](#).

## **F. Program-Specific Requirements**

The following program requirements apply to this NOFO.

**Certification of Consistency with the Consolidated Plan.** This program requires a certification of Consistency with the Consolidated Plan under [24 CFR 91.2](#). This certification means the proposed activities in the application are consistent with the jurisdiction's strategic plan, and the location of the proposed activities is consistent with the geographic areas specified in the Consolidated Plan.

### **Advancing Racial Equity**

In accordance with Executive Order [13985](#), Executive Order 14091, *Executive Order on Further Advancing Racial Equity and Support for Underserved Communities Through The Federal Government*, and Federal fair housing and civil rights laws, your application must address the following:

- You analyzed the racial composition of the persons or households who are expected to benefit, directly or indirectly, from your proposed award activities;
- You identified any potential barriers to persons or communities of color equitably benefiting from your proposed award activities;
- You detailed the steps you will take to prevent, reduce, or eliminate these barriers; and
- You have measures in place to track your progress and evaluate the effectiveness of your efforts to advance racial equity in your award activities.

Note that any actions taken in furtherance of this section must be consistent with Federal nondiscrimination requirements.



This narrative is required and must address the four bullets outlined in the paragraph above. Applicants will submit this narrative according to the instructions in Section IV.B. This narrative will be evaluated for sufficiency and will not change the applicant's score or rank as compared to other applicants. If the narrative is deemed insufficient, it will be a "Curable Deficiency" that will be communicated to the applicant for correction with a notice of deficiency.

This narrative is required and must address the four elements outlined above and be submitted according to the instructions in Section IV.B. It will be evaluated for sufficiency and will not change the applicant's score or rank as compared to other applicants. If the narrative is deemed insufficient, it will be a "Curable Deficiency" that will be communicated to the applicant for correction with a notice of deficiency.

### **Affirmative Marketing and Outreach**

Any outreach or marketing conducted under a HUD award must be conducted broadly throughout the local area and nearby areas and targeted to reach any eligible persons in demographic groups that would be unlikely or least likely to be aware of the benefits of a HUD award absent such efforts, or entities that serve such groups. Such demographic groups may include, for example, Black and Brown persons or communities, individuals with limited English proficiency, individuals with disabilities, or families with children. Strategies for affirmative marketing or outreach include outreach through community contacts or service providers or at community centers serving the target population; and marketing on websites, social media channels, television, radio, and print media serving local members of the targeted group. You must submit a narrative describing the affirmative marketing/outreach activities that will be conducted if you are selected for a HUD award.

This narrative is required and must address the issues outlined in the paragraph above. Applicants will submit this narrative according to the instructions in Section IV.B. This narrative will be evaluated for sufficiency and will not change the applicant's score or rank as compared to other applicants. If the narrative is deemed insufficient, it will be a "Curable Deficiency" that will be communicated to the applicant for correction with a notice of deficiency.

### **Experience Promoting Racial Equity**

In accordance with Executive Order 13985, Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, Executive Order 14091, Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, and Federal fair housing and civil rights laws, your application must demonstrate that the applicant has the experience and/or the resources to effectively address the needs of underserved communities, particularly Black and Brown communities. This may include experience successfully working directly with such groups, experience designing or operating programs that equitably benefit such groups, or experience successfully advancing racial equity in other ways. This may also include experience soliciting, obtaining, and applying input from such groups when designing, planning, or implementing programs and activities.

This narrative is required and must address the issues outlined in the paragraph above. Applicants will submit this narrative according to the instructions in Section IV.B. This narrative will be evaluated for sufficiency and will not change the applicant's score or rank as compared to other applicants. If the narrative is deemed insufficient, it will be a "Curable Deficiency" that will be communicated to the applicant for correction with a notice of deficiency.

### **Affirmatively Furthering Fair Housing**

With some exceptions for Federally recognized Indian tribes and their instrumentalities, the application must discuss how the applicant will carry out the proposed activities in a manner that affirmatively furthers fair housing in compliance with the Fair Housing Act and its implementing regulations and how applicants will meet the requirements of the definition of affirmatively furthering fair housing at 24 CFR 5.151. If the applicant will carry out proposed activities with an Assessment of Fair Housing (AFH), the proposed activities should be consistent with the AFH's fair housing goals and with fair housing strategies specified in the jurisdiction's Consolidated Plan or Public Housing Agency Plan.

Applicants must address this requirement by submitting a written narrative which describes how their proposed NOFO activities are aligned with the requirement to affirmatively further fair housing (AFFH). Specifically, applicants should describe how their proposed NOFO activities will meaningfully: (1) address significant disparities based on protected class in unmet housing needs (2) address disparities based on protected class in access to opportunity (3) address segregation and promoting integration (4) transform racially or ethnically concentrated areas of poverty into well-resourced areas of opportunity without displacing existing residents, and/or (5) foster and maintain compliance with civil rights and fair housing laws]. If the narrative is deemed insufficient, it will be a "Curable Deficiency" that will be communicated to the applicant for correction with a notice of deficiency.

### **G. Criteria for Beneficiaries.**

This narrative is required and must address the issues outlined in the paragraphs above and be submitted according to the instructions in Section IV.B (Application and Submission Information, Content and Form). This narrative will be evaluated for sufficiency and will not change the applicant's score or rank as compared to the other applicants. If the narrative is deemed insufficient, it will be a "Curable Deficiency" that will be communicated to the applicant for correction with a notice of deficiency.

## **IV. APPLICATION AND SUBMISSION INFORMATION**

### **A. Obtain an Application Package**

#### **Instructions for Applicants**

All application materials, including the Application Instructions and Application Package, are available through Grants.gov. You must access and review all available application materials. You must submit your application electronically via Grants.gov under the Funding Opportunity Number cited within this NOFO. Your application must list the applicable Funding Opportunity Number.

You can request a waiver from the requirement for electronic submission, if you demonstrate good cause. An example of good cause may include: a lack of available Internet access in the geographic area in which your business offices are located. However, lack of SAM registration or valid UEI is not good cause. If you cannot submit your application electronically, you must ask in writing for a waiver of the electronic application submission requirements. HUD will not grant a waiver if you fail to submit to HUD by email or postmark by mail a request for a waiver at least 15 calendar days before the application deadline. If HUD grants a waiver, a paper application must be received before the deadline for this NOFO. To request a waiver, you must contact:

Name:  
 PIH-OFO  
 Email:  
 NOFO\_FY24@hud.gov  
 HUD Organization:  
 PIH  
 Street:  
 451 7th ST SW  
 City:  
 Washington  
 State:  
 DC DISTRICT OF COLUMBIA  
 Zip:  
 20410

All communication to applicants about this NOFO will be sent from NOFO\_FY24@hud.gov.

**B. Content and Form of Application Submission**

You must verify that boxes 11, 12, and 13 on the SF-424 match the NOFO for which you are applying. If they do not match, you have downloaded the wrong Application Instruction and Application Package.

Submission of an application that is otherwise sufficient, but is under the wrong Assistance Listing and Funding Opportunity Number is a Non-Curable Deficiency, and will be rejected, unless otherwise stated under the Threshold requirements section. When applying with a UEI that does not match the organization name as registered in sam.gov will result in an ineligible applications.

**1. Content**

<b>Forms/Assurances/Certifications</b>	<b>Submission Requirement</b>	<b>Notes/Description</b>
Application for Federal Assistance (SF-424)	This form is required.	Review section IV.B.2.a. of this NOFO for detailed application requirements.
Applicant and Recipient Assurances and Certifications (HUD 424-B)	This form is required.	Review section IV.B.2.a. of this NOFO for detailed application requirements.
Applicant/Recipient Disclosure/Update Report (HUD 2880)	This form is required.	Review section IV.B.2.a. of this NOFO for detailed application requirements.

<b>Forms/Assurances/Certifications</b>	<b>Submission Requirement</b>	<b>Notes/Description</b>
Disclosure of Lobbying Activities (SF-LLL)	This form is conditionally required.	Review section IV.B.2.a. of this NOFO for detailed application requirements.
Certification Regarding Lobbying Activities	This form is required.	
Federal Assistance Representations and Certifications	This form is required via sam.gov	To assure compliance with statutory requirements for HUD programs, you must complete the “Federal Assistance Representations and Certifications” section of your sam.gov registration. HUD and OMB use information reported within sam.gov for general management of Federal assistance awards programs. For more information on how to update your sam.gov registration, visit SAM.gov or the Federal Service Desk, FSD.gov. You can search for help at FSD any time or request help from an FSD agent Monday-Friday 8 a.m. to 8 p.m. ET.
Annual Statement/ Performance and Evaluation Report Form HUD-50075.1 (Parts I & II)	This form may be prepared in HUD's Energy and Performance Information Center (EPIC) by authorized users, printed or saved to PDF, and included in the application and be specific for this grant application.  See <a href="https://portalapps.hud.gov/app_epic/">https://portalapps.hud.gov/app_epic/</a> .  Alternatively, forms can also be downloaded from <a href="#">HUD Clips</a> , completed, and saved	An example of form 50075.1 is available in PDF format at <a href="https://www.hud.gov/sites/dfiles/OCHCO/documents/50075.1.pdf">https://www.hud.gov/sites/dfiles/OCHCO/documents/50075.1.pdf</a>

Forms/Assurances/Certifications	Submission Requirement	Notes/Description
	<p>to PDF to submit with the application.</p> <p>All submitter forms must include the IMS/PIC, Development/AMP name and number</p>	

Other Application Submission Information

The following provides instructions on the organization and content of your application. It lists the narrative exhibits and attachments, and instructions for each, that are required as part of the application. All narrative exhibits, attachments, and forms are required to be submitted in your application unless otherwise indicated.

Rating Factor 3 Narrative (6 page maximum)	A narrative statement addressing Rating Factor 3 is required of all applicants and is an eligibility requirement. The written narrative must address Rating Factor 3, Soundness of Approach, subparts B and C as outlined in Section V.A.1 of this NOFO. Applicants that do not include this narrative response will be considered ineligible and will not be scored.
Advancing Racial Equity Narrative (1 page maximum)	This is a mandatory requirement for all applications. This item is curable. Review section III.F. of this NOFO for detailed submission requirements.
Affirmative Marketing Narrative (1 page maximum)	This is a mandatory requirement for all applications. This item is curable. Review section III.F. of this NOFO for detailed submission requirements.
Experience Promoting Racial Equity Narrative (1 page maximum)	This is a mandatory requirement for all applications. This item is curable. Review section III.F. of this NOFO for detailed submission requirements.
Affirmatively Furthering Fair Housing Narrative	A narrative statement discussing how you will carry out activities under this award, if granted, in a matter that affirmatively furthers fair housing as described in Section IV G.

Any additional information provided to supplement the required forms and narratives listed above will not be evaluated. Applicants should not include inspection reports or action plans for previous Capital Fund grant awards. Supplemental materials will not be reviewed. Any material exceeding any identified page limits will not be reviewed.

## **2. Other Submission Requirements**

### **a. Standard Application, Assurances, Certifications and Disclosures**

#### **(1) Standard Form 424 (SF-424) Application for Federal Assistance**

The SF-424 is the government-wide form required to apply for Federal assistance programs, discretionary awards, and other forms of financial assistance programs. You must complete and submit the form with the other required forms and information as directed in this NOFO.

By signing the forms in the SF-424 either through electronic submission or in paper copy submission (for those granted a waiver), you and the signing authorized organization representative affirm that you both have reviewed the certifications and assurances associated with the application for Federal assistance and (1) are aware the submission of the SF-424 is an assertion that the relevant certifications and assurances are established and (2) acknowledge that the truthfulness of the certifications and assurances are material representations upon which HUD will rely when making an award to the applicant. If it is later determined the signing authorized organization representative to the application made a false certification or assurance, caused the submission of a false certification or assurance, or did not have the authority to make a legally binding commitment for the applicant, the applicant and the individual who signed the application may be subject to administrative, civil, or criminal action. Additionally, HUD may terminate the award to the applicant organization or pursue other available remedies. Each applicant is responsible for including the correct certifications and assurances with its application submission, including those applicable to all applicants, those applicable only to Federally recognized Indian tribes, or Alaskan native villages and those applicable to applicants other than Federally recognized Indian tribes, or Alaskan native villages.

#### **(2) Assurances (HUD 424-B)**

By submitting your application, you provide assurances that, if selected to receive an award, you will comply with U.S. statutory and other requirements, including, but not limited to civil rights requirements. All recipients and subrecipients of the award are required to submit assurances of compliance with Federal civil rights requirements. *See, e.g.*, Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments Act of 1972, Section 504 of the Rehabilitation Act of 1973, Violence Against Women Act, and the Age Discrimination Act of 1975; *see also* [24 CFR §§ 1.5; 3.115; 8.50; and 146.25](#). HUD accepts these assurances in the form of the HUD 424-B, which also require compliance with HUD Reform Act requirements and all general Federal nondiscrimination requirements in the administration of the Federal assistance award.

#### **(3) Applicant Disclosure Report Form 2880 (HUD 2880)**

The form HUD 2880 is required if you are applying for assistance within the jurisdiction of HUD to any project subject to Section 102(d) of the HUD Reform Act . Assistance is provided

directly by HUD to any person or entity, but not to subrecipients. It includes assistance for the acquisition, rehabilitation, operation, conversion, modernization, renovation, or demolition of any property containing five or more dwelling units that is to be used primarily for residential purposes. It includes assistance to independent group residences, board and care facilities, group homes and transitional housing but does not include primarily nonresidential facilities such as intermediate care facilities, nursing homes and hospitals. It also includes any change requested by a recipient in the amount of assistance previously provided, except changes resulting from annual adjustments in Section 8 rents under Section 8(c)(2)(A) of the United States Housing Act of 1937 ([42 U.S.C. § 1437f](#)). [See 24 CFR part 4 for additional information.](#)

#### **(4) Code of Conduct**

Both you, as the award recipient, and all subrecipients must have a code of conduct (or written standards of conduct). The code of conduct must comply with the requirements included in the “Conducting Business in Accordance with Ethical Standards” section of the Administrative, National and Department Policy Requirements and Terms for HUD Financial Assistance Awards-- 2024, as well as any program-specific requirements. These requirements include ethical standards related to conflicts of interest for procurements in [2 CFR 200.318\(c\)](#) and [2 CFR 200.317](#), as well as HUD-specific conflict of interest standards. HUD maintains a list of organizations that have previously submitted written standards of conduct on its [Code of Conduct for HUD Grant Programs webpage](#). But it is your responsibility to ensure that the standards are compliant with the noted requirements and that HUD has the latest version of the written standards. Updated written standards should be submitted with the application. Any updates to your written standards, after the application period, should be submitted as directed by the HUD program contact for this NOFO.

#### **(5) False Statements**

Applicant understands that providing false or misleading information during any part of the application, award, or performance phase of an award may result in criminal, civil or administrative sanctions, including but not limited to: fines, restitution, and/or imprisonment under 18 USC 1001, 18 USC 1012, or 18 USC 287; treble damages and civil penalties under the False Claims Act, 31 USC 3729 et seq.; double damages and civil penalties under the Program Fraud Civil Remedies Act, 31 USC 3801 et seq.; civil recovery of award funds; suspension and/or debarment from all federal procurement and non-procurement transactions, FAR Part 9.4 or 2 CFR Part 180; and other remedies including termination of active HUD award.

#### **(6) Lobbying Activities**

Applicants are subject to the provisions of Section 319 of Public Law 101-121, 31 U.S.C. 1352, (the Byrd Amendment), and 24 CFR part 87, which prohibit recipients of federal awards from using appropriated funds for lobbying the executive or legislative branches of the Federal government in connection with a Federal award. All applicants must submit with their application the signed “Certification Regarding Lobbying” form. In addition, applicants must disclose, using Standard Form LLL (SF-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, or congressional staff regarding specific awards. 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 state-recognized Indian tribes and TDHEs established only under state law shall comply with this requirement.

### **Standard Form 424A (SF-424A): Budget Information for Non-Construction Programs**

Applicants must provide a complete and detailed budget for the total performance period of the expected award through the submission of the SF-424A. For the budget recorded on form SF-424A, provide a breakdown of the aggregate numbers detailing their allocation to each activity. The budget must also include a yearly breakdown of costs for each activity. In addition to the SF-424A form instructions available on Grants.gov, applicants should use [Appendix I. HUD's Guidance for Preparing a Budget Request](#) in this NOFO, to complete the SF-424A. The data submitted on the SF-424A form will inform the expected financial assistance award for this NOFO. All costs charged to awards made as a result of this funding announcement must be allowable, allocable, and supported by adequate documentation, consistent with applicable cost principles.

### **3. Format and Form**

Narratives and other attachments to your application must follow the following format guidelines. Do not submit password protected or encrypted files.

9 Pages maximum length of narratives

Double spaced 12-point (minimum) Times Roman font on letter sized paper (8 1/2 x 11 inches) with at least 1-inch margins on all sides.

You must prepare your completed Form HUD-50075.1 Parts I and II to include the Inventory Management System (IMS)/ PIH Information Center (PIC) Development/AMP name, number, and address(es), print or save to PDF and send with the application package. Applications that do not include this form will be considered ineligible and not scored. You may not supplement Form HUD-50075.1 with additional narrative and shall limit responses to the character limits and spacing imposed by the form.

The required narrative for Rating Factor 3, Soundness of Approach, can be no more than six pages of 12-point font.

Each of the "Additional Narratives" listed in Section IV.B.1. above are required and can be no longer than one page each of 12-point font, double-spaced.

## **C. System for Award Management (SAM) and Unique Entity Identifier (UEI)**

### **1. SAM Registration Requirement**

You must register at [www.sam.gov](http://www.sam.gov) before submitting an application. You must maintain current information in SAM on immediate and highest-level owner and subsidiaries, as well as on all predecessors that a Federal award within the last three years, if applicable. Information in SAM must be current for all times during which you have an active Federal award or an application or plan under consideration by HUD.

### **2. UEI Requirement**

All entities doing business with the Federal government must use the UEI created in SAM.gov. Your application must include a valid UEI that is registered and active at [www.sam.gov](http://www.sam.gov). For



more information, see: <https://www.gsa.gov/about-us/organization/Federal-acquisition-service/office-of-systems-management/integrated-award-environment-iae/iae-systems-information-kit/unique-entity-identifier-update>. **When submitting an application with a UEI that does not match the organization name as registered in sam.gov will result in an ineligible application.**

### **3. Requirement to Register with Grants.gov**

Anyone planning to submit applications on behalf of an organization must register at Grants.gov and be approved by the E-Biz POC in SAM to submit applications for the organization. Registration for SAM and Grants.gov is a multi-step process and can take four (4) weeks or longer to complete if data issues arise. Applicants without a valid registration cannot apply through Grants.gov. Complete registration instructions and guidance are provided on Grants.gov.

## **D. Application Submission Dates and Times**

### **1. Application Due Date Explanation**

The application deadline is 11:59:59 PM Eastern time on

09/09/2024

Submit your application to Grants.gov unless a waiver has been issued allowing you to submit a paper application. Instructions for submitting your paper application will be contained in the waiver of electronic submission.

“Received by Grants.gov” means the applicant received a confirmation of receipt and an application tracking number from Grants.gov. Grants.gov then assigns an application tracking number and date-and timestamp each application upon successful receipt by the Grants.gov system. A submission attempt not resulting in confirmation of receipt and an application tracking number is not considered received by Grants.gov.

Applications received by Grants.gov must be validated by Grants.gov to be received by HUD.

“Validated by Grants.gov” means the application has been accepted and was not rejected with errors. You can track the status of your application by logging into Grants.gov, selecting “Applicants” from the top navigation, and selecting “Track my application” from the dropdown list. If the application status is “rejected with errors,” you must correct the error(s) and resubmit the application before the 24-hour grace period ends. Applications in “rejected with errors” status after the 24-hour grace period expires will not be received by HUD. Visit Grants.gov for a complete description of processing steps after applying.

HUD strongly recommends you review your application before you submit it at Grants.gov. Also, HUD recommends you submit your application at least **48 hours before the deadline** and during regular business hours to allow enough time to correct errors or overcome other problems.

### **2. Grants.gov Customer Support**

Grants.gov provides customer support information on its website at <https://www.grants.gov/web/grants/support.html>. If you have difficulty accessing the application and instructions or have technical problems, contact Grants.gov customer support center by calling (800) 518-GRANTS (this is a toll-free number) or by sending an email to [support@grants.gov](mailto:support@grants.gov). The customer support center is open 24 hours a day, seven days per week, except Federal holidays. Individuals who are deaf or hard of hearing, as well as individuals who

have speech or other communication disabilities may use a relay service to reach Grants.gov Customer Support. To learn more about how to make an accessible telephone call, visit the [webpage for Federal Communications Commission](#).

### **3. Grants.gov Application Submission**

You can verify the contents of your submitted application to confirm Grants.gov received everything you intended to submit. To verify the contents of your submitted application:

- Log in to Grants.gov.
- Click the Check Application Status link, which appears under the Grant Applications heading in the Applicant Center page. This will take you to the Check Application Status page.
- Enter search criteria and a date range to narrow your search results.
- Click the Search button. To review your search results in Microsoft Excel, click the Export Data button.
- Review the Status column. To view more detailed submission information, click the Details link in the Actions column.
- To download the submitted application, click the Download link in the Actions column.

Take note of the Grants.gov tracking number, as it is needed by the Grants.gov customer support center should you seek their assistance.

HUD may extend the application deadline for any program if Grants.gov is offline or not available to applicants for at least 24 hours immediately prior to the deadline date, or the system is down for 24 hours or longer and impacts the ability of applicants to cure a submission deficiency within the grace period.

HUD may also extend the application deadline upon request if there is a presidentially declared disaster in the applicant's area.

If these events occur, HUD will post a notice on its website establishing the new, extended deadline for the affected applicants. HUD will also publish the extension on Grants.gov.

In determining whether to grant a request for an extension based on a presidentially declared disaster, HUD will consider the totality of the circumstances including the date of an applicant's extension request (how closely it followed the basis for the extension), whether other applicants in the geographic area are similarly affected by the disaster, and how quickly power or services are restored to enable the applicant to submit its application.

**NOTE:** Busy servers, slow processing, large file sizes, improper registration or password issues are not valid circumstances to extend the deadline dates or the grace period.

### **4. Amend or Revise an Application**

Before the submission deadline, you may amend a validated application through Grants.gov by submitting a revised and complete application including the new or changed material. The revised application must be received and validated by Grants.gov by the applicable deadline.

If HUD receives an original and a revised application for a single proposal, HUD will evaluate only the last submission received by Grants.gov before the deadline.

## **5. Grace Period for Grants.gov Submissions**

If your application is received by Grants.gov before the deadline, but is rejected with errors, you have a grace period of 24 hours after the application deadline to submit a corrected, received, and validated application through Grants.gov. The date and time stamp on the Grants.gov system determines the application receipt time. Any application submitted during the grace period but not received and validated by Grants.gov will not be considered for funding. There is no grace period for paper applications.

## **6. Late Applications**

An application received after the NOFO deadline date that does not meet the Grace Period requirements will be marked late and will not be reviewed by HUD for funding

consideration. Improper or expired registration and password issues are not sufficient causes to allow HUD to accept applications after the deadline date.

## **7. Corrections to Deficient Applications**

HUD will not consider information from applicants after the application deadline except for curable deficiencies.

HUD will uniformly notify applicants of each curable deficiency. See curable deficiency definition in section I.A of this NOFO. Examples of curable (correctable) deficiencies include inconsistencies in the funding request and failure to submit required certifications. These examples are non-exhaustive.

When HUD identifies a curable deficiency, HUD will notify the authorized organization representative identified on the SF-424 Application for Federal Assistance via email. This email is the official notification of a curable deficiency.

You must email corrections of Curable Deficiencies to [applicationsupport@hud.gov](mailto:applicationsupport@hud.gov) within the time limits specified in the notification. The time allowed to correct deficiencies will be no less than 48 hours and no more than 14 calendar days from the date of the email notification. The start of the cure period will be the date stamp on the email sent from HUD. If the deficiency cure deadline date falls on a Saturday, Sunday, Federal holiday, or on a day when HUD's Headquarters are closed, then the applicant's correction must be received on the next business day HUD Headquarters offices in Washington, DC are open.

The subject line of the email sent to [applicationsupport@hud.gov](mailto:applicationsupport@hud.gov) must state: Technical Cure and include the Grants.gov application tracking number or the GrantSolutions application number (e.g., Subject: Technical Cure - GRANT123456 or Technical Cure - XXXXXXXXXXXXX). If this information is not included, HUD cannot match the response with the application under review and the application may be rejected due to the deficiency.

Corrections to a paper application must be sent in accordance with and to the address indicated in the notification of deficiency. HUD will treat a paper application submitted in accordance with a waiver of electronic application containing the wrong UEI as having a curable deficiency. Failure to correct the deficiency and meet the requirement to have a UEI and active registration in SAM will render the application ineligible for funding.

## **8. Authoritative Versions of HUD NOFOs**

The version of this NOFO posted on Grants.gov includes the official documents HUD uses to solicit applications.

## 9. Exemptions

Parties that believe the requirements of the NOFO would impose a substantial burden on the exercise of their religion should seek an exemption under the [Religious Freedom Restoration Act](#) (RFRA).

## E. Intergovernmental Review

This program is not subject to [Executive Order 12372, Intergovernmental Review of Federal Programs](#).

## F. Funding Restrictions

**Eligible Uses of Funds.** Eligible activities and costs for this NOFO will be covered under LOCCS Budget Line Item (BLI) 1480 General Activities, with the following additional restrictions:

- Funds can be used only for Capital Fund Program (CFP) activities identified in the application to improve the physical condition of public housing and/or increase occupancy and reduce long-term vacancy through capital investment and affirmative marketing.
- Funds may only be expended at the AMP proposed on the Form HUD-50075.1 submitted as part of this application. Funds may not be expended at any other IMS/PIC or HIP Development(s)/AMP(s) that are not funded under this grant.
- Funds under this NOFO may only be used for public housing, as defined by Section 3 of the 1937 Act and by PHAs participating in the Capital Fund program under Section 9 of the 1937 Act.
- Activities must be carried out in compliance with the Capital Fund regulations at 24 CFR Part 905.
- Awards made under this opportunity may not be used for reimbursement of incurred expenses or for activities that are already under contract.
- Awards made under this opportunity may not be used to pay for grant writing services.

## Indirect Cost Rate

Normal indirect cost rules under [2 CFR part 200, subpart E](#) apply. If you intend to charge your indirect costs to the award, your application must clearly state the rate and distribution base you intend to use. If you have a Federally negotiated indirect cost rate, your application must also include a letter or other documentation from the cognizant agency showing the approved rate. Successful applicants whose rate changes after the application deadline must submit the new rate and documentation to assure the award agreement incorporates the applicable rate.

## G. Other Program-specific Requirements

You must complete Form HUD-50075.1 in accordance with section IV.B. of this NOFO and the instructions to the Form.

## V. APPLICATION REVIEW INFORMATION

### A. Review Criteria

#### 1. Rating Factors

The maximum number of points to be awarded for Rating Factors is 100. Applicants that have been first reviewed for eligibility for award will then be competitively scored based on the following rating factors:

Rating Factor	Name	Sub-Factor	Maximum Points
1	Status of PHA		
		PHAS Designation and Receivership Status	20
		<i>Subtotal</i>	<b>20</b>
2	Need of AMP		
		Physical Condition	10
		Occupancy Rate	10
		Long-Term Vacancies	10
		<i>Subtotal</i>	<b>30</b>
3	Soundness of Approach		
		Budget	10
		Applicant Capacity-General	5
		Impact on Performance-Physical Condition	20
		Impact on Performance-Occupancy	10
		<i>Subtotal</i>	<b>45</b>
4	Past Performance		
		Compliance with Current Agreements	5
		<i>Subtotal</i>	<b>5</b>
		<b>TOTAL</b>	<b>100</b>

Rating Factor 1: STATUS OF PHA

Maximum Points: 20

**PHAS Designation and/or Receivership Status** (20 points). Funding is prioritized to those PHAs where capital improvements may have the most significant impact on the PHA’s PHAS designation. The applicant does not need to submit information for this rating factor. Points will be awarded based on the status of the PHA’s most recent PHAS designation of record or receivership/possession status. If the PHA believes the information utilized by HUD is incorrect, incomplete, or missing, applicants should work with HUD’s Real Estate Assessment Center (REAC) to ensure HUD’s systems or reports are submitted, updated, or corrected prior to application deadline. There will be no application extension waivers granted for the purposes of amending systems of record. Points will be scored according to the following table:

<b>PHA Designation Status</b>	<b>Points Awarded</b>
<b>Receivership</b>	<b>20</b>
<b>Troubled</b>	<b>15</b>
<b>Substandard</b>	<b>10</b>
<b>High Risk</b>	<b>5</b>
<b>All Other PHAs designations</b>	<b>0</b>

**Rating Factor 2: NEED OF AMP**

**Maximum Points: 30**

HUD will evaluate an applicant’s need by the AMP’s physical condition, occupancy rate, and long-term vacancies. The applicant does not need to submit information for this rating factor. The below subfactors indicate where HUD will draw the information from to score the PHA. If a PHA believes that the information utilized by HUD in the three sections below is incorrect, incomplete, or missing, applicants should work with their assigned HUD public housing office to ensure HUD systems or reports are submitted, updated, or corrected prior to application deadline. There will be no application extension waivers granted for the purposes of amending systems of record.

- A. **Physical Condition** (10 points). HUD will use the AMP’s most recently released UPCS or NSPIRE inspection score at the time of application deadline. Points will be awarded based on the following table, based on the AMP’s 100-point score:

<b>UPCS or NSPIRE Score</b>	<b>Points Awarded</b>
<b>Less than 60</b>	<b>10</b>
<b>Below 70 but greater than or equal to 60</b>	<b>5</b>
<b>Greater than or equal to 70</b>	<b>0</b>

- B. **Occupancy Rate** (10 points). HUD will use a PHA’s most recently approved audited financial data schedule (FDS) submission<sup>1</sup> at the time of application deadline to calculate an AMP’s occupancy rate and long-term vacancies. Points will be awarded based on the following table:

<b>Occupancy Rate</b>	<b>Points Awarded</b>
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<b>Below 90 Percent</b>	<b>10</b>
<b>Below 94 percent but greater than or equal to 90 percent</b>	<b>5</b>
<b>Greater than or equal to 94 percent</b>	<b>0</b>

<sup>1</sup>FDS Line Item 11210 (Unit Months Leased) / FDS Line Item 11190 (Unit Months Available)

**C. Long-Term Vacancies** (10 points). Units that have been vacant for extended periods of time typically have greater capital needs to make the unit ready for a tenant. HUD will use the occupancy data in the IMS/PIC or HIP system as of the date the NOFO closes. Points will be awarded based on the percentage of units that are vacant long-term, based on the following table:

<b>Percentage of units vacant for 180+ days exceeds:</b>	<b>Points Awarded</b>
5%	<b>10</b>
2.5%	<b>5</b>
<2.5%	<b>0</b>

### **Rating Factor 3: SOUNDNESS OF APPROACH**

**Maximum Points: 45**

To respond to this Rating Factor, the applicant shall submit a completed Form HUD-50075.1, Parts I and II for the proposed activities, as well as a separate narrative response as described in Section IV.B.2, Format and Form, for Subfactors B and C below. The total narrative for this Rating Factor shall be no longer than six pages, double-spaced 12-point font.

For all elements of this Rating Factor, HUD will evaluate the submissions of eligible applications and will determine point scores that, in HUD's sole determination, reflect the extent to which the submission is responsive to the criteria described and, as a result, represent the applicant's likely ability to utilize grant funding to expand opportunities for improved public housing in the communities served and exit from troubled, substandard, or high-risk status.

- A. **Budget** (10 points). Applicants should prepare their completed Form HUD-50075.1, Parts I and II, as described in Section IV.B.2, Format and Form. The form should include the work activities proposed to be funded under this grant and the estimated costs, as directed in form headings and instructions. Form HUD-50075.1 Parts I and II must include the AMP name, number, and address(es) as it is identified in the IMS/PIC or HIP system.

The Budget is intended to demonstrate that the proposed expenditures will represent a highly efficient and effective use of HUD grant resources. Applicants that use Form HUD-50075.1 Parts I and II to fully address the rating criteria including a detailed breakdown of work activities and estimated costs will receive maximum points for this sub-factor. Fewer points will be awarded for lack of clarity, lack of detail, not responding fully to the criteria, or proposing ineligible use of funds (eligible uses are listed in section IV.F.1).

Note the following: Applicants are limited to 1,000 characters per row in the “General Description of Major Work Categories” column when filling out Form HUD-50075.1 in EPIC. Applicants shall comply with these character limitations and use the supporting narrative to describe the impact of the funds.

**B. Applicant Capacity** (5 points total).

1. Capacity - General (up to 5 points)

This funding is intended to improve an AMP’s performance through targeted capital improvements at the AMP identified in the application. To evaluate the overall capital improvement plan, HUD requires an understanding of the PHA’s capital improvement strategy and the PHA’s capacity to execute that strategy.

Applicants must provide a narrative that demonstrates the resources the PHA will be able to commit to successfully accomplish this capital improvement effort, including confidence in the independent cost estimate undergirding the proposed budget, the PHA staffing to be dedicated to this effort, any anticipated contractors, other funds (whether from HUD or other sources) or in-kind resources that may contribute to this effort, any partnerships with local governments or utility companies that may advance this effort, and any other resources that serve to provide assurance for the success of this effort.

Recognizing past internal and external challenges that have precipitated the current situation at the PHA and the subject AMP, the Capacity Narrative should describe what has changed in the circumstances of the PHA that provides confidence to HUD that a grant for the proposed effort has a very high likelihood of succeeding and, as a result, provides expanded opportunities for stable public housing for residents and a stronger PHA.

- C. **Anticipated Outcomes** (30 points). The PHA should provide a narrative describing the specific capital scope of work that will be completed and the strategies the PHA intends to use to lease the units at the completion of the capital improvement project. Applicants should describe the impact the proposed expenditures will have on the overall capacity of the PHA to deliver significant positive improvements in quality public housing for residents. The description should include the total number of public housing units for which capital improvements will be provided and a qualitative description as to the impact of the proposed improvements on the affected units. The PHA should provide other information that demonstrates how the budget maximizes the magnitude and quality of public housing available to the PHA’s current and future residents, including, for example, showing how the number of units in the subject AMP compares to the number of units in the PHA’s total public housing portfolio or the number of units in the PHA’s stock of physically distressed housing. PHAs are encouraged to incorporate energy efficiency and climate resilience into their planned investments.

This Narrative must describe two anticipated outcomes:

1. **Impact on Performance — Physical Condition** (20 points). In the narrative, applicants must describe how the capital improvements at the AMP will improve the physical condition at the AMP. Using the most recent physical inspection report for the AMP as a baseline, the narrative should describe how the capital improvements will address the deficiencies identified within the report. When applicable, applicants should take into consideration the impact of the capital improvements on issues related to health, safety, access, and accessibility to correct or avoid worsening such deficiencies that may exist at



the AMP. Points will be awarded based on whether the proposed use of funds aligns with correcting the deficiencies contained in the most recent physical inspection report.

2. **Impact on Performance — Occupancy** (10 points). In the narrative, applicants must provide justification that the capital improvements at the AMP will increase occupancy at the AMP. HUD will use the narrative to evaluate the applicant's strategy and affirmative marketing for leasing units quickly. Using the most recently approved audited FDS submission as a baseline, the narrative should provide a sound basis for determining that the capital improvements at the targeted AMP will increase the unit-months leased. In addition, the PHA must project what it believes the occupancy rate will be once the work is completed. The projection must be supported in the narrative with appropriate occupancy strategies and be reasonable based upon the time frames identified for the completion of the capital improvements.

#### **Rating Factor 4: PAST PERFORMANCE**

**Maximum Points: 5**

**Compliance with Current Monitoring** (5 points). HUD will evaluate this rating factor based upon the applicant's history to comply with HUD monitoring requirements, as determined by the assigned HUD field office. While compliance with any and all such requirements will be considered, HUD will pay particular attention to cases in which an applicant is under a specific remedial agreement (e.g., a troubled Recovery Agreement and Action Plan, Voluntary Compliance Agreement, or court order) or is subject to a compliance management plan (e.g., a Corrective Action Plan or Shortfall Improvement Plan).

An applicant will receive a maximum of 5 points only if it has recently been and is currently compliant on meeting all reporting requirements. If most, but not all reports are considered compliant, applicants will receive partial points for this Rating Factor.

For this element, HUD will determine point scores that, in HUD's sole determination, reflect the extent to which the PHA is compliant with monitoring requirements. The applicant does not need to submit any documentation pertaining to this rating factor.

This program does not offer points for Section 3.

#### **2. Other Factors**

##### **Policy Initiative Preference Points**

This NOFO does not offer any preference points

You may voluntarily choose to address preference point policy initiatives in your application. Addressing these policy initiatives is not a requirement to apply for or receive an award. If you voluntarily choose to address a policy initiative in your application, you will be required to adhere to the information submitted with your application should you receive an award. The proposed information will be included as a binding requirement of any Federal award you receive as a term and condition of that award.

This NOFO does not offer preference points for Climate Change

This NOFO does not offer Environmental Justice preference points.

This NOFO does not offer HBCU preference points.

This NOFO does not offer preference points related to minority-serving institutions.

This NOFO does not offer Promise Zone preference points.

This program does not offer Rural Partners Network Community Networks preference points.

## **B. Review and Selection Process**

### **1. Past Performance**

In evaluating applications for funding, HUD will consider an applicant's past performance in managing funds. Items HUD will consider include, but are not limited to:

OMB-designated repositories of governmentwide data, as noted in [2 CFR 200.206\(a\)](#)

The ability to account for funds in compliance with applicable reporting and recordkeeping requirements

Timely use of funds received from HUD

Timely submission and quality of reports submitted to HUD

Meeting program requirements

Meeting performance targets as established in the HUD agreement

The applicant's organizational capacity, including staffing structures and capabilities

Timely completion of activities and receipt and expenditure of promised matching or leveraged funds

Promoting self-sufficiency and economic independence

Producing positive outcomes and results

HUD may deduct up to 5 points from the total score for PHAs that have significant issues in Past Performance as described above.

HUD may reduce scores based on the past performance review, if specified under V.A. Rating Factors. Whenever possible, HUD will obtain and review past performance information. If this review results in an adverse finding related to integrity of performance, HUD reserves the right to take any of the remedies provided in the [Pre-Selection Review of Performance section of the Eligibility Requirements for Applicants of HUD Financial Assistance Programs](#).

### **2. Assessing Applicant Risk**

In evaluating risks posed by applicants, HUD may use a risk-based approach and may consider any items such as the following:

(1) Financial stability;

(2) Quality of management systems and ability to meet the management standards prescribed in this part;

(3) History of performance. The applicant's record in managing Federal awards, if it is a prior recipient of Federal awards, including timeliness of compliance with applicable reporting requirements, failing to make significant progress in a timely manner, failing to meet planned activities in a timely manner, conformance to the terms and conditions of previous Federal awards, and if applicable, the extent to which any previously awarded amounts will be expended prior to future awards;

(4) Reports and findings from audits performed under Subpart F—Audit Requirements of 2 CFR part 200 or the reports and findings of any other available audits; and

(5) The applicant's ability to effectively implement statutory, regulatory, or other requirements imposed on non-Federal entities.

## **VI. AWARD ADMINISTRATION INFORMATION**

### **A. Award Notices**

Following the evaluation process, HUD will notify successful applicants of their selection for funding. HUD will also notify other applicants, whose applications were received by the deadline but were not chosen for award. Notifications will be sent by email to the person listed as the AOR in item 21 of the SF-424.

#### **1. Final Award**

After HUD has made selections, HUD will finalize specific terms of the award and budget in consultation with the selected applicant. If HUD and the selected applicant do not finalize the terms and conditions of the award in a timely manner, or the selected applicant fails to provide requested information, an award will not be made to that applicant. In this case, HUD may select another eligible applicant. HUD may also impose specific conditions on an award as provided under [2 CFR 200.208](#).

#### **2. Adjustments to Funding**

To ensure fair distribution of funds and enable the purposes or requirements of a specific program to be met, HUD reserves the right to fund less than the amount requested in an application.

a. HUD may fund no portion of an application that:

- (1) Is ineligible for funding under applicable statutory or regulatory requirements;
- (2) Fails, in whole or in part, to meet the requirements of this notice;
- (3) Duplicates activities funded by other Federal awards; or
- (4) Duplicates activities funded in a prior year.

b. HUD may adjust the funding for an application to ensure funding diversity, geographic diversity, and alignment with HUD administrative priorities.

c. If an applicant turns down an award offer, or if HUD and an applicant do not finalize the terms and conditions of the award in a timely manner, HUD may withdraw the award offer and make an offer of funding to another eligible application.

d. If funds remain after all selections have been made, remaining funds may be made available within the current FY for other competitions within the program area, may be held for future competitions (if allowable in accordance with the applicable appropriation or authorizing statute), or may be used as otherwise provided by authorizing statute or appropriation.

e. If, after announcement of awards made under the current NOFO, additional funds become available either through the current appropriations, a supplemental appropriation, other appropriations or recapture of funds, HUD may, in accordance with the appropriation, use the

additional funds to provide additional funding to an applicant awarded less than the requested amount of funds to make the full (or nearer to full) award, and/or to fund additional applicants that were eligible to receive an award but for which there were no funds available.

### 3. Funding Errors

If HUD commits an error that, when corrected, would cause selection of an applicant during the funding round of a Program NOFO, HUD may select that applicant for funding, subject to the availability of funds. If funding is not available to award in the current fiscal year, HUD may make an award to this applicant during the next fiscal year if funding is available.

## **B. Administrative, National and Departmental Policy Requirements and Terms for HUD Applicants and Recipients of Financial Assistance Awards**

Unless otherwise specified, the following requirements apply and are detailed on HUD's Funding Opportunity page in the document titled, "[Administrative, National & Departmental Policy Requirements and Terms for HUD Financial Assistance – 2024](#)." You must review each requirement to ensure compliance is considered when preparing your application materials (e.g., staff, budget, and timeline). Failure to comply with these requirements may impact your ability to receive or retain a financial assistance award from HUD.

1. Compliance with The Fair Housing Act ([42 U.S.C. 3601-3619](#)) and implementing regulations at [24 CFR part 100 et seq](#)
2. Compliance with 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](#)
3. Compliance with the Age Discrimination Act of 1975 ([42 U.S.C. 6101-6107](#)) and implementing regulations at [24 CFR part 146](#)
4. Compliance with Section 504 of the Rehabilitation Act of 1973 ([29 U.S.C. 794](#)) and implementing regulations at [24 CFR part 8](#)
5. Compliance with the Americans with Disabilities Act, [42 U.S.C. 12101 et seq](#)
6. Compliance with Affirmatively Furthering Fair Housing (AFFH) requirements, including 24 CFR 5.150 et seq
7. Compliance with Economic Opportunities for Low-and Very Low-income Persons (12 U.S.C. 1701u) requirements, including those listed at [24 CFR part 75](#)
8. Compliance with Improving Access to Services for Persons with Limited English Proficiency (LEP) requirements, including those listed within [Federal Register Notice, FR-4878-N-02](#) (also see [HUD's webpage](#))
9. Compliance with Accessible Technology requirements, including those listed on in [HUD's Policy on Section 508 of the Rehabilitation Act and Accessible Technology](#)
10. Compliance with Equal Access Requirements (e.g., [24 CFR 5.105\(a\)\(2\)](#) and [5.106](#))
11. Compliance with Ensuring the Participation of Small Disadvantaged Business, and Women-Owned Business requirements at [2 CFR 200.321](#)

12. Compliance with Energy Efficient and Sustainable by Design
13. Compliance with Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 USC 4601 et seq.) (URA) requirements, [49 CFR part 24](#), and applicable program regulations
14. Compliance with Participation in HUD-Sponsored Program Evaluation
15. Compliance with OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards ([2 CFR part 200](#))
16. Compliance with Drug-Free Workplace requirements ([2 CFR part 2429](#))
17. Compliance with the requirements related to safeguarding resident/client files (e.g., 2 CFR 200.303(e))
18. Compliance with the Federal Funding Accountability and Transparency Act of 2006 ([2 CFR part 170](#)) (FFATA), as amended
19. Compliance with Eminent Domain
20. Compliance with Accessibility for Persons with Disabilities requirements, including 24 CFR parts 8 and 100; 28 CFR part 35
21. Compliance with applicable Violence Against Women Act requirements in the Housing Chapter of VAWA, 34 U.S.C. 12491-12496, 24 CFR part 5, subpart L, and program-specific regulations, if applicable
22. Compliance with Conducting Business in Accordance with Ethical Standards/Code of Conduct, including [2 CFR 200.317](#), [2 CFR 200.318\(c\)](#) and other applicable conflicts of interest requirements
23. Compliance with the [Build America, Buy America \(BABA\) Act](#) procurement requirements
24. Compliance with System for Award Management and Universal Identifier Requirements at [2 CFR part 25](#)
25. Compliance with [section 106\(g\) of the Trafficking Victims Protection Act of 2000 \(TVPA\), as amended \(22 U.S.C. 7104\(g\)\)](#) and implementing regulations at [2 CFR part 175](#) (Award Term for Trafficking in Persons)
26. Compliance with Award Term and Condition for Recipient Integrity and Performance Matters (see [Appendix XII to 2 CFR part 200](#))
27. Compliance with Suspension and Debarment regulations ([2 CFR part 2424](#) and [2 CFR part 180](#))
28. Compliance with environmental justice requirements that apply in accordance with Executive Orders [12898](#) and [14008](#), and OMB Memorandum [M-21-28](#), which implements the *Justice40 Initiative*, section 223 of Executive Order [14008](#).
29. Compliance with [HUD Secretary Fudge’s April 12, 2022 memorandum](#), “Eliminating Barriers That May Unnecessarily Prevent Individuals with Criminal Histories from Participation in HUD Programs”

30. Compliance with equity requirements, including racial equity and underserved communities and LGBTQ+ requirements that apply in accordance with Executive Orders [13985](#), [13988](#), and 14091

31. Compliance with 41 U.S.C. § 4712, which includes informing your employees in writing of their rights and remedies, in the predominant native language of the workforce. Under 41 U.S.C. § 4712, employees of a contractor, subcontractor, grantee, subgrantee, and personal services contractor may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing information that the employee reasonably believes is evidence of gross mismanagement of a Federal contract or grant, a gross waste of Federal funds, an abuse of authority relating to a Federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant. (See [Federal Contractor or Grantee Protections | Office of Inspector General, Department of Housing and Urban Development \(hudoig.gov\)](#))

32. Compliance with [2 CFR 200.216, Prohibition on Certain Telecommunication and Video Surveillance Services or Equipment](#) and Executive Orders 14091 and 14110, which includes prohibition on the use of HUD funds to purchase or fund any form of facial or biometric recognition technology for the purpose of surveillance or any other use that may adversely impact equitable access to housing

### **Environmental Review**

Compliance with environmental requirements, including regulations at [24 CFR 50](#) or [58](#):

In compliance with the federal requirements applicable to all Capital Fund activities at 24 CFR 905.308 including environmental review requirements at 24 CFR 905.308(b)(2), all activities under this NOFO are subject to an environmental review by a responsible entity under HUD's environmental regulations at 24 CFR part 58 and must comply with the requirements of the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321 et seq.) and the related laws and authorities listed at 24 CFR 58.5. HUD may make a finding in accordance with 24 CFR 58.11 and may perform the environmental review itself under the provisions of 24 CFR part 50. In those cases where HUD performs the environmental review under 24 CFR part 50, it will do so before approving a proposed project, and will comply with the requirements of NEPA and the related requirements at 24 CFR 50.4.

The Responsible Entity, PHA, and their contractors may not acquire, rehabilitate, convert, lease, repair, dispose of, demolish, or construct property for a project under this NOFO, or commit or expend HUD or non-HUD funds for such eligible activities under this NOFO, until the responsible entity has completed the environmental review procedures required by 24 CFR part 58 and the environmental certification and Request for Release of Funds (RROF) have been approved, if applicable, or HUD has performed an environmental review under 24 CFR part 50 and the recipient has received HUD approval of the property.

### **Remedies for Noncompliance**

HUD may apply the remedies at [2 CFR 200.339](#) or impose additional conditions to remedy noncompliance with any Federal State, or local statutes, regulations, or terms and conditions of the financial assistance award. If noncompliance cannot be remedied, HUD may terminate a

Federal award, in whole or in part, for any of the reasons specified in [2 CFR 200.340](#), Termination.

Examples of noncompliance include:

- Failure of grantees to comply with the U.S. Constitution, federal statutes, regulations or the terms and conditions of this award;
- A material misrepresentation by the grantee on their application for funding;
- Malfeasance in award administration;
- Failure to meet performance goals for use of grant funds.

Remedies for noncompliance include any listed in 24 CFR 200.208, such as

- Requiring additional, more detailed financial reports;
- Requiring additional grant monitoring;
- Requiring the Grantee to obtain technical or management assistance;
- Establishing additional prior approvals;
- Requiring the Grantee to follow a HUD-approved detailed schedule of grant activities;
- Requiring the Grantee to cancel or revise ineligible activities;
- Requiring the Grantee to revise its budget; and/or
- Requiring HUD manual review and approval of every drawdown request.

If HUD determines that noncompliance cannot be remedied by imposing additional conditions, HUD may, pursuant to 2 CFR 200.339 take one or more of the following actions, as a proportional response:

- Temporarily withhold cash payments pending correction of the deficiency by the Grantee or more severe enforcement action by HUD;
- Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance;
- Wholly or partly suspend or terminate the grant;
- Initiate suspension or debarment proceedings as authorized under 2 CFR part 180 and HUD regulations;
- Take action against the Grantee under 2 CFR part 2424 and Executive Order 12549 with respect to future HUD or Federal grant awards; and/or
- Take other remedies that may be legally available, including requiring reimbursement by the Grantee for grant amounts used improperly.

Notice of Termination and Opportunity to Object:

If the Grantee materially defaults under this Agreement, HUD may terminate the grant.

Furthermore, per 2 CFR 200.340(a)(1), the grant may be terminated in whole or in part by HUD if the Grantee fails to comply with the terms and conditions of this agreement.

Additionally, pursuant to 2 CFR 200.340(a)(2), this grant may be terminated in whole or in part by HUD, to the greatest extent authorized by law, if an award no longer effectuates the program goals or agency priorities. Any findings regarding a Grantee's failure to abide by the terms of

this grant that would support a termination of funding shall be exclusively within HUD's discretion.

If HUD pursues termination of the grant, HUD will follow the termination process established in 2 CFR part 200, including providing notice of termination pursuant to 2 CFR 200.341. Pursuant to 2 CFR 200.342, HUD will also provide the Grantee an opportunity to object and provide information and documentation challenging a termination.

### **Lead-Based Paint Requirements**

When providing housing assistance funding for purchase, lease, support services, operation, or work that may disturb painted surfaces, of pre-1978 housing, you must comply with the lead-based paint evaluation and hazard reduction requirements of HUD's lead-based paint rules (Lead Disclosure; and Lead Safe Housing ([24 CFR part 35](#))); and EPA's lead-based paint rules (e.g., Repair, Renovation and Painting; Pre-Renovation Education; and Lead Training and Certification ([40 CFR part 745](#))).

## **C. Reporting**

HUD requires recipients to submit performance and financial reports under OMB guidance and program instructions.

### **1. Recipient Integrity and Performance Matters**

You should be aware that if the total Federal share of your Federal award includes more than \$500,000 over the period of performance, the award will be subject to post award reporting requirements reflected in [Appendix XII to 2 CFR part 200, Award Terms and Conditions for Recipient Integrity and Performance Matters](#).

### **2. Race, Ethnicity and Other Data Reporting**

HUD requires recipients that provide HUD-funded program benefits to individuals or families to report data on the race, color, religion, sex, national origin, age, disability, and family characteristics of persons and households who are applicants for, participants in, or beneficiaries or potential beneficiaries of HUD programs in order to carry out the Department's responsibilities under the Fair Housing Act, Executive Order 11063, Title VI of the Civil Rights Act of 1964, and Section 562 of the Housing and Community Development Act of 1987. These authorities prohibit discrimination in housing and in programs receiving financial assistance from the Department and direct the Secretary to administer the Department's programs and activities in a manner affirmatively to further these policies and to collect certain data to assess the extent of compliance with these policies. Each recipient shall keep such records and submit to the Department timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the Department may determine to be necessary to enable it to ascertain whether the recipient has complied or is complying with 24 CFR parts 1 and 121. In general, recipients should have available for the Department data showing the demographics of beneficiaries of Federally-assisted programs.

### **3. Compliance with the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109-282) as amended (FFATA)**

FFATA requires information on Federal awards be made available to the public via a single, searchable website, which is [www.USASpending.gov](http://www.USASpending.gov). Accordingly, each award HUD makes under this NOFO will be subject to the requirements provided by the Award Term in Appendix



A to [2 CFR part 170](#), “REPORTING SUBAWARD AND EXECUTIVE COMPENSATION INFORMATION,” unless the Federal funding for the award (including funding that may be added through amendments) is not expected to equal or exceed \$30,000. Requirements under this Award Term include filing subaward information in the Federal Funding Accountability and Transparency Act (FFATA) Sub-award Reporting System (FSRS.gov) by the end of the month following the month in which the recipient awards any sub-award equal to or greater than \$30,000.

#### **4. Program-Specific Reporting Requirements**

- You must have the necessary processes and systems in place to comply with this Award Term, if you receive an award, unless an exception applies under 2 CFR 170.110.
- If you are awarded under this program, you must use EPIC to complete annual reports within 60 days of each annual anniversary of award. All other reporting (e.g. in financial systems) already required in the Capital Fund formula grant program or the Moving to Work program shall continue to apply.
- If you are awarded, you must update your Five-Year Action Plan and Annual Plan in EPIC after award. Plans must be reviewed by the Office of Capital Improvements (OCI) and approved by the assigned Public Housing Field Office before work can commence.
- Moving to Work (MTW) PHAs will be required to identify proposed activities in EPIC under Budget Line Item (BLI) 1480 General Activities and may not use the simplified Five-Year Action Plan described in PIH Notice 2016-21(HA).
- After award, you must propose a quarterly benchmark schedule for completing the work on these projects timely and evenly through the period of performance. An example template for this plan is posted on the [OCI website](#).
- If awarded funding, you may be required to periodically certify to HUD (until the end of the grant period) that a Commitment to enter into a Housing Assistance Payment (CHAP) has not been issued to the AMP. For compliance with this provision, HUD will assume all units in the project with a CHAP are included, even if the CHAP has phases where certain units are not covered.

#### **D. Debriefing**

For a period of at least 120 calendar days, beginning 30 calendar days after the public announcement of awards under this NOFO, if requested, HUD will provide a debriefing related to their application. The AOR or the AOR’s successor must submit a written request for debriefing via mail or email to the POC in Section VII Agency Contact(s) of this NOFO. Information provided during a debriefing may include the applicant’s final score for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which funding was approved or denied.

Debriefings should be requested via email to [NOFO\\_FY24@hud.gov](mailto:NOFO_FY24@hud.gov).

#### **E. Appeals**

If an applicant wishes to appeal the determination on their application, in accordance with the Office of Public and Indian Housing's policy, the applicant must submit a request that is received within 30 calendar days of the date on the award/ineligible letter. The applicant's request must include the basis for the appeal and must be sent via email to [NOFO\\_FY24@hud.gov](mailto:NOFO_FY24@hud.gov). In the

event that HUD committed an error in funding, HUD may issue an award, subject to the availability of funds. HUD will award funds for overturned appeals in order of the highest-ranking applications during the appeal period, which will be based on the availability of funds.

## VII. AGENCY CONTACT(S)

HUD staff will be available to provide clarification on the content of this NOFO. Questions regarding specific program requirements for this NOFO should be directed to the POC listed below.

Name:

Office of Field Operations

Phone:

Email:

NOFO\_FY24@hud.gov

Individuals who are deaf or hard of hearing, as well as individuals who have speech or communication disabilities may use a relay service to reach the agency contact. To learn more about how to make an accessible telephone call, visit the webpage for the [Federal Communications Commission](#).

Note that HUD staff cannot assist applicants in preparing their applications.

## VIII. OTHER INFORMATION

### 1. Compliance of this NOFO with the National Environmental Policy Act (NEPA)

This NOFO provides funding under 24 CFR 50.19(c)(5)(i), and does not alter the environmental requirements of 24 CFR Part 905. Accordingly, under 24 CFR 50.19(c)(5)(i), this NOFO is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C.4321). Activities under the NOFO are subject to environmental review provisions set out at 24 CFR 905.308(b)(2).

### 2. Web Resources.

- [Affirmatively Furthering Fair Housing](#)
- [Assistance Listing\(formerly CFDA\)](#)
- [Climate Action Plan](#)
- [Climate and Economic Justice Screening Tool \(CEJST\)](#)
- [Code of Conduct Requirements and E-Library](#)
- [Environmental Review](#)
- [Equal Participation of Faith-Based Organizations](#)
- [Fair Housing Rights and Obligations](#)
- [Federal Awardee Performance and Integrity Information System](#)
- [Federal Funding Accountability and Transparency Act \(FFATA\) Subaward Reporting System](#)
- [Grants.gov](#)
- [Healthy Homes Strategic Plan](#)

- [Healthy Housing Reference Manual](#)
- [Historically Black Colleges and Universities \(HBCUs\)](#)
- [HUD's Disability Overview](#)
- [HUD's Strategic Plan](#)
- [HUD Grants](#)
- [HUD Reform Act](#)
- [HUD Reform Act: Hud Implementing Regulations](#)
- [Limited English Proficiency \(LEP\)](#)
- [NOFO Webcasts](#)
- [Procurement of Recovered Materials](#)
- [Promise Zones](#)
- [Rural.gov](#)
- [Rural Partners Network Community Networks](#)
- [Section 3](#)
- [State Point of Contact List](#)
- [System for Award Management \(SAM\)](#)
- [Real Estate Acquisition and Relocation](#)
- [Unique Entity Identifier](#)
- [USA Spending](#)

### 3. Program Relevant Web Resources

Energy and Performance Information Center (*EPIC*): [https://portalapps.hud.gov/app\\_epic/](https://portalapps.hud.gov/app_epic/)

## APPENDIX

### Appendix I. HUD's Guidance for Preparing a Budget Request and Narrative

To fill out the budget information requested on the SF-424A, review the general instructions provided for the SF-424A and follow the instructions outlined below. The budget reported on SF-424A must include a yearly breakdown of costs for the entire project period. Specifically, the budget reported on SF-424A should provide a detailed cost breakdown for each line item outlined in the SF-424A by year, including a breakdown of costs for each activity/cost within the line item. The budget must separate out funding that is administered direct the applicant from any funding that will be subcontracted.

SF-424A Instructions

#### Section A – Budget Summary

- Grant Program Function or Activity (column a) = grant activity means the type of financial assistance expected under this NOFO: 1) grant/cooperative agreement; 2) non-cash contribution or donation of property; 2) direct appropriation; 4) food commodity; 5) other assistance, including: loan, loan guarantee, interest subsidy, and insurance.
- New or Revised Budget, Federal (column e) = Enter the Total Federal Budget Requested by grant activity for the project period, in rows 1 through 4. In row 5, reflect the sum of the amount for the Federal Total.

- New or Revised Budget, Non-Federal (column f) = Enter Total Amount of any Non-Federal Funds Contributed (if applicable), by grant activity for the project period, in rows 1 through 4. In row 5, reflect the sum of the amount for the Non-Federal Total.
- New or Revised Budget, Total (column g) = Enter Total Budget Proposed by grant activity for the project period in rows 1 through 4. In row 5, reflect the sum of the amount for the Federal and Non-Federal Totals.

#### Section B – Budget Categories

- Enter the total costs requested for each Object Class Category (Section B, number 6) for all years of the total project period.
- If the class categories are not known at the time of application, include the expected budget under row h.
- Unless the program section of the NOFO indicates otherwise, if indirect charges are expected and included on the form, the charges must be calculated based on either the federal-approved negotiated indirect cost rate, or the 10 percent de minimis rate, as allowed by [2 CFR 200.414](#).

#### Section D – Forecasted Cash Needed

- Enter each quarter in the first year of the project period, enter the cash needs anticipated.

#### Section E – Budget Estimates of Federal Funds Needed for Balance of the Project

- Column (b)First = Enter the total federal funds needed for the second year of the project period, for each grant activity. Reflect the sum of funds from all activities for the second year in row 20.
- Column (c)Second = Enter the total federal funds needed for the third year of the project period, for each grant activity. Reflect the sum of funds from all activities for the third year in row 20.
- Column (d)Third = Enter the total federal funds needed for the fourth year of the project period, for each grant activity. Reflect the sum of funds from all activities for the fourth year in row 20.
- Column (e)Fourth = Enter the total federal funds needed for the second year of the project period, for each grant activity. Reflect the sum of funds from all activities for the second in row 20.
- If the NOFO is for a period longer than five years, complete a second SF-424A form and upload it as an attachment to the application (this specific attachment will not be counted towards the page limit). Year 6 information should be included in column (b)First of Section E. Then enter the total for years 1-5 (per the first SF-424A form) in column (c)Second of Section E. The second SF-424A form will compute columns (b) and (c), reflecting total costs for the entire project period. This total should be consistent with the total Federal costs requested on the SF-424, Application for Federal Assistance. A blank SF-424A form can be found at Grants.gov: <https://www.grants.gov/web/grants/forms/sf-424-individualfamily.html#sortby=1>

