

FY2024 FHIP NOTICES OF FUNDING OPPORTUNITY (NOFO) PROGRAM DEFINITIONS

NOFO Section I. A. 4. b.

Administrative Costs are reasonable costs of overall program management, coordination, monitoring, and evaluation. Such costs include, but are not limited to, necessary expenditures for the following: (1) Salaries, wages, and related costs of the recipient's staff or other staff engaged in program administration; and (2) Providing or securing legal services, providing or securing financial management services such as accountants, consultants, sub-contractors, or others retained by the organization.

Affiliate is a business entity effectively controlling or controlled by another or associated with others under common ownership or control.

Allegation is a claim of a violation of a fair housing law in effect within the applicant's service area.

Appraisal is a valuation of property through an estimate or opinion of the value of a specified residential or commercial property made in a business context in connection with the sale, rental, financing or refinancing of a dwelling or in connection with any activity that otherwise affect the availability of a residential real estate related transactions made by an authorized person.

Broad-based means not limited to a single fair housing issue (such as insurance, mortgage lending, or advertising), but rather covering more than one issue related to discrimination in the provision of housing covered under the Fair Housing Act.

Complaint is a filed fair housing complaint accepted by HUD or a Fair Housing Assistance Program agency as jurisdictional, or a complaint filed in a state or federal court alleging violations of the Fair Housing Act.

Fair Housing Act is Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3601-3620).

Fair Housing Assistance Program (FHAP) Agencies as described in 24 CFR §115 are State and local fair housing enforcement government agencies that receive FHAP funds to administer laws deemed substantially equivalent to the Fair Housing Act.

Fair Housing Enforcement Organization (FHO) is an organization engaged in fair housing activities as defined in 24 CFR § 125.103.

Full-service Projects must provide services to members of all protected classes and include these enforcement-related activities in the project application: interviewing potential victims of discrimination; taking complaints; testing; evaluating testing results; conducting preliminary investigations; conducting mediation; conciliating; enforcing meritorious claims through litigation or referral to administrative enforcement agencies; and disseminating information about fair housing laws.

Government Technical Monitor (GTM) means the HUD individual who has been designated to provide technical monitoring, advice, and assistance, to aid the GTR in the technical and financial oversight and evaluation of the grantee's performance.

Government Technical Representative (GTR) means the HUD individual who is responsible for the technical administration of the grant, the evaluation of performance under the grant, the acceptance of technical reports or projects, and other such specific responsibilities as may be stipulated in the grant, and approval of payment.

Intake is a fair housing allegation contact/query received by a fair housing organization. Intake does not include inquiries unrelated to fair housing, including general housing, landlord/tenant or others. Intakes may be in-person or by phone, mail or email contact and documented through the fair housing organization's standard intake form or database entry. Information gathered at intake starts the fair housing process. Repetitive contacts from a single individual may not be counted as an additional intake unless the contact contains a new allegation or relates to a new respondent. Intakes do not include someone returning a non-enforcement related telephone call, a telemarketer calling the office, or incoming personal telephone calls.

Integration or Integrated Settings for purposes of the NOFO, means in the context of housing, settings that enable individuals with disabilities to live like individuals without disabilities. Integrated settings also enable individuals with disabilities to live independently with individuals without disabilities and without restrictive rules that limit their activities or impede their ability to interact with individuals without disabilities. Examples of integrated settings include scattered-site apartments providing permanent supportive housing, tenant-based rental assistance that enables individuals with disabilities to lease housing in integrated developments, and apartments for individuals with various disabilities scattered throughout public and multifamily housing developments. By contrast, segregated settings are occupied exclusively or primarily by individuals with disabilities. Segregated settings sometimes have qualities of an institutional nature, including, but not limited to, regimentation in daily activities, lack of privacy or autonomy, policies limiting visitors, limits on individuals' ability to engage freely in community activities and manage their own activities of daily living, or daytime activities primarily with other individuals with disabilities.

Jurisdiction under the Fair Housing Act is established when the complaint is filed in a timely manner; the complainant has apparent standing; the respondent and the dwelling involved (where the complaint involves a provision or denial of a dwelling) appear to be covered by the Fair Housing Act; and the subject matter and the basis of the alleged discrimination may constitute illegal practices as defined by the Fair Housing Act.

Lending discrimination means discriminatory practices against persons protected under the Fair Housing Act, in the mortgage process and includes actions that may violate the Fair Housing Act in the making, servicing, or purchasing of home loans or loans secured by a home. For instance, it includes – but is not limited to – the use of deceptive, misleading or discriminatory practices to sell services that promise foreclosure relief to homeowners, and the failure to deliver those services.

Meritorious Claims are enforcement activities by an organization that result in lawsuits, consent decrees, legal settlements, HUD and/or substantially equivalent agency (under 25 CFR 115.6) conciliations, or organization-initiated settlements, with the outcome of monetary awards for compensatory and/or punitive damages to plaintiffs or complaining parties, or other affirmative relief, including the provision of housing (24 CFR §125.103).

Operating Budget is an organization's total planned budget expenditures from all sources, including the value of in-kind and monetary contributions, in the period for which funding is requested.

Partnership is a collaboration with one or more identified agencies, task forces, FHAP organizations, or other groups to successfully realize the service or activity planned. A partnership may be formal and contractual with specific roles and deliverables defined, or less formal cooperation through volunteer efforts accomplished without a contract.

Qualified Fair Housing Enforcement Organization (QFHO) is an organization engaged in fair housing activities as defined in 24 CFR § 125.103.

Referral means referring to HUD or to a FHAP agency an intake, alleging possible violations of fair housing laws.

Regional/Local/Community-Based Activities are defined at 24 CFR §§125.301(a) and (d).

Rural Areas include any of the following:

- a. A non-urban place having fewer than 2,500 inhabitants (within or outside of the metropolitan areas).
- b. A county or parish with an urban population of 20,000 or fewer inhabitants.
- c. Territory, including its persons and housing units, in rural portions of "extended cities." The Census Bureau identifies the rural portions of extended cities.
- d. Open country that is not part of or associated with an urban area. The United States Department of Agriculture describes "open country" as a site separated by open space from any adjacent densely populated urban area. Open space includes undeveloped land, agricultural land, or sparsely settled areas, but does not include physical barriers (such as rivers and canals), public parks, commercial and industrial developments, small areas reserved for recreational purposes, or open space set aside for future development.
- e. Any place in whole or in part, not located in a Metropolitan Statistical Area.

Statement of Work (SOW) is a document that describes all the tasks necessary to do the work of a project, including all the steps needed for good management control and specificity regarding work to be done and deliverables, dates and persons responsible for and/or assigned to such work, and provides a basis for mutual understanding of the requirements and tasks.

Systemic Housing Investigation is an investigation of alleged discrimination that is pervasive or institutional in nature, or where the collection and analysis of data to develop a complaint will involve complex issues, novel questions of fact or law, or will potentially affect large numbers of persons. Systemic investigations may focus not only on documenting facts involved in the alleged

discriminatory housing practice that is the subject of the complaint; systemic investigations may also involve the identification of additional victims or the reviewing of policies and procedures related to matters under investigation to make sure that they also comply with the nondiscrimination requirements of the Fair Housing Act. Systemic investigations may include investigation of discrimination in rental, sales, lending, or homeowner's insurance practices and may include investigations into whether a HUD-funded entity has engaged in discriminatory practices or has failed to affirmatively further fair housing. Systemic investigations may be local, regional, or national in scope.

Technical Evaluation Panel (TEP) is a panel whose mission is to accomplish sound, impartial, and comprehensive evaluation of NOFO applications consistent with the NOFO. TEP members are selected from a diverse pool of evaluators, including HUD staff and outside (contract) individuals. Individuals are selected for TEP participation based on skill, background or expertise in areas which include but are not limited to fair housing experience, grant writing and evaluation expertise, strong analytical and writing skills, or education and outreach, civil rights or other related experience.

Testing is an investigative tool used to gather evidence. A test is a covert investigation by a QFHO or FHO involving one or more persons who initiate contact with a person or entity to gather information about housing policies, treatment and/or practices to compare with the requirements of fair housing laws or other civil rights laws. A test may involve comparing how persons similarly situated except for a protected characteristic are being treated.

Underserved Areas are areas where there are no FHIP or FHAP agencies and where either no public or private fair housing organizations exist, or the jurisdiction is not sufficiently served by one or more public or private fair housing organizations and there is a need for service.

Underserved Populations means groups of individuals who are:

- a. Persons of an immigrant population (especially racial and ethnic minorities who are non-English-speaking or have limited English proficiency);
- b. Persons living in a rural area, particularly minority groups in such areas;
- c. Persons who are experiencing homelessness or other housing instability;
- d. Persons with disabilities (physical or mental), particularly persons living in housing with one or more qualities of an institutional setting, persons leaving institutions, or persons at-risk of institutionalization;
- e. Persons in areas where there is inadequate protection and ability to provide fair housing services from a State or local government or private fair housing organization;
- f. Persons living in impoverished areas or experiencing persistent poverty or inequality, including historical wealth disparities as compared to majority groups;
- g. Lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons, and particularly LGBTQ+ youth;
- h. persons from low-income backgrounds and/or persons systematically denied a full opportunity to participate in aspects of economic, social and civic life, including Black, Latino, Indigenous, Native American, Asian, Pacific Islander, and other, persons of color, members of religious groups, persons with disabilities, and other groups of federally protected class members experiencing housing discrimination; or

i. Due to the COVID-19 Pandemic, persons experiencing housing instability and/or whose lack of access to opportunity has been exacerbated.