

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4003-N-02]

Office of the Assistant Secretary for Public and Indian Housing; Public and Indian Housing Drug Elimination Program Notice of Funding Availability—FY 1996; Amendment and reopening of application period

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

ACTION: Notice of Funding Availability (NOFA) for Fiscal Year (FY) 1996; Amendment and Reopening of Application Period.

SUMMARY: On April 8, 1996 (61 FR 15674), HUD published a notice announcing the availability of fiscal year (FY) 1996 funding for its Public and Indian Housing Drug Elimination Program. This notice, published in today's Federal Register makes two amendments to the April 8, 1996 NOFA, and reopens the application period for a period of 30 days. This notice amends the April 8, 1996 NOFA to provide for the final FY 1996 funding amount. This notice also amends the FY 1996 NOFA to revise the grant award limit for the largest category of housing authorities (50,000 units or more). For the convenience of the reader, the entire NOFA is being republished.

Note: All eligible housing authorities are invited to submit applications under this NOFA.

Housing authorities whose applications were submitted by the application deadline (June 14, 1996) under the April 8, 1996 NOFA are not required to resubmit applications under this amended NOFA. However, a housing authority whose application was timely filed under the April 8, 1996 NOFA, may submit an amended application or a replacement application during the 30-day application period. If submitting an amended or replacement application, the housing authority must clearly identify that its previous application filed under the April 8, 1996 NOFA is being amended or replaced in its entirety by the new submission.

Housing authorities whose applications were not filed by the June 14, 1996 deadline under the April 8, 1996 NOFA are considered timely filed under this NOFA, and need not reapply under this NOFA.

Housing authorities whose applications were timely filed under the April 8, 1996 but rejected will be notified of the rejection and may

reapply under this NOFA published in today's Federal Register.

Again, all eligible housing authorities are eligible to apply under this NOFA.

This amended NOFA provides for HUD's final FY 1996 funding amount (\$259,000,487) under the Public and Indian Housing Drug Elimination Program (PHDEP) for use in eliminating drug-related crime and other criminal activities associated with drug-related problems. Funded programs must be part of a comprehensive plan for addressing the problem of drug-related crime and other criminal activities associated with drug-related problems.

In the body of this document is information concerning the purpose of the NOFA, applicant eligibility, available amounts, selection criteria, financial requirements, management, and application processing, including how to apply, how selections will be made, and how applicants will be notified of results. HEREFTER, the term housing authority (HA) shall include public housing agencies (PHAs) and Indian housing authorities (IHAs).

DATES: Applications must be received at the local HUD Field Office on or before August 9, 1996 AT 3:00 PM, LOCAL TIME. THIS APPLICATION DEADLINE IS FIRM AS TO DATE AND HOUR. In the interest of fairness to all competing applicants, the Department will treat as ineligible for consideration any application that is received after the deadline. Applicants should take this practice into account and make early submission of their materials to avoid any risk of loss of eligibility brought about by any unanticipated or delivery-related problems. A FAX is not acceptable.

ADDRESSES: (a) APPLICATION KIT: An application kit may be obtained, and assistance provided, from the local HUD Field Office with delegated public housing responsibilities over an applying public housing authority, or from the Area Offices of Native American Programs (AONAP) having jurisdiction over an Indian housing authority making an application, or by calling HUD's Drug Information and Strategy Clearinghouse, telephone (800) 578-3472. The application kit contains information on all exhibits and certifications required under this NOFA.

(b) APPLICATION SUBMISSION: An applicant may submit only one application per housing authority under each Notice of Funding Availability (NOFA). Joint applications ARE NOT PERMITTED under this program with the following EXCEPTION: HAs under a single administration (such as HAs managing another HA under contract or

HAs sharing a common executive director) may submit a single application, even though each HA has its own operating budget. Applications (original and two identical copies of the original application) must be received by the deadline at the local HUD Field Office with responsibilities over the applying public housing authorities, Attention: Director, Office of Public Housing or, in the case of Indian housing authorities, at the local HUD AONAP (with jurisdiction over the applying Indian housing authorities, as appropriate) Attention: Administrator, AONAP. A complete listing of these offices is provided in Appendix "A" of this NOFA. It is not sufficient for an application to bear a postage date within the submission time period. Applications submitted by facsimile are not acceptable. APPLICATIONS RECEIVED AFTER THE DEADLINE DATE OF AUGUST 9, 1996, AT 3:00 PM, LOCAL TIME, WILL NOT BE CONSIDERED.

FOR FURTHER INFORMATION CONTACT: For questions concerning the Public Housing Drug Elimination Program (PHDEP) contact: the local HUD Field Office, Director, Office of Public Housing (Appendix "A" of this NOFA), HUD's Drug Information and Strategy Clearinghouse, telephone (800) 578-3472 or Malcolm E. (Mike) Main, Crime Prevention and Security Division, Office of Community Relations and Involvement, Office of Public and Indian Housing, Room 4112, telephone (202) 708-1197, ext. 4232.

For questions concerning Native Americans programs contact: the local HUD Field Office Administrator, AONAP (Appendix "A" of this NOFA), HUD's Drug Information and Strategy Clearinghouse, telephone (800) 578-3472 or Tracy Outlaw, Office of Native American Programs, Room B-133, telephone (202) 755-0088.

For questions concerning the Assisted Housing Drug Elimination Program (AHDEP) contact: Michael E. Diggs, Office of Multifamily Housing Programs, Office of Housing, Room 6130, telephone (202) 708-0614, ext. 2514.

The address for the above Headquarters persons is: Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Hearing-or-speech impaired persons may call (800) 877-8339. (Federal Information Relay Service TTY.) Except for the "800" number, these telephone numbers are not toll-free.

SUPPLEMENTARY INFORMATION:**Paperwork Reduction Act Statement**

The information collection requirements contained in this Notice have been submitted to the Office of Management and Budget for review under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number. The OMB control number, when assigned, will be announced by separate notice in the Federal Register.

Changes to the April 8, 1996 NOFA

Final Funding Amount. On April 8, 1996 (61 FR 15674), HUD published a NOFA announcing the approximate FY 1996 funding for the Public and Indian Housing Drug Elimination Program (PHDEP). At the time of publication of the April 8, 1996 NOFA, Congress had not yet enacted a FY 1996 appropriation for HUD. Accordingly, the April 8, 1996 NOFA set forth HUD's estimate of the FY 1996 funding that the Congress would make available. HUD published the NOFA in order to give potential applicants adequate time to prepare applications.

On April 26, 1996, the President signed the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Pub. L. 104-134) ("FY 1996 Appropriations Act"). The amount available (to remain available until expended) for funding under the FY 1996 PHDEP NOFA is \$259,000,487. The FY 1996 Appropriations Act appropriated \$290 million for the Drug Elimination Program. Of the total \$290 million appropriated, \$1.5 million will fund drug information clearinghouse services; \$10 million will fund drug elimination technical assistance, contracts and other assistance training, program assessments, and execution for or on behalf of public housing agencies and resident organizations (including the cost of necessary travel for participants in such training); \$2.5 million shall be used in connection with efforts to combat violent crime in public and assisted housing under the Operation Safe Home Program administered by the Inspector General of HUD; and \$17,343,750 is for funding the Assisted Housing Drug Elimination Program.

No FY 1996 Funding for the Youth Sports Program. As stated in a notice published by HUD on June 12, 1996 (61 FR 29884), HUD is not funding the Youth Sports Program for FY 1996. However, following an appeal from the Lexington-Fayette Urban County

Housing Authority for reconsideration of its FY 1994 Youth Sports Program NOFA score, HUD has determined that this application qualified for funding. Because all FY 1994 and FY 1995 funds have already been awarded, HUD has decided to correct this error by awarding the Lexington-Fayette Urban County Housing Authority \$125,000 of FY 1996 funds. In addition, \$469,237 of carryover/recovery program funds will be made available under the April 8, 1996 NOFA. Accordingly, the total FY 1996 funding available under the April 1996 PHDEP NOFA is \$259,000,487.

Revision to the Maximum Grant Award Amount for the Largest Category of HAs. This NOFA revises the grant amount cap for the largest category of HAs (50,000 units or more). The cap is increased from \$25,000,000 to \$35,000,000 as a matter of allocational equity. This change will permit an HA with a high number of units to compete for an amount that more fairly represents its share of public housing unit responsibility.

The entire NOFA, as amended by the changes discussed above, is set forth below.

I. Purpose and Substantive Description**(a) Authority**

These grants are authorized under Chapter 2, Subtitle C, Title V of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11901 *et seq.*), as amended by section 581 of the National Affordable Housing Act of 1990 (NAHA), approved November 28, 1990, Pub. L. 101-625, and section 161 of the Housing and Community Development Act of 1992 (HCDA 1992) (Pub. L. 102-550, approved October 28, 1992), and the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Pub. L. 104-134, approved April 26, 1996).

(b) Allocation Amounts

(1) **Federal Fiscal Year 1996 Funding.** The amount available, to remain available until expended, for funding under this NOFA in FY 1996 is \$259,000,487.

(2) **Maximum Grant Award Amounts.** HUD is distributing grant funds under this NOFA on a national competition basis. Maximum grant award amounts are computed on a sliding scale, using an overall maximum cap, depending upon the number of public housing agency (PHA) or Indian housing authority (IHA) units. The unit count includes rental, Turnkey III Homeownership, Mutual Help Homeownership and Section 23 leased housing bond-financed projects. Units in the Turnkey III Homeownership,

Mutual Help Homeownership and Section 23 bond-financed programs are counted IF they have not been conveyed. Eligible projects must be covered by an annual contributions contract (ACC) or annual operating agreement (AOA) during the period of the grant award.

(i) Public housing agencies.

(A) **PHA-Owned Rental Housing Program.** In accordance with Notice 94-66 (PHA), Low Rent Public Housing Program—Streamlined Operating Budget and Financial Reporting Procedures, PHAs with fiscal years beginning January 1, 1995 and after, ARE NOT REQUIRED to submit an Operating Budget (Form HUD-52564) IF they have been determined, by HUD, to be High or Standard performers under Public Housing Management Assessment Program (PHMAP) and HAVE NOT FAILED the PHMAP financial indicators. Those requesting subsidy must, however, submit Form HUD-52723, Calculation of Performance Funding System (PFS) Operating Subsidy and units are in the header (which is the top of the form).

(B) PHAs (rental program) that are NOT REQUIRED to submit a budget under the PHMAP criteria in Section I.(b)(2)(ii)(A), above, of this NOFA AND are not requesting operating subsidy ARE NOT REQUIRED to submit Form HUD-52723. Unit counts MUST be confirmed with the local Field Office prior to submission of the PHDEP application.

(C) For PHA-Owned Turnkey III Homeownership Program and Section 23 Leased Housing Programs, PHAs ARE REQUIRED to submit Form HUD-52564, in accordance with Notice PIH 94-66 (PHA), and units in the header (which is the top of the form).

(D) For purposes of this NOFA, PHAs ARE REQUIRED to validate their unit counts with the local Field Office as of April 1, 1996. Units identified after this date will not be accepted.

(ii) Indian housing authorities.

(A) As of January 1, 1995 Indian housing authorities ARE NOT REQUIRED to submit Form HUD-52564, UNLESS a corrective action order has been issued in accordance with Notice PIH 94-72 (IHA) extended by Notice PIH 95-65.

(B) For purposes of this NOFA, Indian housing authorities ARE REQUIRED to validate their unit counts with the local AONAP, prior to submission of the PHDEP application, to ensure the unit count matches the data in the Management Information Retrieval System (MIRS) for units in management as of April 1, 1996. Units identified after this date will not be accepted.

(iii) The amount computed in this way MUST be compared with the dollar amount requested in the PHA/IHA application to make certain the amount requested does not exceed the maximum grant award. BASED UPON THE REQUIREMENTS OF SECTIONS I.(B)(2)(i) THROUGH (iii) OF THIS NOFA, APPLICANTS THAT REQUEST FUNDING THAT EXCEEDS THE ESTIMATED MAXIMUM GRANT AWARD AMOUNT PERMITTED WILL BE REJECTED AND WILL NOT BE ELIGIBLE FOR ANY FUNDING.

Amendments to the PHDEP made by the Housing and Community Development Act of 1992 (Pub. L. 102-550, approved October 28, 1992), permit grants, under certain conditions as given in Section (c)(9) of this NOFA, below, to be used to eliminate drug-related crime and other criminal activities associated with drug-related crime in housing owned by PHAs that is not housing assisted under the United States Housing Act of 1937 and is not otherwise federally assisted. Where an application is submitted for this category of housing, the amount of eligible funding will be determined on the same per-unit basis as for federally assisted housing units, above.

The maximum grant awards are estimated to be as follows, although, as discussed below, in Section I.(b)(4) of this NOFA (Reduction of Requested Grant Amounts and Special Conditions), the Department may adjust the amount of any grant award. These estimates of the maximum grant awards are based on the amount of funds available in FY 1995. The maximum grant awards may be further adjusted based on the enacted 1996 appropriation.

(i) For housing authorities with 1-499 units: The maximum grant award is either a maximum grant award cap of \$500.00 per unit, or a TOTAL MINIMUM grant award of \$50,000, WHICHEVER IS GREATER;

(ii) For housing authorities with 500-1,249 units: The maximum grant award is either a maximum grant award cap of \$300.00 per unit, or a TOTAL MINIMUM grant award of \$250,000, WHICHEVER IS GREATER;

(iii) For housing authorities with 1,250-49,999 units: The maximum grant award is either a maximum grant award cap of \$250.00 per unit, or a TOTAL MINIMUM grant award of \$375,000 WHICHEVER IS GREATER;

(iv) For housing authorities with 50,000 or more units: The maximum grant award is a maximum cap of \$200.00 per unit OR A TOTAL MAXIMUM GRANT AWARD OF \$35 MILLION.

An applicant shall not apply for more funding than is permitted in accordance with the estimated maximum grant award amount as described above. Any application requesting funding that exceeds the estimated maximum grant award amount permitted will be rejected and will not be eligible for any funding UNLESS A COMPUTATIONAL ERROR WAS INVOLVED IN THE FUNDING REQUEST. Section IV of this NOFA provides guidance regarding application curable and noncurable deficiencies.

Such a computational error will be considered a curable deficiency in the application. Section III.(d) (Checklist of Application Requirements) of this NOFA requires applicants to compute the maximum grant award amount for which they are eligible. In accordance with Sections I.(b)(2)(i) through (iii) of this NOFA, applicants are required to confirm the unit count with the local HUD Field Office and/or AONAP prior to submission of the application. The amount computed in this way must be compared with the dollar amount requested in the application to make certain the amount requested does not exceed the maximum grant award.

(3) Reallocation. All awards will be made to fund fully an application, except as provided in Section I.(b)(4) of this NOFA (Reduction of Requested Grant Amounts and Special Conditions) below.

(4) Reduction of Requested Grant Amounts and Special Conditions. HUD may approve an application for an amount lower than the amount requested, withhold funds after approval, and/or the grantee will be required to comply with special conditions added to the grant agreement, in accordance with 24 CFR 85.12 (PHAs), and 24 CFR 950.135 (IHAs) as applicable, and the requirements of this NOFA, or where:

(i) HUD determines the amount requested for one or more eligible activities is unreasonable or unnecessary;

(ii) The application does not otherwise meet applicable cost limitations established for the program;

(iii) The applicant has requested an ineligible activity;

(iv) Insufficient amounts remain in that funding round to fund the full amount requested in the application and HUD determines that partial funding is a viable option;

(v) The applicant fails to implement the program in its plan and/or fails to submit required reports;

(vi) The applicant has demonstrated an inability to manage HUD grants, particularly PHDEP grants; or

(vii) For any other reason where good cause exists.

(c) Eligibility

Funding under this NOFA is available only for HAS. Although section 161 of the Housing and Community Development Act of 1992 (Pub. L. 102-550, approved October 28, 1992) makes public housing resident management corporations (RMCs) eligible for PHDEP funding, the FY 1996 Appropriations Act limited the funds appropriated "for grants to public and Indian housing agencies." Because RMCs, unlike IHAs, constitute a separate entity from PHAs under the authorizing statute, no funds are appropriated for RMCs. However, RMCs may continue to receive funding from housing authority grantees, as sub-grantees, to develop security and drug abuse prevention programs involving site residents as they have in the past. The Department has determined that the term "in or around" means within, or adjacent to, the physical boundaries of a public or Indian housing development. This effect of this definition is appropriate to make certain that program funds and program activities are targeted to benefit, as directly as possible, public and Indian housing developments, the intended beneficiaries of the program under the authorizing statute. An application for funding under this program may be for one or more of the eligible activities. The following is a listing of eligible activities under this program and guidance as to their parameters:

(1) Employment of Security Guard Personnel. Employment of security personnel IS PERMITTED under this section. Employment of contracted security personnel is divided into two categories: contracted security personnel services and equipment for and employment of HA police departments.

(i) CONTRACTED SECURITY GUARD PERSONNEL SERVICES. Contracting for or direct HA employment of security personnel services in HAS/development(s) IS PERMITTED under this program. Contracting for security personnel services is defined as a competitive process in which individual companies and/or individuals participate.

(A) Contracted security personnel funded by this program must perform services not usually performed by local law enforcement agencies on a routine basis, such as, patrolling inside buildings, providing personnel services at building entrances to check for proper identification or patrolling and checking car parking lots for appropriate parking decals.

(B) Contracted security personnel funded by this program must meet and demonstrate compliance with all relevant Federal, Tribal, State or local government insurance, licensing, certification, training, bonding, or other similar requirements relating to security services.

(C) The HA, the cooperating local law enforcement agency, and the provider (contractor) of the security personnel services are required to enter into and execute a security personnel service contract that includes (but is not limited to) the following:

(1) The activities to be performed by security personnel employed by the contractor; the scope of authority, written policies, procedures, and practices that will govern security personnel performance (i.e., a Policy Manual as described in Section I.(c) of this NOFA; and how the security personnel contractor shall coordinate activities with the local law enforcement agency;

(2) The types of activities that the approved security personnel contractor(s) are expressly prohibited from undertaking.

(D) Expenditures for activities under this section will not be incurred by the HA (grantee) and/or funds released by the local HUD Field Office until the HA has executed a contract for security personnel services.

(E) Security personnel services funded under this program shall be guided by a contract for services that includes a policy manual (see below) that regulates, directs, controls, and monitors the conduct and activities of its personnel. The HA shall ensure all contracted security personnel are trained at a minimum in the areas described in this section.

(1) An up-to-date policy manual, which contains the security personnel contractor's policies, procedures, and general orders that regulate conduct and describe in detail how jobs are to be performed, must exist before a contract for services can be executed.

(2) Areas that **MUST BE COVERED IN THE CONTRACTOR'S SECURITY PERSONNEL MANUAL INCLUDE BUT ARE NOT LIMITED TO:** use of force, resident contacts, enforcement of HA rules, response criteria to calls, pursuits, arrest procedures, reporting of crimes and workload, feedback procedures to victims, citizens' complaint procedures, internal affairs investigations, towing of vehicles, authorized weapons and other equipment, radio procedures internally and with local police, training requirements, patrol procedures, scheduling of meetings with residents, reports to be completed, record keeping

and position descriptions on all personnel, post assignments, monitoring and self evaluation program.

(F) The security personnel contractor shall complete a daily activity form/incident complaint report for the HA. The contractor shall use a HA approved activity form for the collection, analysis and reporting of these activities by personnel funded under this section. Computers, software, and associated equipment ARE PERMITTED as eligible items in support of crime workload data collection activities to support the HA's crime prevention and security mission.

(ii) **EQUIPMENT FOR AND EMPLOYMENT OF PERSONNEL FOR HOUSING AUTHORITY POLICE DEPARTMENTS.** Funding for equipment and employment of HA police department personnel IS PERMITTED by HAs that already have their own public housing authority police department. The below listed eleven (11) HAs have public housing police departments:

Baltimore Housing Authority and Community Development, Baltimore, MD

Boston Housing Authority, Boston, MA
Buffalo Housing Authority, Buffalo, NY
Chicago Housing Authority, Chicago, IL

Cuyahoga Metropolitan Housing Authority, Cleveland, OH

Housing Authority of the City of Los Angeles, Los Angeles, CA

Housing Authority of the City of Oakland, Oakland, CA

Philadelphia Housing Authority, Philadelphia, PA

Housing Authority of the City of Pittsburgh, Pittsburgh, PA

Waterbury Housing Authority, Waterbury, CT

Virgin Islands Housing Authority, Virgin Islands

(A) On September 22, 1995, the Department issued Notice PIH 95-58 (Guidelines for Creating, Implementing and Managing Public Housing Authority Police Departments in Public Housing Authorities). This Notice identifies the prerequisites for creating public housing police departments and provides guidance regarding technical assistance to HAs to assist in making decisions regarding public housing security, analysis of security needs and performance measures.

(B) HAs that have established their own public housing authority police departments, but are not included on this list, may file a request to be recognized as a HA police department by contacting Malcolm E. (Mike) Main of the Crime Prevention and Security Division (CPSD), Office of Community Relations and Involvement (OCRI),

Public and Indian Housing, Department of Housing and Urban Development, Room 4112, 451 Seventh Street, S.W., Washington, D.C. 20410, telephone (202) 708-1197, ext 4232. THIS REQUEST MUST BE APPROVED PRIOR TO THE SUBMISSION OF THE FY 1996 PHDEP APPLICATION. Hearing-or-speech impaired persons may call (800) 877-8339. (Federal Information Relay Service TTY.) Except for the "800" number, this telephone number is not toll-free.

(C) An applicant seeking funding for this activity must describe the current level of local law enforcement agency baseline services being provided to the HA/development(s) proposed for assistance. The baseline services are defined as ordinary and routine services provided to the residents as a part of the overall city and county-wide deployment of police resources, to respond to crime and other public safety incidents, including 911 communications, processing calls for service, routine patrol, police officer response to calls for service and investigative follow-up of criminal activity.

(D) Public housing authority police departments funded by this program must meet, and demonstrate compliance with, all relevant Federal, State, Tribal or local government insurance, licensing, certification, training, bonding, or other similar law enforcement requirements.

(E) Before approval of the grant agreement (Form HUD-1044), and funding by HUD, the applicant and the cooperating local law enforcement agency are required to enter into and execute a law enforcement service agreement, in addition to the HA's cooperation agreement, between the HA and the local law enforcement agency, that describes the following:

(1) The activities to be performed by the public housing authority police department, their scope of authority, established policies, procedures, and practices that will govern their performance (i.e., a public housing police department policy manual as described in Section I.(c) of this NOFA), and how they will coordinate their activities with the Federal, State, Tribal, and local law enforcement agencies;

(2) The types of activities that the public housing authority police departments are expressly prohibited from undertaking.

(F) Public housing authority police departments funded under this program shall be guided by an up-to-date policy manual (see paragraph (1) below) that regulates, directs, and controls the conduct and activities of its personnel.

All HA police officers must be trained at a minimum in the areas described in paragraph (2), below.

(1) An up-to-date public housing police department policy manual, which contains the policies, procedures, and general orders that regulate conduct and describe in detail how jobs are to be performed must exist prior to execution of the grant agreement. Applicants must submit a plan and timetable for the implementation of training for staff.

(2) Areas that **MUST BE COVERED IN THE PUBLIC HOUSING POLICE DEPARTMENT MANUAL INCLUDE BUT ARE NOT LIMITED TO:** use of force, resident contacts, enforcement of HA rules, response criteria to calls, pursuits, arrest procedures, prisoner transport procedures, reporting of crimes and workload, feedback procedures to victims, citizens complaint procedures, internal affairs investigations, towing of vehicles, authorized weapons and other equipment, radio procedures internally and with local police, training requirements, patrol procedures, scheduling of meetings with residents, reports to be completed, record keeping, evidence and drug seizures, position descriptions on every class of personnel, post and assignments, and integration of HA police and security personnel with local police as part of the HA's comprehensive security and safety strategy.

(G) Public housing authority police departments shall collect information on drug-related crime and other criminal activities as defined by the Uniform Crime Reporting (UCR) system (any Part I or Part II crimes that occur). For purposes of this section, HA police departments shall establish, implement and maintain a system of records management that ensures confidentiality of criminal records and information. A HA approved daily activity/incident complaint form must be used for the collection, analysis, workload, response to service calls, reporting of activities/crime by officers within the HA/development(s) funded under this section. Computers, software, and associated equipment ARE PERMITTED AS ELIGIBLE ITEMS in support of the HA crime and workload data collection activities to support the overall HA's comprehensive crime prevention, security and safety mission.

(H) Applicants for funding of HA public housing authority police department officers must have car-to-car (or other vehicles) and portable-to-portable radio communications links between public housing authority police officers and local law enforcement

officers to assure a coordinated and safe response to crimes or calls for services. The use of scanners (radio monitors) is not sufficient to meet the requirements of this section. Applicants that do not have such links must submit a plan and timetable for the implementation of such communications links.

(I) Public housing authority police departments funded under this program that are not employing a community policing concept must submit a plan and timetable for the implementation of community policing. An HA funded under the FY 1994/1995 PHDEP for public housing police departments should demonstrate in its plan what progress has been made in implementing its community policing program. The Department will monitor results of the HA's plan and timetable.

(1) Community policing has a variety of definitions; however, for the purposes of this program, it is defined as follows: Community policing is a method of providing law enforcement services that stresses a partnership among residents, police, schools, churches, government services, the private sector, and other local, State, Tribal, and Federal law enforcement agencies to prevent crime by addressing the conditions and problems that lead to crime and the fear of crime.

(2) This method of policing involves a philosophy of proactive measures, such as foot patrols, bicycle patrols and citizen contacts. This concept empowers police officers at the beat and zone level and residents in neighborhoods in an effort to: reduce crime and fear of crime; assure the maintenance of order; provide referrals of residents, victims, and the homeless to social services and government agencies; assure feedback of police actions to victims of crime; and promote a law enforcement value system on the needs and rights of residents.

(J) HA police departments funded under this program that are not nationally or State accredited must submit a plan and timetable for such accreditation. HAs may use either their State accreditation program, if one exists, or the Commission on Accreditation for Law Enforcement Agencies (CALEA) for this purpose.

(1) The law enforcement community developed a body of standards in 1981 against which law enforcement agencies could be evaluated. While some States have their own law enforcement accreditation program, the nationwide accreditation program is managed by the CALEA, which is located in Fairfax, VA. The purpose of accreditation is to reduce liability exposure of agencies and personnel, and to assure that law

enforcement agencies meet a uniform body of standards.

(2) The accreditation concept emphasizes a voluntary, self-motivated approach by which organizations seek to achieve and maintain objectively verified high quality operations through periodic evaluations conducted by an independent, non-governmental body that has established standards for its "clientele". In simple terms, "to accredit" means to recognize or vouch for an agency as conforming to a body of standards related to a specific discipline—in this instance, law enforcement.

(3) The process for CALEA consists of formal application, mutual aid contract, an in-depth self-assessment, an on-site assessment by Commission-selected practitioner assessors from outside the State of the requesting agency, and final Commission review and decision. Self-assessment enables an agency to establish proofs of compliance with standards specific to the agency to review its organization, management, operations, and administrative activities to determine if it believes it meets the requirements. Certain standards are mandatory based on health, life, safety, and importance to the community and the agency.

(4) Use of grant funds for public housing police department accreditation activities IS PERMITTED. HAs under Section I.(c)(1)(ii) of this NOFA (public housing police departments) ARE PERMITTED to hire a public housing police department accreditation specialist to manage the accreditation program. HA police departments must submit a plan and timetable in order to be funded for this activity. Any public housing police department funded under the FY 1994/1995 PHDEP should demonstrate in its plan what progress has been made in implementing its accreditation program. The Department will monitor outcomes of the HA's plan and timetable.

(5) FUNDING IS PERMITTED. HAs that have been identified by HUD in Section I.(c)(1)(ii), above, of this NOFA as having authorized public housing police departments ARE PERMITTED to use PHDEP funds to purchase or lease any law enforcement clothing or equipment, such as, vehicles, uniforms, ammunition, firearms/weapons, police vehicles; including cars, vans, buses, and protective vests, or any other supportive equipment, etc. that supports the HA's crime prevention and security mission. HAs NOT IDENTIFIED by HUD in Section I.(c)(1)(ii), above, of this NOFA as having an authorized public housing police department ARE NOT PERMITTED to use PHDEP funds to

directly purchase such clothing or equipment for use by local police departments.

(K) Expenditures for activities under this section will not be incurred by the HA (grantee) and/or funds released by the local HUD Field Office until the grantee has met all the above requirements.

(L) In order to assist HAs to develop and administer relevant, fair, and productive law enforcement service contracts with local police departments for the delivery of effective security services to the HA/residents, a sample contract for law enforcement services is provided with the application kit. A sample contract may be obtained by calling HUD's Drug Information and Strategy Clearinghouse, telephone: 1-800-578-3472.

(2) REIMBURSEMENT OF LOCAL LAW ENFORCEMENT AGENCIES FOR ADDITIONAL SECURITY AND PROTECTIVE SERVICES.

(i) For HAs THAT DO NOT HAVE an authorized public housing police department as defined in Section I.(c)(1)(ii) of this NOFA, additional security and protective services ARE PERMITTED under this program but must be over and above the local police department's current level of baseline services. Local police department baseline services are defined as ordinary and routine services provided to residents as a part of the overall, city and county-wide deployment of police resources, to respond to crime and other public safety incidents, including 911 communications, processing calls for service, routine patrol, police officer response to calls for service and investigative follow-up of criminal activity.

(ii) An applicant seeking funding for this activity must first define the current local police department's level of baseline services to the HA/residents (which should be the same city/county-wide) to include the number of officers and equipment and the actual percent of their time assigned to the HA/development(s) proposed for funding and then demonstrate in its plan to what extent the funded activity will represent an increase over and above these baseline services.

(iii) Reimbursement of local law enforcement agencies for additional protective services for communications and security equipment to improve collection, analysis, and use of information about drug-related crime and other criminal activities associated with drug-related problems in HAs/development(s), such as surveillance equipment (e.g., Closed Circuit Television (CCTV), software, cameras,

monitors, components and supporting equipment), computers accessing national, Tribal, State or local government security networks and databases, facsimile machines, telephone equipment, bicycles, and motor scooters is permitted IF USED EXCLUSIVELY for the HA/development's crime prevention and comprehensive security efforts, AND in connection with the establishment of a law enforcement substation/presence on the funded premises or scattered site developments of the HA. The reimbursement shall be provided in accordance with a contractual agreement between the grantee and the local law enforcement agency.

(iv) The local law enforcement agency shall collect police officer activity (not just hours of work) information for the HA. The agency must use a HA approved activity form for the collection, analysis and reporting of activities by officers funded under this section. Reimbursement of local law enforcement agencies for additional protective services for computers, software, and associated equipment ARE PERMITTED AS ELIGIBLE ITEMS in support of HA crime and workload data collection activities to support its comprehensive crime prevention, security and safety mission.

(v) FUNDING THAT IS NOT PERMITTED. HAs not identified by HUD in Section I.(c)(1)(ii) of this NOFA as having an authorized public housing police department ARE NOT PERMITTED to use PHDEP funds to directly purchase or lease any military or law enforcement clothing or equipment, such as vehicles, uniforms, ammunition, firearms/weapons, military or police vehicles; including cars, vans, buses, protective vests, and any other supportive equipment, etc.

(vi) Expenditures for activities under this section will not be incurred by the HA (grantee) and/or funds released by the local HUD Field Office until the grantee and the local law enforcement agency execute a contract for the additional law enforcement services.

(vii) In order to assist HAs to develop and administer relevant, fair, and productive protective services or law enforcement contracts with local police departments for the delivery of effective services to HAs and residents, a sample contract for law enforcement services is provided with the application kit. A sample contract may be obtained by calling HUD's Drug Information and Strategy Clearinghouse, telephone (800) 578-3472.

(viii) The Department ENCOURAGES local community collaborations, between HAs and local police

departments, regarding elimination of drug-related crime and other criminal activities associated with drug-related problems to improve safety and security for residents in HAs. This strategy should include implementation of community policing programs. For additional background on community policing, see the discussion at Section I.(c) of this NOFA.

(ix) The Department ENCOURAGES HAs to work closely with local police departments to permit the admission to public housing of police officers and other security personnel, whose visible presence may serve as a deterrent to drug-related crime and other criminal activities associated with drug-related problems. Section 519 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437a-1) permits HAs to allow police officers and other security personnel not otherwise eligible for occupancy to reside in public or Indian housing dwelling units under a plan that will increase security for residents while minimizing both the reduction of available dwelling units and loss of HA income. HUD's final rule implementing section 519 was published on August 2, 1994 (59 FR 39402). For assistance regarding this program contact the local HUD Field Office or AONAP.

(3) Physical Improvements to Enhance Security.

(i) Physical improvements that are specifically designed to enhance security ARE PERMITTED under this program. These improvements may include (but are not limited to) the installation of barriers, lighting systems, fences, surveillance equipment (e.g., Closed Circuit Television (CCTV), speed bumps, software, fax, cameras, monitors, components and supporting equipment etc.) bolts, locks; the landscaping or reconfiguration of common areas so as to discourage drug-related crime and other criminal activities associated with drug-related problems in the HA and development(s) proposed for funding.

(ii) An activity that is funded under any other HUD program, such as the modernization program at 24 CFR part 968, shall not also be funded by this program.

(iii) FUNDING IS NOT PERMITTED for physical improvements that involve the demolition of any units in a development.

(iv) FUNDING IS NOT PERMITTED for any physical improvements that would result in the displacement of persons.

(v) FUNDING IS NOT PERMITTED for the acquisition of real property.

(vi) All physical improvements must also be accessible to persons with

disabilities. For example, some types of locks, buzzer systems, doors, etc., are not accessible to persons with limited strength, mobility, or to persons who are hearing impaired. All physical improvements must meet the accessibility requirements of 24 CFR part 8.

(4) Employment of Investigators.

(i) Employment of and equipment for one or more individuals IS PERMITTED under this program to:

(A) Investigate drug-related crime and other criminal activities associated with drug-related problems "in or around" the real property comprising any HA/development(s); and

(B) Provide evidence relating to any such crime in any administrative or judicial proceedings.

(ii) HAs that employ investigators funded by this program must meet and demonstrate compliance with all relevant Federal, Tribal, State or local government insurance, licensing, certification, training, bonding, or other similar law enforcement requirements.

(iii) The HA (Grantee), and cooperating local law enforcement agency are required to enter into and execute a written agreement that describes the following:

(A) The nature of the activities to be performed by the HA investigators, their scope of authority, reports to be completed, established policies, procedures, and practices that will govern their performance (i.e., a Policy Manual as described in Section I.(c)(1)(ii) of this NOFA) and how HA investigators will coordinate their activities with the local, State, Tribal, and Federal law enforcement agencies; and

(B) The types of activities that the HA investigators are expressly prohibited from undertaking.

(iv) Under this section, reimbursable costs associated with the investigation of drug-related crime and other criminal activities associated with drug-related problems (e.g., travel directly related to the investigator's activities, or costs associated with the investigator's testimony at judicial or administrative proceedings) may only be those incurred by the investigator.

(v) HA investigators funded under this program shall be guided by a policy manual that regulates, directs, and controls their conduct and activities. All HA investigators must be trained at a minimum in the areas described below in paragraph (B) of this section.

(A) An up-to-date policy manual, which contains the policies, procedures, and general orders that regulate conduct and describe in detail must exist prior to execution of this agreement.

(B) Areas that MUST BE COVERED IN THE MANUAL INCLUDE BUT ARE NOT LIMITED TO: use of force, resident contacts, enforcement of HA rules, response criteria to calls, pursuits, arrest procedures, reporting of crimes and workload, feedback procedures to victims, citizens complaint procedures, internal affairs investigations, towing of vehicles, authorized weapons and other equipment, radio procedures internally and with local police, training requirements, patrol procedures, scheduling of meetings with residents, daily activity reports to be completed, record keeping and position descriptions on every class of personnel, post and assignments.

(vi) HA investigator(s) shall report on drug-related crime and other criminal activities associated with drug-related problems in the HA/developments. HAs shall establish, implement and maintain a system of records management that ensures confidentiality of criminal records and information. HA approved activity forms must be used for the collection, analysis and reporting of activities by HA investigators funded under this section. Computers, software, and associated equipment ARE ELIGIBLE ITEMS in support of HA crime and workload data collection activity and its crime prevention and security mission.

(vii) FUNDING IS PERMITTED for HAs to use PHDEP funds for investigator activities to purchase or lease any law enforcement clothing or equipment, such as vehicles, uniforms, ammunition, firearms/weapons, or vehicles; including cars, vans, buses, protective vests, and any other supportive equipment, etc., to support the mission of the HA's investigator activities.

(viii) Expenditures for activities under this section will not be incurred by the HA (grantee) and/or funds released by the local HUD Field Office until the grantee has met all the above requirements.

(5) Voluntary Tenant Patrols. Active voluntary tenant patrols activities to include purchase of uniforms, equipment and related training ARE PERMITTED under this section. For the purposes of this section, the elimination of drug-related crime and other criminal activities associated with drug-related problems within the HA/developments requires the active involvement and commitment of residents and their organizations.

(i) The provision of training and equipment (including all season uniforms and equipment) for use by active voluntary tenant patrols acting in cooperation with officials of local law

enforcement agencies IS PERMITTED under this program. Members must be volunteers and must be tenants/residents of the HA/development(s). Voluntary tenant patrols established under this program are expected to patrol in the HA/development(s) proposed for assistance, and to report illegal activities to appropriate HA staff, and local, State, Tribal, and Federal law enforcement agencies, as appropriate. HAs are required to obtain liability insurance to protect themselves and the members of the voluntary tenant patrol against potential liability for the activities of the patrol under this program. The cost of this insurance is an eligible program expense.

(ii) The HA (Grantee) and cooperating local law enforcement agency, and the members of the voluntary tenant patrol are required, prior to expending any grant funds, to enter into and execute a written HA/local police department agreement that describes the following:

(A) The nature of the activities to be performed by the voluntary tenant patrol, the patrol's scope of authority, assignment, the established policies, procedures, and practices that will govern the voluntary tenant patrol's performance and how the patrol will coordinate its activities with the local law enforcement agency;

(B) The types of activities that a voluntary tenant patrol is expressly prohibited from undertaking including, but not limited to, the carrying or use of firearms or other weapons, nightstick, clubs, handcuffs, or mace in the course of their duties under this program;

(C) The initial and follow-up voluntary tenant patrol training the members receive from the local law enforcement agency (training by the local law enforcement agency is required before putting the voluntary tenant patrol into effect); and

(D) Voluntary tenant patrol members must be advised that they may be subject to individual or collective liability for any actions undertaken outside the scope of their authority and that such acts are not covered under a HA's liability insurance.

(iii) Uniforms, communication and related equipment eligible for funding under this program shall be reasonable, necessary, justified and related to the operation of the voluntary tenant patrol and that is otherwise permissible under local, State, Tribal, or Federal law.

(iv) Under this program, bicycles, motor scooters, all season uniforms and associated equipment (voluntary tenant patrol uniforms and equipment must be identified with specific HA/development identification/markings) to be used, exclusively, by the members of

the HA/development(s) voluntary tenant patrol ARE ELIGIBLE ITEMS.

(v) PHDEP grant funds may not be used for any type of financial compensation, such as any full-time wages or salaries for voluntary tenant patrol participants. Funding for HA personnel or resident(s) to be hired to coordinate this activity IS PERMITTED.

(6) Programs (Drug Prevention, Intervention and Drug Treatment) to Reduce the Use of Illegal Drugs. Programs that eliminate the use and distribution of illegal drugs "in or around" the premises of the HA/development(s), including drug abuse prevention, intervention, referral and treatment programs, ARE PERMITTED under this program. For purposes of this section, the goals of this program are best served by focusing resources directly upon HA resident/families. The program should facilitate drug prevention, intervention and treatment efforts, to include outreach to community resources and youth activities, and facilitate bringing these resources onto the premises, or providing resident referrals to treatment programs or transportation to outpatient treatment programs away from the premises. FUNDING IS PERMITTED for reasonable, necessary and justified purchasing or leasing of vehicles (whichever can be documented as the most cost effective) for grant administration, resident youth, adult education and training activities directly related to "programs to reduce the use of illegal drugs" under this section. Alcohol-related activities/programs ARE NOT ELIGIBLE for funding under this program. FUNDING IS PERMITTED for reasonable, necessary and justified program costs, such as meals, beverages and transportation, incurred only for training and education activities directly related to "drug prevention programs to reduce/eliminate the use of illegal drugs." Activities that should be included in these programs are:

(i) DRUG CRIME PREVENTION. Drug crime prevention programs that will be considered for funding under this part must provide a comprehensive drug prevention approach for the HA/residents that will address the individual resident and his or her relationship to family, peers, and the community. Prevention programs must include activities designed to identify and change the factors present in HAs that lead to drug-related crime and other criminal activities associated with drug-related problems, and thereby lower the risk of drug usage. Many components of a comprehensive approach, such as refusal and restraint skills training

programs or drug-related family counseling, may already be available in the community of the applicant's housing developments, and the applicant must act to bring those available program components onto the premises.

(A) DRUG EDUCATION OPPORTUNITIES. The causes and effects of illegal drug usage must be discussed in a formal setting to provide both young people and adults the working knowledge and skills they need to make informed decisions to confront the potential and immediate dangers of illegal drugs. Grantees may contract (in accordance with 24 CFR 85.36) with professionals to provide appropriate training or workshops. The professionals contracted to provide these services shall be required to base their services upon the needs assessment and program plan of the grantee. These educational opportunities may be a part of resident meetings, youth activities, or other gatherings of public and Indian housing residents.

(B) FAMILY AND OTHER SUPPORT SERVICES. For purposes of this section, the term "supportive services" means new or significantly expanded services to provide HA families with access to educational and employment opportunities such as, child care; employment training; literacy training; computer skills training; remedial education; drug abuse counseling; assistance in the attainment of certification of high school equivalency; and other appropriate services. In addition, drug and other prevention programs must demonstrate that they will provide directly or otherwise make available services designed to distribute drug education information, to foster effective parenting skills, and to provide referrals for treatment and other available support services in the development or the community for HA families.

(C) YOUTH SERVICES. Drug and other crime prevention programs must demonstrate that they have included groups composed of young people as a part of their prevention programs. These groups must be coordinated by adults with the active participation of youth to organize youth leadership, sports, recreational, cultural and other activities involving HA youth. The dissemination of drug education information, the development of peer leadership skills and other drug prevention activities must be a component of youth services.

(D) ECONOMIC AND EDUCATIONAL OPPORTUNITIES FOR RESIDENTS AND YOUTH. Prevention programs

must demonstrate a capacity to provide HA/development(s) residents the opportunities for interaction with or referral to established higher education or vocational institutions with the goal of developing or building on the residents' skills to pursue educational, vocational and economic goals. The program must also demonstrate the ability to provide HA residents the opportunity to interact with private sector businesses in their immediate community for the same desired goals.

(ii) INTERVENTION. The aim of intervention is to identify HA resident drug users and assist them in modifying their behavior and in obtaining early treatment, if necessary. The applicant must establish a program with the goal of preventing drug-related crime and other criminal activities associated with drug-related problems once detected.

(iii) DRUG TREATMENT.

(A) Treatment funded under this program shall be "in or around" the premises of the HA/development(s) proposed for funding. The Department has determined that the term "in or around" means within, or adjacent to, the physical boundaries of a public or Indian housing development. The intent of this definition is to make certain that program funds and program activities are targeted to benefit, as directly as possible, public and Indian housing developments, the intended beneficiaries of the program under the authorizing statute. The goals of this program are best served by focusing its resources directly upon HAs/development(s).

(B) Funds awarded under this program shall be targeted towards the development and implementation of drug referral treatment services and long range aftercare, or the improvement of, or expansion of such program services for HA residents.

(C) Each proposed drug program must address but is not limited to the following goals:

(1) Increase resident accessibility to drug treatment services;

(2) Decrease drug-related crime and other criminal activity associated with drug-related problems "in or around" the HA/development(s) by reducing illicit drug use among residents; and

(3) Provide services designed for youth and/or maternal drug abusers, e.g., prenatal and postpartum care, specialized counseling in women's issues, parenting classes, or other drug supportive services.

(D) Approaches that have proven effective with similar populations will be considered for funding. Programs should meet the following criteria:

(1) Applicants may provide the service of formal referral arrangements to other treatment programs where the resident is able to obtain treatment costs from sources other than this program.

(2) Provide family and collateral counseling.

(3) Provide linkages to educational and vocational counseling.

(4) Provide coordination of services from/to appropriate Tribal or local drug agencies, HIV-related service agencies, and mental health and public health programs.

(E) Applicants must demonstrate a working partnership with the Single State Agency or current Tribal or State license provider or authority with drug/prevention program coordination responsibilities to coordinate, develop and implement the drug treatment proposal.

(F) The Single State Agency or authority with drug/prevention program coordination responsibilities must certify that the drug/prevention treatment proposal is consistent with the State treatment plan; and that the treatment service meets all local and State licensing requirements.

(G) FUNDING IS NOT PERMITTED for treatment of residents at any in-patient medical treatment program and facility.

(H) FUNDING IS NOT PERMITTED for detoxification procedures, short term or long term, designed to reduce or eliminate the presence of toxic substances in the body tissues of a patient.

(I) FUNDING IS NOT PERMITTED for maintenance drug programs. Maintenance drugs are medications that are prescribed regularly for a short/long period of supportive therapy (e.g. methadone maintenance), rather than for immediate control of a disorder.

(7) Resident Management Corporations (RMCs), Resident Councils (RCs), and Resident Organizations (ROs). Funding under this program IS PERMITTED for HAs to contract with RMCs and incorporated RCs and ROs to develop security and drug abuse prevention programs involving site residents. Such programs may include (but are not limited to) voluntary tenant patrol activities, drug education, drug intervention, youth programs, referral, and outreach efforts. For the purposes of this section, the elimination of drug-related crime and other criminal activities associated with drug-related problems within HAs/developments requires the active involvement and commitment of public housing residents and their organizations. To enhance the ability of HAs to combat drug-related crime and other criminal activity

associated with drug-related problems within their developments, Resident Councils (RCs), Resident Management Corporations (RMCs), and Resident Organizations (ROs) will be permitted to undertake management functions specified in this part, notwithstanding the otherwise applicable requirements of 24 CFR parts 950 and 964. In order to implement the activity, the HA must enter into a sub-contract with the RMC/RC/RO setting forth the amount of funds, applicable terms, conditions, financial controls, payment mechanism, schedule, and special conditions, including sanctions for violation of the agreement. Expenditures for activities under this section will not be incurred by the HA (grantee) and/or funds released by the local HUD Field Office until the grantee has met all the above requirements.

(8) Program Performance. HUD will evaluate an applicant's performance under any previous Drug Elimination Program grants. Subject to evaluation and review are the applicant's financial and program performance; reporting and special condition compliance; accomplishment of stated goals and objectives under the previous grant; and program adjustments made in response to previous ineffective performance. If the evaluation discloses a pattern under past grants of ineffective performance with no corrective measures attempted, it will result in a deduction of points from the current application. Since this is a competitive program, HUD does not guarantee continued funding of any previously funded Drug Elimination Program grant.

(9) PHA-Owned Housing. Funding may be used for the activities described in Sections I.(c)(1) through (7) (eligible activities) of this NOFA, to eliminate drug-related crime and other criminal activities associated with drug-related problems in housing owned by public housing agencies that is not public housing that is assisted under the United States Housing Act of 1937 and is not otherwise federally assisted (for example, housing that receives tenant subsidies under Section 8 is federally assisted and would not qualify, but housing that receives only State, Tribal or local assistance would qualify), but only if they meet all of the following:

(i) The housing is located in a high intensity drug trafficking area designated pursuant to section 1005 of the Anti-Drug Abuse Act of 1988; and

(ii) The PHA owning the housing demonstrates, on the basis of information submitted in accordance with the requirements of Sections I.(d)(1), below, of this NOFA, that drug-related crime and other criminal

activities associated with drug-related problems at the housing has a detrimental affect on or about the housing.

The High Intensity Drug Trafficking Areas (HIDTA) are areas identified as having the most critical drug trafficking problems that adversely impact the rest of the country. These areas are designed as HIDTA by the Director, Office of National Drug Control Policy pursuant to the Anti-Drug Abuse Act of 1988. As of February 1996 the following areas were confirmed by the Office of National Drug Control Policy Office, as designated high intensity drug trafficking areas:

- Washington, DC—Baltimore, MD which includes: Washington, DC, Alexandria, Arlington County (Cty), Fairfax Cty, Montgomery Cty, Prince George's Cty, Charles Cty, Anne Arundel Cty, Howard Cty, Baltimore Cty, and Baltimore, MD.
- New York City (and a surrounding area that includes Nassau Cty, Suffolk County, and Westchester Cty, New York, and all municipalities therein; and Union Cty, Hudson Cty, and Essex Cty, New Jersey, and all municipalities therein).
- Los Angeles (and a surrounding area that includes Los Angeles Cty, Orange Cty, Riverside Cty, and San Bernadino Cty, and all municipalities therein).
- Miami (and a surrounding area that includes Broward Cty, Dade County, and Monroe Cty, and all municipalities therein).
- Houston (and a surrounding area that includes Harris Cty, Galveston Cty, and all municipalities therein).
- The Southwest Border (and adjacent areas that include San Diego and Imperial Cty, California, and all municipalities therein; Yuma Cty, Maricopa Cty, Pinal Cty, Pima Cty, Santa Cruz Cty, and Cochise Cty, Arizona, and all municipalities therein; Hidalgo Cty, Grant County, Luna County, Dona Ana Cty, Eddy Cty, Lea Cty, and Otero Cty, New Mexico, and all municipalities therein; El Paso Cty, Hudspeth Cty, Culberson Cty, Jeff Davis Cty, Presidio County, Brewster Cty, Pecos Cty, Terrell Cty, Crockett Cty, Val Verde Cty, Kinney Cty, Maverick Cty, Zavala Cty, Dimmit Cty, La Salle Cty, Webb County, Zapata County, Jim Hogg County, Starr County, Hildago Cty, Willacy Cty, and Cameron Cty, Texas, and all municipalities therein).
- U. S. Virgin Islands and Puerto Rico.

For further information on high intensity drug trafficking areas contact Rich Yamamoto, at the Office of

National Drug Control Policy (ONDCP), Executive Office of the President, Washington, DC 20500. He may be reached on (202) 395-6755.

(10) Ineligible Activities. PHDEP funding IS NOT PERMITTED for any of the activities listed below, UNLESS OTHERWISE SPECIFIED IN THIS NOFA.

(i) FUNDING IS NOT PERMITTED under this NOFA for costs incurred before the effective date of the grant agreement (Form HUD-1044), including, but not limited to, consultant fees related to the development of an application or the actual writing of the application.

(ii) FUNDING IS NOT PERMITTED under this NOFA for the purchase of controlled substances for any purpose. Controlled substance shall have the meaning provided in section 102 of the Controlled Substance Act (21 U.S.C. 802).

(iii) FUNDING IS NOT PERMITTED under this NOFA for compensating informants, including confidential informants.

(iv) FUNDING IS NOT PERMITTED under this NOFA for the direct purchase of any law enforcement or military clothing or equipment, including cars, vans, buses, and motorcycles etc. Exceptions are set forth in Section I.(c) of this NOFA.

(v) FUNDING IS NOT PERMITTED under this NOFA for any wages or salaries for voluntary tenant patrol participants. HAs ARE PERMITTED to fund HA/resident coordinators to be hired for this activity.

(vi) FUNDING IS NOT PERMITTED under this NOFA for the costs of leasing, acquiring, or constructing any facility space in a building or unit.

(vii) FUNDING IS NOT PERMITTED under this NOFA for organized fund raising, advertising, financial campaigns, endowment drives, solicitation of gifts and bequests, rallies, marches, community celebrations and similar expenses.

(viii) FUNDING IS NOT PERMITTED under this NOFA for the costs of entertainment, amusements, or social activities and for the expenses of items such as meals, beverages, lodgings, rentals, transportation, and gratuities related to these ineligible activities. However, under Section I.(c)(6) of this NOFA, funding IS PERMITTED for reasonable, necessary and justified program costs, such as meals, beverages and transportation, incurred only for training, and education activities directly related to "drug prevention programs."

(ix) FUNDING IS NOT PERMITTED under this NOFA for the costs (court

costs, attorneys fees, etc.) related to screening or evicting residents for drug-related crime and other criminal activities associated with drug-related problems. However, HA investigators funded under this program may participate in judicial and administrative proceedings as provided in Section I.(c)(4) (Employment of Investigators) of this NOFA.

(x) Although participation in activities with Federal drug interdiction or drug enforcement agencies is encouraged, the transfer of PHDEP grant funds to any Federal agency IS NOT PERMITTED under this NOFA.

(xi) Alcohol-related activities and programs ARE NOT ELIGIBLE for funding under this program. Controlled substance shall have the meaning provided in Section 102 of the Controlled Substance Act (21 U.S.C. 802). Since this definition of controlled substance does not include alcohol, alcohol-related activities are not eligible.

(xii) FUNDING IS NOT PERMITTED under this NOFA for establishing councils, resident associations, resident organizations, and resident corporations since HUD funds these activities under a separate NOFA.

(xiii) Indirect costs as defined in OMB Circular A-87 ARE NOT PERMITTED under this program. Only direct costs are permitted.

(xiv) FUNDING IS NOT PERMITTED under this NOFA for any cash awards.

(xv) Grant funds under this NOFA SHALL NOT BE USED to supplant existing positions or programs.

(d) Selection Criteria

HUD will review each application that it determines meets the requirements of this NOFA and evaluate it by assigning points in accordance with the selection criteria. An application for funding under this program may be for one or more eligible activities.

An applicant may submit only one application under each Notice of Funding Availability (NOFA). Joint applications ARE NOT PERMITTED under this program with the following EXCEPTION: HAs under a single administration (such as HAs managing another HA under contract or HAs sharing a common executive director) may submit a single application, even through each HA has its own operating budget.

The number of points that an application receives will depend on the extent to which the application is responsive to the information requested in the selection criteria. An application must receive a score of at least 70 points

out of the maximum of 100 points that may be awarded under this competition to be eligible for funding.

After applications have been scored, Headquarters will rank the applications on a national basis. Awards will be made in ranked order until all funds are expended. HUD will select the highest ranking applications that can be fully funded. Applications with tie scores will be selected in accordance with the procedures in Section I.(e) (Ranking Factors). The terms "housing" and "development(s)" as used in the application selection criteria and submission requirements may include, as appropriate, housing described in Section I.(c)(9) (PHA-Owned Housing), above, of this NOFA. Each application submitted for a grant under this NOFA will be evaluated on the basis of the following selection criteria:

(1) *First Criterion:* The Extent of The Drug-Related Crime Associated With Drug-Related Crime Problems in the Applicant's Development or Developments Proposed for Assistance. (MAXIMUM POINTS: 40) To permit HUD to make an evaluation on the basis of this criterion, an application must include a description of the extent and nature of drug-related crime and other criminal activities associated with drug-related problems, "in or around" the HA/development(s) proposed for funding. An applicant must explain, in the application, in what way a problem claimed to be associated with drug-related crime and other criminal activities associated with drug-related problems is a result of drug-related crime and those other criminal activities. The description should provide the following information:

(i) OBJECTIVE DATA. The best available objective data on the nature, source, and frequency of the problem of drug-related crime and other criminal activities associated with drug-related problems. This data may include (but not necessarily be limited to):

(A) The nature and frequency of drug-related crime and other criminal activities associated with drug-related problems as reflected by crime statistics and other data from Federal, State, Tribal, or local law enforcement agencies.

(B) Information from records on the types and sources of drug-related crime and other criminal activities associated with drug-related problems in the HA/development(s) proposed for assistance.

(C) Descriptive data as to the types of offenders committing drug-related crime and other criminal activities associated with drug-related problems in the applicant's HA/development(s) (e.g., age, residence, etc.).

(D) The number of lease terminations or evictions for drug-related crime or arrests and other criminal activities associated with drug-related problems.

(E) The number of emergency room admissions for drug use or that result from drug-related crime and other criminal activities associated with drug-related problems. Such information may be obtained from police departments and/or fire departments, emergency medical services agencies and hospitals.

(F) The number of police calls for service from HAs (not just drug-related crime) such as resident initiated calls, officer-initiated calls, domestic violence calls, drug distribution complaints, found drug paraphernalia, gang activity, graffiti that reflects drugs or gang-related activity, vandalism, drug arrests, and abandoned vehicles.

(G) The number of residents placed in treatment for drug-related substance abuse, the number of residents that successfully completed treatment, and number of residents that successfully completed short or long range after-care treatment for substance abuse.

(H) Where appropriate, the statistics should be reported both in real numbers and as an annual percentage of the residents in each development (e.g., 20 arrests in a two-year for distribution of heroin in a development with 100 residents reflects a 20% occurrence rate). The data should cover the most recent two-year period. If the data from the most recent two-year period is not used, an explanation must be provided. To the extent feasible, the data provided should be compared with data from a prior two year period to show whether the current data reflects a percentage increase or decrease in drug-related crime and other criminal activities associated with drug-related problems during that prior period of time within HAs.

(I) A reduction in drug-related crime and other criminal activities associated with drug-related problems in the HA/development(s) where previous PHDEP grants have been in effect will not be considered a disadvantage to the applicant.

(J) If funding is being sought for housing owned by public housing agencies that is not public housing assisted under the United States Housing Act of 1937 and is not otherwise federally assisted, the application must demonstrate that the housing is located in a high intensity drug trafficking area designated pursuant to section 1005 of the Anti-Drug Abuse Act of 1988, and the application must demonstrate that drug-related activity and other criminal activities associated with drug-related

problems at the housing has a detrimental affect on or about the real property comprising the public or other federally assisted low-income housing. For the purposes of this NOFA "in or around" means: on the premises or immediately adjacent to the premises of the real property comprising the public or other Federally-assisted housing.

(ii) OTHER DATA on the extent of drug-related crime and other criminal activities associated with drug-related problems. To the extent that objective data as described above may not be available, or to complement that data, the assessment may use data from other sources that have a direct bearing on drug-related crime and other criminal activities associated with drug-related problems in the developments proposed for assistance under this program. However, if other relevant information is to be used in place of, rather than to complement, objective data, the application must indicate the reasons why objective data could not be obtained and what efforts were made to obtain it. Examples of these data include (but are not necessarily limited to):

(A) Resident and staff surveys on drug-related crime and other criminal activities associated with drug-related problems or on-site reviews to determine drug activity; and local government or scholarly studies or other research in the past year that analyze drug activity in the targeted developments.

(B) Vandalism cost, to include elevator vandalism (where appropriate) and other vandalism attributable to drug-related crime and other criminal activities associated with drug-related problems.

(C) Information from schools, health service providers, residents and Federal, State, and Tribal officials, and the opinions and observations of individuals having direct knowledge of drug-related crime and other criminal activities associated with drug-related problems concerning the nature and frequency of these problems in the developments proposed for assistance. (These individuals may include Federal, State, Tribal, and local government law enforcement officials, resident or community leaders, school officials, community medical officials, drug treatment or counseling professionals, or other social service providers.)

(D) The school dropout rate and level of absenteeism for youth that the applicant can relate to drug-related crime and other criminal activities associated with drug-related problems. If crime or other statistics are not available at the development or precinct

level the applicant may use other reliable, objective data.

(iii) In awarding points, HUD will evaluate the extent to which the applicant has provided the above data that reflects drug-related crime and other criminal activities associated with drug-related problems, both in terms of the frequency and nature of the drug-related crime and other criminal activities associated with drug-related problems in the HA/development(s) proposed for funding as reflected by information submitted under paragraphs (1)(i) (objective data), and (ii) (other data) of this section; and the extent to which such data reflects an increase in drug-related crime and other criminal activities associated with drug-related problems over a period of two year(s) in the HA/development(s) proposed for assistance. (MAXIMUM POINTS UNDER PARAGRAPHS (i) AND (ii) OF THIS SECTION: 15)

(iv) In awarding points, HUD will evaluate the extent to which the applicant has analyzed the data compiled under paragraphs (1) (i) and (ii) of this section, and has clearly articulated its needs, performance measurements, and strategies for reducing drug-related crime and other criminal activities associated with drug-related problems in the HA/development(s) proposed for assistance. (MAXIMUM POINTS: 5)

(v) In awarding points, HUD will evaluate and assign points according to the extent and availability of standardized data on the following specific Part I crime activities as defined by the Uniform Crime Reporting (UCR) system: (1) Criminal homicide, (2) forcible rape, (3) robbery, and (4) aggravated assault. This data must cover both the frequency and nature of the crime in the HA/development(s) proposed for assistance. The community data will be taken from current Uniform Crime Reports (UCRs) of the U.S. Department of Justice (FBI crime data) and will be at the HA/city/county level, when available. The crime data and the point values will be computed by HUD. (MAXIMUM TOTAL POINTS: 10)

(vi) In awarding points, HUD will evaluate and assign points according to the extent and availability of standardized data on the Part II crime activity of drug abuse violations [State, Tribal and local offenses relating to the unlawful possession, sale, use, growing, and manufacturing of narcotic drugs], as defined by the Uniform Crime Reporting (UCR) system. This data must cover both the frequency and nature of the crime in the HA/development(s) proposed for assistance. The community data will be taken from current Uniform

Crime Reports (UCRs) of the U.S. Department of Justice (FBI crime data) and will be at the HA/city/county level, when available. The crime data and the point values will be computed by HUD. (MAXIMUM POINTS: 10)

(2) *Second Criterion: The Quality of the Plan To Address the Crime Problem in the Public or Indian Housing Developments Proposed for Assistance, Including the Extent to Which the Plan Includes Initiatives that Can Be Sustained Over a Period of Several Years.* (MAXIMUM POINTS: 35) In assessing this criterion, HUD will consider the following factors:

(i) To permit HUD to make an evaluation on the basis of this criterion, an application must include the applicant's plan for addressing drug-related crime and other criminal activities associated with drug-related problems. This means a narrative description of the applicant's activities for addressing (solutions/prevention) drug-related crime and other criminal activities associated with drug-related problems in each of the developments proposed for assistance under this part must be included in the application. The activities eligible for funding under this program are listed in Section I.(c) of this NOFA, above, although the applicant's plan must include all of the activities that will be undertaken to address the problem, whether or not they are funded under this program. If the same activities are proposed for all of the developments that will be covered by the plan, the activities do not need to be described separately for each development. Where different activities are proposed for different developments, these activities and the developments where they will take place must be separately described.

The description of the plan in the application must include (but not necessarily be limited to) the following information:

(A) A narrative describing each activity proposed for PHDEP funding in the applicant's plan, any additional relevant activities being undertaken by the applicant (e.g., a drug treatment program for residents funded by an agency other than HUD), and how all of these activities interrelate. The applicant should specifically address whether it plans to implement a comprehensive strategy relating to illegal drug activities, drug-related crime and other criminal activities associated with drug-related problems. The strategy must include (as applicable) management practices, enforcement/law enforcement techniques (such as community policing), and a combination of drug

abuse prevention, intervention, referral, and treatment programs. In addition, the applicant must indicate how its proposed activities will complement, and be coordinated with, current activities.

(B) If grant amounts are to be used for contracting for/or employment of security guard personnel services in HAs/development(s), the application must describe how the requirements of Section I.(c)(1)(i) (Employment of Security Personnel) of this NOFA will be met.

(C) If grant amounts are to be used for HA police department equipment and personnel, the application must describe how the requirements of Section I.(c)(1)(ii) (Housing Authority Police Departments) of this NOFA will be met.

(D) If grant amounts are to be used for reimbursement of local law enforcement agencies for additional security and protective services, the application must describe how the requirements of Section I.(c)(2) (Reimbursement of Local Law Enforcement Agencies) of this NOFA will be met.

(E) If grant amounts are to be used for physical improvements in HA/developments proposed for funding under Section I.(c)(3) (Physical Improvements) of this NOFA, the application must describe how these improvements will be coordinated with the applicant's modernization program, if any, under 24 CFR part 950, subpart I, or 24 CFR part 968.

(F) If grant amounts are to be used for employment of investigators, the application must describe how the requirements of Section I.(c)(4) (Employment of Investigators) of the NOFA will be met.

(G) If grant amounts are to be used for voluntary tenant patrols, the application must describe how the requirements of Section I.(c)(5) (Voluntary Tenant Patrol) of this NOFA will be met.

(H) If grant amounts are to be used for a "Program to reduce illegal drugs" i.e.; prevention, intervention or treatment programs to eliminate the use of illegal drugs "in or around" the premises of the HA/development(s) as provided in Section I.(c)(6) of this NOFA, the application must discuss the nature of the program, how the program represents a prevention or intervention strategy, and how the program will further the HA's strategy to eliminate drug-related crime and other criminal activities associated with drug-related problems in the HA/development(s) proposed for assistance in the plan, a description of how funding decisions were reached (specifically how costs were determined for each element of

each activity in the same format as shown in the application kit) and financial and other resources (including funding under this program, and from other resources) that may reasonably be expected to be available to carry out each activity.

(I) Implementation timetable that includes tasks, deadlines, budget cost, expected outcomes, desired results, and persons responsible for implementing (beginning, achieving identified milestones, and completing) each activity in the plan.

(J) The resources that the applicant may reasonably expect to be available at the end of the grant term to continue the plan, and how they will be allocated to plan activities that can be sustained over a period of years.

(K) A discussion of how the applicant's plan will serve to provide training and employment or business opportunities for lower income persons and businesses located in, or substantially owned by persons residing within the area of the section 3 covered project (as defined in 24 CFR part 135) in accordance with 24 CFR 761.40 and 24 CFR part 5, subpart A. HAs are encouraged to hire qualified residents in all positions.

(L) Program evaluation. The plan must specifically demonstrate how the activities funded under this program will be evaluated by the applicant, so that the program's progress can be measured. Performance measurements must be developed to demonstrate the relationship between the extent of the crime detailed in Selection Criterion 1, Section I(d)(1) of this NOFA, and the comprehensive crime reduction/elimination described in the implementation of the plan. The evaluation shall also be used to modify activities to make them more successful or to identify unsuccessful strategies. The evaluation must identify the types of information the applicant will use to measure the plan's success (e.g. tracking changes in identified crime statistics); and indicate the method the applicant will use to gather and analyze this information.

(ii) In assessing this criterion, HUD will consider the quality and thoroughness of an applicant's plan in terms of the information requested in Section I.(d)(2)(i), "Quality of the plan," of this NOFA, including the extent to which:

(A) The applicant's plan clearly describes the activities that are being proposed by the applicant, including those activities to be funded under this program and those to be funded from other sources, and indicates how these proposed activities provide for a

comprehensive approach to reduce/eliminate drug-related crime and other criminal activities associated with drug-related problems (as described under selection criterion 1, Section I.(d)(1), "The extent of the drug-related crime associated with drug-related crime problems" of this NOFA, above) in the HA/development(s) proposed for funding. (MAXIMUM POINTS: 10)

(B) The applicant's plan provides a budget narrative with supporting documentation (specifically how costs were determined for each element of each activity in the same format as shown in the application kit) for each activity and describes the financial and other resources (under this program and other sources) that may reasonably be expected to be available to carry out each activity. (MAXIMUM POINTS: 5)

(C) The applicant's plan is realistic in terms of time, personnel, and other resources, considering the applicant's timetable for beginning and completing each component of the plan and the amount of funding requested under this program and other identified resources available to the applicant. (MAXIMUM POINTS: 2)

(D) As described in the plan, other entities (e.g., Tribal, local and State governments and community organizations) are involved in planning and carrying out the applicant's plan. (MAXIMUM POINTS: 2)

(E) The plan includes activities that can be sustained over a period of years and identifies resources that the applicant may reasonably expect to be available for the continuation of the activities at the end of the grant term. (MAXIMUM POINTS: 2)

(F) The applicant's plan will serve to provide training and employment or business opportunities for lower income persons and businesses located in, or substantially owned by persons residing within the area of the section 3 covered project (as defined in 24 CFR part 135) in accordance with 24 CFR 761.40 and 24 CFR part 5, subpart A. (MAXIMUM POINTS: 2)

(G) The applicant's plan contains a clear description of its process to collect, maintain and analyze specific drug-related crime and other criminal activities associated with drug-related problems and workload as defined by the Uniform Crime Reporting (UCR) system in specific Part I/II crimes as detailed in selection criterion 1, Sections I.(d)(1)(v) and (vi) of this NOFA, as well as other police workload data to include all calls for service on the HA/development(s) proposed for funding. (MAXIMUM POINTS: 5)

(H) The applicant's plan includes an evaluation process with specific

performance measurements that demonstrate results relative to crime workload detailed in Selection Criterion 1, Section I.(d)(1) of this NOFA, in the HA/development(s) proposed for funding. (MAXIMUM POINTS: 7)

(3) *Third Criterion: The Capability of the Applicant to Carry Out the Plan.* (MAXIMUM POINTS: 15) In assessing this criterion, HUD will consider the following factors:

(i) The extent of the applicant's successful and effective administrative capability to manage its HA, as measured by its performance with respect to operative HUD requirements under the ACC or ACA and the Public Housing Management Assessment Program at 24 CFR part 901. In evaluating administrative capability under this factor, HUD will also consider, and the application must include in the form of a narrative discussion, the following information:

(A) Whether there are any unresolved findings from prior HUD reports (e.g., performance or finance), reviews or audits undertaken by HUD, the Office of the Inspector General, the General Accounting Office, or independent public accountants;

(B) Whether the applicant is operating under court order. (MAXIMUM POINTS UNDER PARAGRAPH (3)(I) (A) AND (B) OF THIS SECTION: 2)

(ii) The application must demonstrate, as authorized by applicable local, State, Tribal, and Federal law, the extent to which the applicant has formed a collaboration with the local, State, Tribal, and Federal law enforcement officials and courts to gain access regarding the criminal conviction records of applicants for, or tenants of, HAs regarding applicant screening, lease enforcement, and eviction. The application must demonstrate the extent to which the applicant has implemented effective screening procedures to determine an individual's suitability for public housing (consistent with the requirements of 42 U.S.C. 3604(f), 24 CFR 100.202, 29 U.S.C. 794 and 24 CFR 8.4 which deal with individuals with disabilities); implemented a plan to reduce vacancies; implemented eviction and lease enforcement procedures in accordance with 24 CFR part 966, subpart B, 25 CFR 950.340 and Section 503 of NAHA; or undertaken other management actions to eliminate drug-related crime and other criminal activities associated with drug-related problems in its developments. (MAXIMUM POINTS: 2)

(iii) The application must identify the applicant's participation in HUD grant programs (such as CGP, CIAP, youth sports, child care, resident management,

PHDEP, HOPE VI, Tenant Opportunities Program (TOP), Family Investment Centers (FIC) grants, etc.) within the preceding three years, and discuss the degree of the applicant's success in implementing and managing these grant programs. (MAXIMUM POINTS: 4)

(iv) The local HUD Field Office/AONAP shall evaluate the extent of the applicant's success or failure in implementing and managing an effective program under previous PHDEP grants and/or other grants (preceding three years). This evaluation will be based upon (but not limited to) HUD's Line of Credit Control System (LOCCS) reports, PHDEP and/or other HUD program performance and financial reports, audits, and HUD reviews. (MAXIMUM POINTS: 7)

(4) *Fourth Criterion: The Extent to Which Tenants, the Local Government and the Local Community Support and Participate in the Design and Implementation of the Activities Proposed to be Funded under the Application.* (MAXIMUM POINTS: 10) In assessing this criterion, HUD will consider the following factors:

(i) The application must include a discussion of the extent to which community representatives and Tribal, local, State and Federal government officials are actively involved in the design and implementation of the applicant's plan, as evidenced by descriptions of planning meetings held with community representatives and local government officials, letters of commitment to provide funding, staff, or in-kind resources, or written comments on the applicant's planned activities. (MAXIMUM POINTS: 3)

(ii) The application must discuss the extent to which the relevant governmental jurisdiction has met its law enforcement obligations under the Cooperation Agreement with the applicant (as required by the grantee's Annual Contributions Contract with HUD). The application must also include a certification by the Chief Executive Officer (CEO) of a State or a unit of general local government in which the developments proposed for assistance are located that the locality is meeting its obligations under the Cooperation Agreement with the HA, particularly with regard to the current level of baseline law enforcement services. If the jurisdiction is not meeting its obligations under the Cooperation Agreement, the CEO should identify any special circumstances relating to its failure to do so. Whether or not a locality is meeting its obligations under the Cooperation Agreement with the applicant, the applicant must describe the current

level of baseline law enforcement services being provided to the HA/development(s) proposed for assistance. (MAXIMUM POINTS: 3)

(iii) The extent to which HA/development residents, and an RMC, RC or RO, where they exist, are involved in the planning and development of the grant application and plan strategy, and support and participate in the design and implementation of the activities proposed to be funded under the application. The application must include a summary of written resident and resident organization meetings, with supporting documentation that addresses (but is not limited to) subject matter, names of residents on committees, copies of resident surveys and evaluations etc., as required by 24 CFR 761.25, and the applicant's response to and action on these comments. If there are no resident or resident organization comments, the applicant must provide an explanation of the steps taken to encourage participation, even though they were not successful. (MAXIMUM POINTS: 2)

(iv) The extent to which the applicant is already undertaking, or has undertaken, participation in local, State, Tribal or Federal anti-drug related crime efforts, such as Operation Weed and Seed, and Operation Safe Home, and/or has successfully coordinated its law enforcement activities with local, State, Tribal or Federal law enforcement agencies. (MAXIMUM POINTS: 2)

(e) Ranking Factors

(1) Each application for a grant award that is submitted in a timely manner to the local HUD Field Office with delegated public housing responsibilities or, in the case of IHAs, to the appropriate AONAP, that otherwise meets the requirements of this NOFA, will be evaluated in accordance with the selection criteria specified above.

(2) An application must receive a score of AT LEAST 70 POINTS OUT OF THE MAXIMUM OF 100 POINTS that may be awarded under this competition to be eligible for funding.

(3) After applications have been scored, Headquarters will rank the applications on a national basis.

(4) In the event that two eligible applications receive the same score, and both cannot be funded because of insufficient funds, the application with the highest score in SELECTION CRITERION 3 "THE CAPABILITY OF THE APPLICANT TO CARRY OUT THE PLAN" will be selected. If Selection Criterion 3 is scored identically for both applications, the scores in Selection Criteria 1, 2, and 4 will be compared in

this order, one at a time, until one application scores higher in one of the factors and is selected. If the applications score identically in all factors, the application that requests less funding will be selected.

(5) All awards will be made to fund fully an application, except as provided in Section I.(b)(4) of this NOFA (Reduction of Requested Grant Amounts and Special Conditions).

(f) General Grant Requirements

(1) Each grantee is responsible for ensuring that grant funds are administered in accordance with the requirements of 24 CFR part 761, any specific Notices of Funding Availability (NOFAs) issued for these programs, 24 CFR part 85 (as applicable), applicable laws and regulations, applicable OMB circulars, HUD fiscal and audit controls, grant agreements, grant special conditions, the grantee's approved budget (SF-424A), and supporting budget narrative, plan, and activity timetable.

(2) Applicability of OMB Circulars and HUD fiscal and audit controls. The policies, guidelines, and requirements of this NOFA, 24 CFR part 761, 24 CFR part 85, 24 CFR part 84, and OMB Circular A-87 apply to the acceptance and use of assistance by grantees under this program; and OMB Circular Nos. A-110 and A-122 apply to the acceptance and use of assistance by private nonprofit organizations (including RMCs, RCs and ROs). In addition, grantees and sub-grantees must comply with fiscal and audit controls and reporting requirements prescribed by HUD, including the system and audit requirements under the Single Audit Act, OMB Circular No. A-128 and HUD's implementing regulations at 24 CFR part 44; and OMB Circular No. A-133.

(3) Cost Principles. Specific guidance in this NOFA, 24 CFR part 761, 24 CFR part 85, 24 CFR part 84, OMB Circular A-87, other applicable OMB cost principles, HUD program regulations, Notices, HUD Handbooks, and the terms of grant/special conditions and subgrant agreements will be followed in determining the reasonableness and allocability of costs. All costs must be reasonable, necessary and justified with cost analysis. PHDEP Funds must be disbursed by the grantee within SEVEN CALENDAR DAYS AFTER RECEIPT OF DRAWDOWN. Grant funds must be used only for Drug Elimination Program purposes. Direct costs are those that can be identified specifically with a particular activity or function in this NOFA and cost objectives in OMB Circular A-87. Indirect cost ARE NOT

PERMITTED in this program.

Administrative requirements for the Public Housing Drug Elimination Program grants will be in accordance with 24 CFR part 85. Acquisition of property or services shall be in accordance with 24 CFR 85.36. All equipment acquisitions will remain the property of the grantee in accordance with 24 CFR 85.32. ONAP procurement standards are in 24 CFR part 950.

(4) Grant Staff Personnel.

(i) All persons or entities compensated by the grantee for services provided under a PHDEP grant must meet all applicable personnel or procurement requirements and shall be required as a condition of employment to meet all relevant State, local and Tribal government, insurance, training, licensing, or other similar standards and requirements.

(ii) Compensation for personnel relative to grant administrative support (including supervisory personnel, such as a grant administrator(s), public housing police department accreditation specialist under Section I.(c)(1)(ii) of this NOFA, drug/sports/voluntary tenant patrol program coordinators, and support staff (such as counselors and clerical staff) hired for grant activities IS PERMITTED and may include wages, salaries, and fringe benefits.

(iii) All grant personnel must be necessary, reasonable and justified. Job descriptions must be provided, in the application, for all grant personnel. Excessive staffing IS NOT PERMITTED.

(iv) HA staff responsible for management/coordination of PHDEP programs shall be compensated with grant funds only for work performed directly for PHDEP grant-related activities and shall document the time and activity involved in accordance with 24 CFR 85.20.

(5) Grant Agreement. After an application has been approved, HUD and the applicant shall enter into a grant agreement (Form HUD-1044) setting forth the amount of the grant and its applicable terms, conditions, financial controls, payment mechanism, schedule, and special conditions, including sanctions for violation of the agreement. The grant agreement will be effective upon execution of Form HUD-1044 by the Director, Office of Public Housing or Administrator, AONAP.

(6) Term of Grant Agreement. Terms of the grant agreement may not exceed 24 months, unless an extension (Form HUD-1044) is approved by the local HUD Field Office or AONAP. Any funds not expended at the end of the grant term shall be remitted to HUD. Once the award is executed, HUD Field Offices or AONAP, using Form HUD-1044, may

approve a PHDEP grant extension for any project up to and including a maximum period of 6 months beyond the original grant agreement. Grantees desiring an extension beyond 6 months must make a request through the local HUD Field Office or AONAP to the Assistant Secretary for Public and Indian Housing (ATTN: Office of Community Relations and Involvement, Crime Prevention and Security Division) for a waiver of 24 CFR part 761. Any funds not expended at the end of the grant term, unless an extension has been approved, shall be remitted to HUD.

(7) Grant extension. Local HUD Field Offices or AONAP may grant an extension of the grant term in response to a written request for an extension stating the need for the extension and indicating the additional time required. Local HUD Field Offices or AONAP will not consider requests for retroactive extension of program periods. HUD will permit only one extension. Local HUD Field Offices or AONAP will only consider extensions if the grantee meets the extension criteria of paragraph (b)(3) of this section at the time the grantee submits for approval the request for the extension. The maximum extension allowable for any PHDEP grant period is 6 months.

(i) Receipt. The request must be received by the local HUD Field Office or AONAP prior to the termination of the grant, and requires approval by the local HUD Office or AONAP with jurisdiction over the grantee.

(ii) Extension criteria. The following criteria must be met by the grantee when submitting a request to extend the expenditure deadline for a program or set of programs.

(iii) Performance and Financial Status Reports. There must be on file with the local HUD Field Office or AONAP current and acceptable Performance and Financial Status Reports, SF-269As.

(iv) Grant agreement special conditions. The grantee must have satisfied all grant agreement special conditions except those conditions that the grantee must fulfill in the remaining period of the grant. This also includes the performance and resolution of audit findings in a timely manner.

(v) Justification. The grantee must submit a narrative justification with the program extension request. The justification must provide complete details, including the circumstances that require the proposed extension, and an explanation of the impact of denying the request.

(vi) HUD action. The local HUD Field Office or AONAP will attempt to take action on any proposed extension

request within 15 days after receipt of the request.

(8) Duplication of funds. To prevent duplicate funding of any activity, the grantee must establish controls to assure that an activity or program that is funded by other HUD programs, or programs of other Federal agencies, shall not also be funded by the Drug Elimination Program. The grantee must establish an auditable system to provide adequate accountability for funds that it has been awarded. The grantee is responsible for ensuring that there is no duplication of funds.

(9) Insurance. Each grantee shall obtain adequate insurance coverage to protect itself against any potential liability arising out of the eligible activities under this part. In particular, applicants shall assess their potential liability arising out of the employment or contracting of security personnel, law enforcement personnel, investigators, and drug treatment providers, and the establishment of voluntary tenant patrols; evaluate the qualifications and training of the individuals or firms undertaking these functions; and consider any limitations on liability under Tribal, State, or local law. Grantees shall obtain liability insurance to protect the members of the voluntary tenant patrol against potential liability as a result of the patrol's activities under § 761.15(b)(5). Voluntary tenant patrol liability insurance costs are eligible program expenses. Subgrantees shall obtain their own liability insurance.

(10) Failure to implement program(s). If the grant plan, approved budget, and timetable, as described in the approved application, are not operational within 90 days of the grant agreement date, the grantee must report by letter to the local HUD Field Office or the local AONAP the steps being taken to initiate the plan and timetable, the reason for the delay, and the expected starting date. Any timetable revisions that resulted from the delay must be included. The local HUD Field Office or AONAP will determine if the delay is acceptable, approve/disapprove the revised plan and timetable, and take any additional appropriate action.

(11) Sanctions. (1) HUD may impose sanctions if the grantee:

(i) Is not complying with the requirements of this part or of other applicable Federal law;

(ii) Fails to make satisfactory progress toward its drug elimination goals, as specified in its plan and as reflected in its performance and financial status reports;

(iii) Does not establish procedures that will minimize the time elapsing

between drawdowns and disbursements;

(iv) Does not adhere to grant agreement requirements or special conditions;

(v) Proposes substantial plan changes to the extent that, if originally submitted, the applications would not have been selected for funding;

(vi) Engages in the improper award or administration of grant subcontracts;

(vii) Does not submit reports; or

(viii) Files a false certification.

(12) HUD may impose the following sanctions:

(i) Temporarily withhold cash payments pending correction of the deficiency by the grantee or subgrantee;

(ii) Disallow all or part of the cost of the activity or action not in compliance;

(iii) Wholly or partly suspend or terminate the current award for the grantee's or subgrantee's program;

(iv) Require that some or all of the grant amounts be remitted to HUD;

(v) Condition a future grant and elect not to provide future grant funds to the grantee until appropriate actions are taken to ensure compliance;

(vi) Withhold further awards for the program; or

(vii) Take other remedies that may be legally available.

(g) Periodic Reports

In accordance with 24 CFR part 85, grantees are responsible for managing the day-to-day operations of grant and subgrant supported activities. Grantees must monitor grant and subgrant supported activities to assure compliance with applicable Federal requirements and that performance goals are being achieved. Grantee monitoring must cover each program, function or activity of the grant or subgrant.

(1) Semiannual grant performance status reporting requirements. Grantees are required to provide the local HUD Field Office or AONAP with a semiannual performance report that evaluates the grantee's overall performance against its plan. This report shall include in summary form (but is not limited to) the following: any change or lack of change in crime statistics or other indicators drawn from the applicant's plan assessment (such as vandalism, etc.) and an explanation of any difference; successful completion of any of the strategy components identified in the applicant's plan; a discussion of any problems encountered in implementing the plan and how they were addressed; an evaluation of whether the rate of progress meets expectations; a discussion of the grantee's efforts in encouraging resident

participation; a description of any other programs that may have been initiated, expanded or deleted as a result of the plan, with an identification of the resources and the number of people involved in the programs and their relation to the plan.

(2) Semiannual grant financial status reporting requirements. The grantee shall submit a semiannual financial status report to the local HUD Field Office or AONAP. The grantee shall use the SF-269A to report the status of funds for nonconstruction programs. The grantee shall use SF-269A, Block 12, "Remarks," to report on the status of programs, functions, or activities within the program.

(3) Semiannual grant performance and financial status reporting period and due dates. The semiannual performance and financial status report shall cover the periods ending June 30 and December 31, and must be submitted to the local HUD Field Office or AONAP by July 30 and January 31 of each year.

(4) Final grant performance status report. Grantees are required to provide the local HUD Field Office or AONAP with a final cumulative performance report that evaluates the grantee's overall performance against its plan. This report shall include in summary form (but is not limited to) the following:

(i) Any change or lack of change in crime statistics or other indicators drawn from the applicant's plan assessment (such as vandalism, etc.) and an explanation of any difference;

(ii) Successful completion of any of the strategy components identified in the applicant's plan;

(iii) A discussion of any problems encountered in implementing the plan and how they were addressed;

(iv) An evaluation of whether the rate of progress meets expectations;

(v) A discussion of the grantee's efforts in encouraging resident participation; and

(vi) A description of any other programs that may have been initiated, expanded or deleted as a result of the plan, with an identification of the resources and the number of people involved in the programs and their relation to the plan.

(5) Final financial status report (SF-269A). The final report will be a cumulative summary of expenditures to date and must indicate the exact balance of unexpended funds. The grantee shall remit all Drug Elimination Program funds, including any unexpended funds, owed to HUD within 90 days after the termination of the grant agreement.

(6) Final grant performance status report and financial status report (SF-269A) reporting period. The final performance and financial status report shall cover the period from the date of the grant agreement, to include any extensions, to the termination date of the grant agreement. The report is due to the local HUD Field Office or AONAP within 90 days after the termination of the grant agreement.

(7) Report submission. The grantee shall submit all required reports to the local HUD Field Office or AONAP as required.

II. Application Process

(a) APPLICATION KIT: An application kit may be obtained, and assistance provided, from the local HUD Field Office with delegated public housing responsibilities over an applying public housing agency, or from the AONAP having jurisdiction over the Indian housing authority making an application, or by calling HUD's Community Relations and Involvement Clearinghouse, telephone (800) 578-3472. The application kit contains information on all exhibits and certifications required under this NOFA.

(b) APPLICATION SUBMISSION: Applications are due on or before August 9, 1996, AT 3:00 PM, LOCAL TIME. Applications (original and two identical copies of the original application) must be received by the deadline at the local HUD Field Office or AONAP with responsibilities over the applying public housing authorities. This application deadline is firm as to date and hour. In the interest of fairness to all competing applicants, the Department will treat as ineligible for consideration any application that is received after the deadline. Applicants should take this practice into account and make early submission of their materials to avoid any risk of loss of eligibility brought about by unanticipated delays or other delivery-related problems.

Applications (original and two identical copies of the original application) must be physically received by the deadline at the local HUD Field Office with delegated public housing responsibilities. Attention: Director, Office of Public Housing, or, in the case of IHAS, to the local HUD AONAP. Attention: Administrator, AONAP, as appropriate. It is not sufficient for an application to bear a postage date within the submission time period. Applications submitted by facsimile are not acceptable. APPLICATIONS RECEIVED AFTER AUGUST 9, 1996, AT 3:00 PM, LOCAL TIME, WILL NOT BE CONSIDERED.

III. Checklist of Application Submission Requirements

To qualify for a grant under this program, the application submitted to HUD shall include, in addition to those requirements listed under Section I.(d) (Selection Criteria) of this NOFA, including the plan to address the problem of drug-related crime and other criminal activities associated with drug-related problems in the developments proposed for funding, at least the following items:

(a) Applicant Grant Data Form. The applicant must complete the form for HUD's application database entry. The form, with example, is provided in the application kit.

(b) Application for Federal Assistance, Standard Form SF-424. The SF-424 is the face sheet for the application. The applicant must complete and sign the form. The form, with example, is provided in the application kit.

(c) Standard Form SF-424A Budget Information (non-construction programs), with attached budget narrative(s) with supporting justification and documentation (specifically showing how costs were determined for each element of each activity in the same format as shown in the application kit). The SF-424A, with attached budget narrative, must be completed and the applicant must describe each major activity proposed for funding, e.g., employment of security personnel (contracted security personnel services and housing authority police departments), reimbursement of local law enforcement services, physical improvements, employment of investigators, voluntary tenant (resident) patrols, programs to reduce the use of drugs i.e. drug prevention, intervention, and treatment programs. The form, with example, is provided in the application kit.

(d) Applicants must verify their unit count with the local HUD Field Office/AONAP prior to submitting the application. In accordance with Sections I.(b)(2)(i) through (iii) of this NOFA, applicants must compute the maximum grant award amount for which they are eligible (eligible dollar amount per unit \times (times) number of units and compare it with the dollar amount requested in the application to make certain the amount requested does not exceed the permitted maximum grant award.

(e) Standard Form SF-424B, Assurances, (non-construction programs) for pre-award assurances. The applicant must complete and sign the

form. The form and example are provided in the application kit.

(f) **Certifications.** Applications must include the following certifications (certifications are provided in the application kit):

(1) A certification that the applicant will maintain a drug-free workplace in accordance with the requirements of the Drug-Free Workplace Act of 1988, 24 CFR part 24, subpart F. (Applicants may submit a copy of their most recent drug-free workplace certification, which must be dated within the past year.)

(2) A certification and disclosure in accordance with the requirements of section 319 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1990 (31 U.S.C. 1352) and the implementing regulations at 24 CFR part 87. These authorities generally prohibit recipients and subrecipients of Federal contracts, grants, cooperative agreements and loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant, or loan. INDIAN HOUSING AUTHORITIES ESTABLISHED BY AN INDIAN TRIBE AS A RESULT OF THE EXERCISE OF THEIR SOVEREIGN POWER ARE EXCLUDED FROM COVERAGE, BUT INDIAN HAS ESTABLISHED UNDER STATE LAW ARE NOT EXCLUDED FROM COVERAGE.

(3) If applying for drug treatment program funding, a certification by the applicant that the applicant has notified and consulted with the relevant local Tribal commission, Single State Agency or other local authority with drug program coordination responsibilities concerning its application; and that the proposed drug prevention/treatment program has been reviewed by the relevant local Tribal commission, Single State Agency or other local authority and is consistent with the Tribal or State treatment plan.

(4) A certification (provided in the application kit) by the Chief Executive Officer (CEO) of a State, Tribe, or a unit of general local government in which the developments proposed for assistance are located that:

(i) Grant funds provided under this program will not substitute for activities currently being undertaken on behalf of the applicant by the jurisdiction to address drug-related crime and other criminal activities associated with drug-related problems;

(ii) Any reimbursement of local law enforcement agencies for additional security and protective services to be provided under Section I.(c)(2) of this

NOFA meets the requirements of that section.

(5) A certification, (An example is provided in the application kit), from the chief of the local law enforcement agency:

(i) *If the application is for employment of security services, that the law enforcement agency has entered into, or will enter into, an agreement with the applicant and the provider of the security services in accordance with the requirements of Section I.(c)(1) (Employment of security personnel) of this NOFA;*

(ii) *If the application is for employment of investigators, that the law enforcement agency has entered into, or will enter into, an agreement with the applicant and the investigators, in accordance with the requirements of Section I.(c)(4) (Employment of investigators) of this NOFA;*

(iii) *If the application is for voluntary tenant (resident) patrol funding, that the law enforcement agency has entered into, or will enter into, an agreement with the applicant and the voluntary tenant patrol, in accordance with the requirements of Section I.(c)(5) (voluntary tenant (resident) patrol) of this NOFA.*

(6) A certification (An example is provided in the application kit) by the RMC, RC or RO, or other involved resident group where an RMC, RC or RO does not exist, that the residents participated in the preparation of the grant application with the applicant, and that the applicant's description of the activities and program evaluation that the resident group will implement under the program is accurate and complete.

(g) HUD Form 2880, Applicant Disclosures. The form, with example, is provided in the application kit.

IV. Corrections to Deficient Applications

(a) HUD will notify an applicant, in writing, of any curable technical deficiencies in the application. The applicant must submit corrections in accordance with the information specified in HUD's letter within 14 calendar days from the date of HUD's letter notifying the applicant of any such deficiency.

(b) Curable technical deficiencies relate to items that:

(i) Are not necessary for HUD review under selection criteria/ranking factors; and

(ii) Would not improve the quality of the applicant's program proposal.

(c) An example of a curable technical deficiency would be the failure of an applicant to submit a required

assurance, budget narrative, certification, applicant data form, summaries of written resident comments, incomplete forms such as the SF-424 or lack of required signatures, appendixes and documentation referenced in the application or a computational error based on the use of an incorrect number(s) such as incorrect unit counts. These items are discussed in the application kit and samples, as appropriate, are provided.

(d) An example of a non-curable defect or deficiency would be a missing SF-424A (Budget Information).

V. Other Matters

(a) **NONDISCRIMINATION AND EQUAL OPPORTUNITY.** The following nondiscrimination and equal opportunity requirements apply:

(1) The requirements of Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3600-20 (Fair Housing Act) and implementing regulations issued at subchapter A of title 24 of the Code of Federal Regulations, as amended by 54 FR 3232 (published January 23, 1989); Executive Order 11063 (Equal Opportunity in Housing) and implementing regulations at 24 CFR part 107; and title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-2000d-4) (Nondiscrimination in Federally Assisted Programs) and implementing regulations issued at 24 CFR part 1;

(2) The Indian Civil Rights Act (ICRA) (Title II of the Civil Rights Act of 1968, 25 U.S.C. 1301-1303) provides, among other things, that "no Indian tribe in exercising powers of self-government shall * * * deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law." The Indian Civil Rights Act applies to any Tribe, band, or other group of Indians subject to the jurisdiction of the United States in the exercise of recognized powers of self-government. The ICRA is applicable in all cases where an IHA has been established by exercise of Tribal powers of self-government.

(3) The prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101-07) and implementing regulations at 24 CFR part 146, and the prohibitions against discrimination against handicapped individuals under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR part 8;

(4) The requirements of Executive Order 11246 (Equal Employment Opportunity) and the regulations issued under the Order at 41 CFR Chapter 60;

(5) The requirements of Executive Orders 11625, 12432, and 12138. Consistent with HUD's responsibilities under these Orders, recipients must make efforts to encourage the use of minority and women's business enterprises in connection with funded activities.

(b) ENVIRONMENTAL IMPACT. Grants under this program are categorically excluded from review under the National Environmental Policy Act of 1969 (NEPA) in accordance with 24 CFR 50.20(p). However, prior to an award of grant funds, HUD will perform an environmental review to the extent required by HUD's environmental regulations at 24 CFR part 50, including the applicable related authorities at 24 CFR 50.4.

(c) FEDERALISM IMPACT. The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the policies contained in this NOFA will not have substantial direct effects on States or their political subdivisions, or the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government and, therefore, the provisions of this NOFA do not have "Federalism implications" within the meaning of the Order. The NOFA implements a program that encourages housing authorities to develop a plan for addressing the problem of drug-related crime and other criminal activities associated with drug-related problems, and makes available grants to housing authorities to help them carry out their plans. As such, the program would help housing authorities combat serious drug-related crime problems in their developments, thereby strengthening their role as instrumentalities of the States. In addition, further review under the Order is unnecessary, since the NOFA generally tracks the statute and involves little implementing discretion.

(d) FAMILY IMPACT. The General Counsel, as the Designated Official for Executive Order 12606, The Family, has determined that the provisions of this NOFA have the potential for a positive, although indirect, impact on family formation, maintenance and general well-being within the meaning of the Order. This NOFA would implement a program that would encourage HAs to develop a plan for addressing the problem of drug-related crime and other criminal activities associated with drug-related problems, and to make available grants to help housing authorities to carry out this plan. As such, the

program is intended to improve the quality of life of public and Indian housing development residents, including families, by reducing the incidence of drug-related crime.

(e) SECTION 102 HUD REFORM ACT—DOCUMENTATION AND PUBLIC ACCESS REQUIREMENTS; APPLICANT/RECIPIENT DISCLOSURES.

DOCUMENTATION AND PUBLIC ACCESS. HUD will ensure that documentation and other information regarding each application submitted pursuant to this NOFA are sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of support, will be made available for public inspection for a five-year period beginning not less than 30 days after the award of the assistance. Material will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. In addition, HUD will include the recipients of assistance pursuant to this NOFA in its quarterly Federal Register notice of all recipients of HUD assistance awarded on a competitive basis. (See 24 CFR 12.14(a) and 24 CFR 12.16(b), and the notice published in the Federal Register on January 16, 1992 (57 FR 1942), for further information on these requirements.)

DISCLOSURES. HUD will make available to the public for five years all applicant disclosure reports (HUD Form 2880) submitted in connection with this NOFA. Update reports (also Form 2880) will be made available along with the applicant disclosure reports, but in no case for a period less than three years. All reports—both applicant disclosures and updates—will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. (See 24 CFR subpart C, and the notice published in the Federal Register on January 16, 1992 (57 FR 1942), for further information on these disclosure requirements.)

(f) SECTION 103 HUD REFORM ACT. HUD's regulation implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989 was published May 13, 1991 (56 FR 22088) and became effective on June 12, 1991. That regulation, codified as 24 CFR part 4, applies to the funding competition announced today. The requirements of the rule continue to apply until the announcement of the selection of successful applicants.

HUD employees involved in the review of applications and in the making of funding decisions are limited

by part 4 from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR part 4.

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

(g) SECTION 112 HUD REFORM ACT. Section 13 of the Department of Housing and Urban Development Act contains two provisions dealing with efforts to influence HUD's decisions with respect to financial assistance. The first imposes disclosure requirements on those who are typically involved in these efforts—those who pay others to influence the award of assistance or the taking of a management action by the Department and those who are paid to provide the influence. The second restricts the payment of fees to those who are paid to influence the award of HUD assistance, if the fees are tied to the number of housing units received or are based on the amount of assistance received, or if they are contingent upon the receipt of assistance.

Section 13 was implemented by final rule published in the Federal Register on May 17, 1991 (56 FR 22912). If readers are involved in any efforts to influence the Department in these ways, they are urged to read the final rule, particularly the examples contained in appendix A of the rule.

(h) PROHIBITION AGAINST LOBBYING ACTIVITIES. The use of funds awarded under this NOFA is subject to the disclosure requirements and prohibitions of section 319 of the Department of Interior and Related Agencies Appropriations Act for Fiscal Year 1990 (31 U.S.C. 1352) (The "Byrd Amendment") and the implementing regulations at 24 CFR part 87. These authorities prohibit recipients of federal contracts, grants, or loans from using appropriated funds for lobbying the Executive or Legislative branches of the federal government in connection with a specific contract, grant, or loan. The prohibition also covers the awarding of contracts, grants, cooperative agreements, or loans unless the

recipient has made an acceptable certification regarding lobbying.

Under 24 CFR part 87, applicants, recipients, and subrecipients of assistance exceeding \$100,000 must certify that no federal funds have been or will be spent on lobbying activities in connection with the assistance. Indian Housing Authorities established by an Indian Tribe as a result of the exercise of their sovereign power are excluded from coverage, but has established under State law are not excluded from coverage.

Authority: Sec. 5127, Public Housing Drug Elimination Act of 1988 (42 U.S.C. 11901 *et seq.*); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: July 3, 1996.

Kevin E. Marchman,

Acting Assistant Secretary for Public and Indian Housing.

Appendix A: Local HUD Office Addresses and Phone Numbers

HUD—New England: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

Massachusetts State Office

Office of Public Housing, DHUD—Massachusetts State Office, Thomas P. O'Neill, Jr. Federal Building, 10 Causeway Street, Room 553, Boston, MA 02222-1092, (617) 565-5196, TTY Number: (617) 565-5453, Office hours: 8:30am-5:00pm local time

Connecticut State Office

Office of Public Housing, DHUD—Connecticut State Office, 330 Main Street, Hartford, Connecticut 06106-1860, (860) 240-4522, TTY Number: (203) 240-4665, Office hours: 8:00am-4:30pm local time

New Hampshire State Office

Office of Public Housing, DHUD—New Hampshire State Office, Norris Cotton Federal Building, 275 Chestnut Street, Manchester, New Hampshire 03101-2487, (603) 666-7681, TTY Number: (603) 666-7518, Office hours: 8:00am-4:30pm local time

Rhode Island State Office

Office of Public Housing, DHUD—Rhode Island State Office, 10 Weybosset Street, Sixth Floor, Providence, Rhode Island 02903-2808, (401) 528-5351, TTY Number: (401) 528-5364, Office hours: 8:00am-4:30pm local time

HUD—New York, New Jersey

New York State Office

Office of Public Housing, DHUD—New York State Office, 26 Federal Plaza, Suite 3237, New York, New York 10278-0068, (212) 264-6500, TTY Number: (212) 264-0927, Office hours: 8:30am-5:00pm local time

Buffalo State Office

Office of Public Housing, DHUD—Buffalo State Office, Lafayette Court, 5th Floor, 465

Main Street, Buffalo, New York 14203-1780, (551) 846-5755, TTY Number: (716) 551-5787, Office hours: 8:00am-4:30pm local time

New Jersey State Office

Office of Public Housing, DHUD—New Jersey State Office, One Newark Center—12th Floor, Newark, New Jersey 07102-5260, (201) 622-7900, TTY Number: (201) 645-6649, Office hours: 8:30am-5:00pm local time

HUD—Midatlantic: Pennsylvania, District of Columbia, Maryland, Delaware, Virginia, West Virginia

Pennsylvania State Office

Office of Public Housing, DHUD—Pennsylvania State Office, The Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390, (215) 597-2560, TTY Number: (215) 597-5564, Office hours: 8:00am-4:30pm local time

District of Columbia Office (Washington, D.C.)

Office of Public Housing, DHUD—District of Columbia Office, 820 First Street N.E., Washington, D.C. 20002-4502, (202) 275-9200, TTY Number: (202) 275-0967, Office hours: 8:00am-4:30pm local time

Maryland State Office

Office of Public Housing, DHUD—Maryland State Office, City Crescent Building, 10 South Howard Street, 5th Floor, Baltimore, Maryland 21201-2505, (401) 962-2520, TTY Number: (410) 962-0106, Office hours: 8:00am-4:30pm local time

Pittsburgh Area Office

Office of Public Housing, DHUD—Pittsburgh Area Office, 339 Sixth Avenue, Sixth floor, Pittsburgh, Pennsylvania 15222-2515, (412) 644-6428, TTY Number: (412) 644-5747, Office hours: 8:00am-4:30pm local time

Virginia State Office

Office of Public Housing, DHUD—Virginia State Office, The 3600 Centre, 3600 West Broad Street, P.O. Box 90331, Richmond, Virginia 23230-0331, (804) 278-4507, TTY Number: (804) 278-4501, Office hours: 8:00am-4:30pm local time

West Virginia State Office

Office of Public Housing, DHUD—West Virginia State Office, 405 Capitol Street, Suite 708, Charleston, West Virginia 25301-1795, (304) 347-7000, TTY Number: (304) 347-5332, Office hours: 8:00am-4:30pm local time

HUD—Southeast: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Caribbean, Virgin Islands

Georgia State Office

Office of Public Housing, DHUD—Georgia State Office, Richard B. Russell Federal Building, 75 Spring Street, S.W., Atlanta, Georgia 30303-3388, (404) 331-5136, TTY Number: (404) 730-2654, Office hours: 8:00am-4:30pm local time

Alabama State Office

Office of Public Housing, DHUD—Alabama State Office, 600 Beacon Parkway West, Suite 300, Birmingham, Alabama 35209-3144, (205) 290-7601, TTY Number: (205) 290-7624, Office hours: 8:00am-4:30pm local time

Kentucky State Office

Office of Public Housing, DHUD—Kentucky State Office, 601 West Broadway, P.O. Box 1044, Louisville, Kentucky 40201-1044, (502) 582-6161, TTY Number: (502) 582-5139

Mississippi State Office

Office of Public Housing, DHUD—Mississippi State Office, Doctor A.H. McCoy Federal Building, 100 West Capitol Street, Room 910, Jackson, Mississippi 39269-1096, (601) 975-4746, TTY Number: (601) 975-4717, Office hours: 8:00am-4:45pm local time

North Carolina State Office

Office of Public Housing, DHUD—North Carolina State Office, 2306 West Meadowview Road, Greensboro, North Carolina 27407-3707, (919) 547-4000, TTY Number: 919-547-4055, Office hours: 8:00am-4:45pm local time

Caribbean Office

Office of Public Housing, DHUD—Caribbean Office, New San Office Building, 159 Carlos East Chardon Avenue, Room 305, San Juan, Puerto Rico 00918-1804, (809) 766-6121, TTY Number: Number not available, Office hours: 8:00am-4:30pm local time

South Carolina State Office

Office of Public Housing, DHUD—South Carolina State Office, Strom Thurmond Federal Building, 1835 Assembly Street, Columbia, South Carolina 29201-2480, (803) 765-5831, TTY Number: Number not available, Office hours: 8:00am-4:45pm local time

Tennessee State Office

Office of Public Housing, DHUD—Tennessee State Office, John J. Duncan Federal Building, 710 Locust Street, S.W., Third Floor, Knoxville, Tennessee 37902-2526, (423) 545-4389, TTY Number: (615) 545-4379, Office hours: 7:30am-4:15pm local time

Nashville, Tennessee Area Office

Office of Public Housing, DHUD—Tennessee Area Office, 251 Cumberland Bend Drive, Suite 200, Nashville, Tennessee 37228-1803, (615) 736-5213, TTY Number: (615) 736-2886, Office hours: 7:45am-4:15pm local time

Florida Area Office

Office of Public Housing, DHUD—Florida Area Office, Southern Bell Towers, 301 West Bay Street, Suite 2200, Jacksonville, Florida 32202-5121, (904) 232-2626, TTY Number: (904) 232-2357, Office hours: 7:45am-4:30pm local time

HUD—Midwest: Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin

Illinois State Office

Office of Public Housing, DHUD—Illinois State Office, Ralph H. Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, IL 60604-3507, (312) 353-5680, TTY Number: (312) 353-7143, Office hours: 8:15am-4:45pm local time

Michigan State Office

Office of Public Housing, DHUD—Michigan State Office, Patrick V. McNamara Federal Building, 477 Michigan Avenue, Detroit, Michigan 48226-2592, (313) 226-6880, TTY Number: (313) 226-7812, Office hours: 8:00am-4:30pm local time

Indiana State Office

Office of Public Housing, DHUD—Indiana State Office, 151 North Delaware Street, Suite 1200, Indianapolis, Indiana 46204-2526, (317) 226-6303, TTY Number: (317) 226-7081, Office hours: 8:00am-4:45pm local time

Grand Rapids, Michigan Area Office

Office of Public Housing, DHUD—Grand Rapids Area Office, Trade Center Building, 50 Louis, N.W., Grand Rapids, Michigan 49503-2648, (616) 456-2127, TTY Number: Number not available, Office hours: 8:00am-4:45pm local time

Minnesota State Office

Office of Public Housing, DHUD—Minnesota State Office, Bridge Place Building, 220 South Second Street, Minneapolis, Minnesota 55401-2195 (612) 370-3000, TTY Number: (612) 370-3186, Office hours: 8:00am-4:30pm local time

Cincinnati, Ohio Area Office

Office of Public Housing, DHUD—Cincinnati Area Office, 525 Vine Street, Suite 700, Cincinnati, Ohio 45202-3188, (513) 684-2884, TTY Number: (513) 684-6180, Office hours: 8:00am-4:45pm local time

Cleveland, Ohio Area Office

Office of Public Housing, DHUD—Cleveland Area Office, Renaissance Building, 1350 Euclid Avenue, 500, Cleveland, Ohio 44115-1815, (216) 522-4065, TTY Number: Number not available, Office hours: 8:00am-4:40pm local time

Ohio State Office

Office of Public Housing, DHUD—Ohio State Office, 200 North High Street, Columbus, Ohio 43215-2499, (614) 469-5737, TTY Number: Number not available, Office hours: 8:30am-4:45pm local time

Wisconsin State Office

Office of Public Housing, DHUD—Wisconsin State Office, Henry S. Reuss Federal Plaza, 310 West Wisconsin Avenue, Suite 1380, Milwaukee, Wisconsin 53203-2289, (414) 291-3214, TTY Number: Number not available, Office hours: 8:00am-4:30pm local time

HUD—Southwest: Arkansas, Louisiana, New Mexico, Oklahoma, Texas

Texas State Office

Office of Public Housing, DHUD—Texas State Office, 1600 Throckmorton Street, Room 304, P.O. Box 2905, Fort Worth, Texas 76113-2905, (817) 885-5934, TTY Number: (817) 885-5447, Office hours: 8:00am-4:30pm local time

Houston, Texas Area Office

Office of Public Housing, DHUD—Houston Area Office, Norfolk Tower, 2211 Norfolk, Suite 200, Houston, Texas 77098-4096, (713) 834-3235, TTY Number: Number not available, Office hours: 7:45am-4:30pm local time

San Antonio, Texas Area Office

Office of Public Housing, DHUD—San Antonio Area Office, Washington Square, 800 Dolorosa Street, San Antonio, Texas 78207-4563, (512) 229-6783, TTY Number: (512) 229-6783, Office hours: 8:00am-4:30pm local time

Arkansas State Office

Office of Public Housing, DHUD—Arkansas State Office, TCBY Tower, 425 West Capitol Avenue, Room 900, Little Rock, Arkansas 72201-3488, (501) 324-5935, TTY Number: (501) 324-5931, Office hours: 8:00am-4:30pm local time

Louisiana State Office

Office of Public Housing, DHUD—Louisiana State Office, 501 Magazine Street, Ninth Floor, New Orleans, Louisiana 70130, (504) 589-7251, TTY Number: Number not available, Office hours: 8:00am-4:30pm local time

Oklahoma State Office

Office of Public Housing, DHUD—Oklahoma State Office, 500 West Main Street, Oklahoma City, Oklahoma 73102, (504) 589-7233, TTY Number: None, Office hours: 8:00am-4:30pm local time

New Mexico State Office

Office of Public Housing, DHUD—New Mexico State Office, 625 Truman Street N.E., Albuquerque, NM 87110-6472, (505) 262-6463, TTY Number: (505) 262-6463, Office hours: 7:45am-4:30pm local time

Great Plains: Iowa, Kansas, Missouri, Nebraska

Kansas/Missouri State Office

Office of Public Housing, DHUD—Kansas/Missouri State Office, Gateway Tower II, 400 State Avenue, Kansas City, Kansas 66101-2406, (913) 551-5488, TTY Number: (913) 551-5815, Office hours: 8:00am-4:30pm local time

Nebraska State Office

Office of Public Housing, DHUD—Nebraska State Office, Executive Tower Centre, 10909 Mill Valley Road, Omaha, Nebraska 68154-3955, (402) 492-3100, TTY Number: (402) 492-3183, Office hours: 8:00am-4:30pm local time

St. Louis, Missouri Area Office

Office of Public Housing, DHUD—St. Louis Area Office, Robert A. Young Federal Building, 1222 Spruce Street, St. Louis, Missouri 63103-2836, (314) 539-6503, TTY Number: (314) 539-6331, Office hours: 8:00am-4:30pm local time

Iowa State Office

Office of Public Housing, DHUD—Iowa State Office, Federal Building, 210 Walnut Street, Des Moines, Iowa 50309-2155, (515) 284-4512, TTY Number: (515) 284-4728, Office hours: 8:00am-4:30pm local time

HUD—Rocky Mountains: Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming

Colorado State Office

Office of Public Housing, DHUD—Colorado State Office, First Interstate Tower North, 633 17th Street, Denver, CO 80202-3607, (303) 672-5376, TTY Number: (303) 672-5248, Office hours: 8:00am-4:30pm local time

HUD—Pacific/Hawaii: Arizona, California, Hawaii, Nevada, Guam, American Samoa

California State Office

Office of Public Housing, DHUD—California State Office, Philip Burton Federal Building/Courthouse, 450 Golden Gate Avenue, P.O. Box 36003, San Francisco, California 94102-3448, (415) 436-6532, TTY Number: (415) 436-6594, Office hours: 8:15am-4:45pm local time

Los Angeles, California Area Office

Office of Public Housing, DHUD—Los Angeles Area Office, 1615 West Olympic Boulevard, Los Angeles, California 90015-3801, (213) 251-7122, TTY Number: (213) 251-7038, Office hours: 8:00am-4:30pm local time

Sacramento, California Area Office

Office of Public Housing, DHUD—Sacramento Area Office, 777 12th Avenue, Suite 200, P.O. Box 1978, Sacramento, California 95814-1997, (916) 498-5270, TTY Number: (916) 498-5220, Office hours: 8:00am-4:30pm local time

Arizona State Office

Office of Public Housing, DHUD—Arizona State Office, Two Arizona Center, 400 North 5th Street, Suite 1600, Phoenix, Arizona 85004-2361, (602) 261-4434, TTY Number: (602) 379-4461, Office hours: 8:00am-4:30pm local time

HUD—Northwest/Alaska: Alaska, Idaho, Oregon, Washington

Washington State Office

Office of Public Housing, DHUD—Washington State Office, Seattle Federal Office Building, 909 First Avenue, Suite 200, Seattle, WA 98104-1000, (206) 220-5292, TTY Number: (206) 220-5185, Office hours: 8:00am-4:30pm local time

Oregon State Office

Office of Public Housing, DHUD—Oregon State Office, 520 Southwest Sixth Avenue,

Portland, Oregon 97203-1596, (503) 326-2561, TTY Number: (503) 326-3656, Office hours: 8:00am-4:30pm local time

DHUD AREA OFFICES OF NATIVE AMERICAN PROGRAMS

Eastern/Woodlands—Tribes and IHAs: East of the Mississippi River, Including All of Minnesota and Iowa

Eastern/Woodlands HUD Area Office of Native American Programs

Eastern/Woodlands Office of Native American Programs, Ralph H. Metcalfe Federal Building, 77 West Jackson Boulevard, Room 2400, Chicago, IL 60604, (312) 353-1282 or (800) 735-3239, TTY Number: (312) 886-3741 or (800) 927-9275, Office hours: 8:15am-4:45pm local time

Southern Plains—Tribes and IHAs: Louisiana, Missouri, Kansas, Oklahoma, and Texas, except for Isleta Del Sur in Texas

DHUD Area Office of Native American Programs

Southern Plains Office of Native American Programs, 500 West Main Street, Oklahoma City, Oklahoma 73102, (405) 553-7428, TTY Number: (405) 231-4891 or (405) 231-4181, Office hours: 8:00am-4:30pm local time

Northern Plains—Tribes and IHAs: Colorado, Montana, Nebraska, North Dakota, South Dakota, and Wyoming

DHUD Area Office of Native American Programs

Northern Plains Office of Native American Programs, First Interstate Tower North, 633 17th Street, 14th Floor, Denver, CO 80202-3607, (303) 672-5462, TTY Number: (303) 844-6158, Office hours: 8:00am-4:30pm local time

Southwest—Tribes and IHAs: Arizona, California, New Mexico, Nevada, and Isleta Del Sur in Texas

DHUD Area Office of Native American Programs

Southwest Office of Native American Programs, Two Arizona Center, 400 North 5th Street, Suite 1650, Phoenix, Arizona 85004-2361, (602) 379-4156, TTY Number: (602) 379-4461, Office hours: 8:15am-4:45pm local time

or

Albuquerque Office of Native American Programs, Albuquerque Plaza, 201 3rd Street, NW, Suite 1830, Albuquerque, New Mexico 87102-3368, (505) 766-1372, TTY Number: None available, Office hours: 7:45am-4:30pm local time

or

Northern California Office of Native American Programs, 450 Golden Gate Avenue, 8th Floor, Box 36003, San Francisco, CA 94102-3448, (415) 436-8121, TTY Number: (415) 556-8357

Northwest—Tribes and IHAs: Idaho, Oregon, and Washington

DHUD Area Office of Native American Programs

Northwest Office of Native American Programs, Seattle Federal Office Building, 909 First Avenue, Suite 300, Seattle, WA 98104-1000, (206) 220-5270, TTY Number: (206) 220-5185, Office hours: 8:00am-4:30pm local time

Alaska—Tribes and IHAs: Alaska

DHUD Area Office of Native American Programs

Alaska Office of Native American Programs, University Plaza Building, 949 East 36th Avenue, Suite 401, Anchorage, Alaska 99508-4399, (907) 271-4633, TTY Number: (907) 271-4328

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