

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4167-N-01]

Notice of Funding Availability; The Traditional Indian Housing Development Program Fiscal Year 1997

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

ACTION: Notice of Funding Availability (NOFA) for fiscal year 1997.

SUMMARY: *Purpose.* This notice announces the availability of Fiscal Year (FY) 1997 funding for the development of new Indian Housing (IH) units and provides the applicable criteria, processing requirements and action timetable.

Available Funds. \$200,000,000.

Eligible Applicants. All Indian housing authorities (IHAs) which meet the eligibility requirements specified at 24 CFR 950.207 are invited to submit applications for Indian Housing developments in accordance with the requirements of this NOFA.

DATES: Applications must be physically received by the area Office of Native American Programs (ONAP), within whose jurisdiction the applicant is located, on or before 3:00 p.m., ONAP local time, (June 9, 1997). The applicant shall submit its application(s) for new housing units on Form HUD-52730 with all supporting documentation required by Appendix 2.

FOR FURTHER INFORMATION CONTACT: Applicants may contact the appropriate area ONAP for further information. Refer to Appendix 1, for a complete list of ONAPs and telephone numbers.

SUPPLEMENTARY INFORMATION:**Paperwork Reduction Act Statement**

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520), the information collection requirements contained in these application procedures for development funds were reviewed by the Office of Management and Budget and assigned OMB control number 2577-0130. 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.

Promoting Comprehensive Approaches to Housing and Community Development

HUD is interested in promoting comprehensive, coordinated approaches to housing and community

development. Economic development, community development, public housing revitalization, homeownership, assisted housing for special needs populations, supportive services, and welfare-to-work initiatives can work better if linked at the local level. Toward this end, the Department in recent years has developed the Consolidated Planning process designed to help communities undertake such approaches.

In this spirit, it may be helpful for applicants under this NOFA to be aware of other related HUD NOFAs that have recently been published or are expected to be published in this fiscal year. By reviewing these NOFAs with respect to their program purposes and the eligibility of applicants and activities, applicants may be able to relate the activities proposed for funding under this NOFA to the recent and upcoming NOFAs and to the community's Consolidated Plan. While tribes and Indian housing authorities are not required to execute a Consolidated Plan, comprehensive planning by tribes is encouraged.

Related NOFAs that the Department has published are as follows: the NOFA for Emergency Shelter Grants Set-Aside for Indian Tribes and Alaskan Native Villages, the NOFA for the Block Grant Program for Indian Tribes and Alaskan Native Villages, and the NOFA for the Indian HOME Program. These three NOFAs were published on April 11, 1997, at 62 FR 17970, 17976, and 17992, respectively.

To foster comprehensive, coordinated approaches by communities, the Department intends for the remainder of FY 1997 to continue to alert applicants of HUD's NOFA activity. In addition, a complete schedule of NOFAs to be published during the fiscal year and those already published appears under the HUD Homepage on the Internet, which can be accessed at <http://www.hud.gov.html>. Additional steps to better coordinated HUD's NOFAs are being considered for FY 1998.

For help in obtaining a copy of your community's Consolidated Plan, please contact the community development office of your municipal government.

Background Information**A. Changes From FY 1996 NOFA**

The Indian Housing Development NOFA for FY 1997 is essentially the same document published for the FY 1996 funding cycle with the following substantive changes:

1. Submission of Occupancy Data

Submission requirements are expanded to include data on Indian

Housing units under management by an IHA. Such information includes total number of units, number of units occupied, and number of vacant units.

2. Special Provision for Umbrella IHAs

Umbrella IHAs (IHAs which serve two or more Federally recognized tribes or Alaska native villages [herein after referred to and included with tribes]) may now choose to submit either individual applications for member tribes or Alaska native villages or may include several tribes on one application. A tribe may be included on one application, per program type. When an umbrella IHA chooses to submit a multiple tribe application, the application will be rated by combining rating criteria for each tribe included in the application.

3. Program Coordination

In order to effectively implement the Department's emphasis on place-based funding, a new rating criterion has been added. Applicants that have demonstrated coordination with programs designed and implemented through other tribal or regional governmental entities or cooperation with non-profit groups that have reduced the cost of services to be provided; maximized the effective use of grant funds; and/or addressed a broad range of community-based assistance will receive up to 5 points. To be eligible for the award of points, the applicant must provide in its application a narrative which describes its efforts and success in coordinating community-based programs and documentation which supports the cooperation and coordination of the resources described.

Please note: In the implementation of services, the rating criteria for allotting such services should not be disability related (diagnosis specific) or restricted to only persons with disabilities.

4. Guidance Relating to Moderate Design

A section has been added at II.F. providing guidance to IHAs in developing moderate design standards for the development of new housing.

B. Other Items**1. Funding for Replacement Units**

The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Pub. L. 104-204), (the Appropriations Act) extends the provision removing the requirement that an IHA replace units it demolishes or disposes (one-for-one replacement). Approval to demolish or dispose of

units developed under the U.S. Housing Act of 1937 (42 U.S.C. 1437c, 1437d) continues to be governed by the requirements of 24 CFR 950, subpart M, as modified by the Appropriations Act. The Department is not reserving funds under this NOFA to provide replacement housing for units approved for demolition or disposition. For approved demolition or disposition applications where the Department has committed to funding replacement units, such applications will be funded from the fund assignment (see section I.B.) for the ONAP wherein the IHA resides before the funding decisions are made in response to this NOFA. Any IHA with an approved demolition/disposition program which includes a HUD commitment to provide replacement housing must submit a completed application per Appendix 2 of this NOFA. This application may be submitted at any time—the ONAP will take action on it as soon as it is received.

2. Correction of Error From the FY 1996 Competition

In the FY 1996 NOFA for Traditional Indian Housing Development, a provision was included which allowed IHAs that lost units/funds due to the rescission of new Indian Housing Development funds in FY 1995 to apply for replacement units. An error was made by HUD which precluded the Cheyenne River Housing Authority (CRHA) from receiving funding for units the Housing Authority lost due to the rescission. This error may be corrected by submittal to the ONAP of a request for reconsideration by the CRHA prior to the date for submission of applications listed in this NOFA. The ONAP will consider the request for reconsideration as an error under II.E. below and process the request under the provisions of that section.

I. New Development

A. Authority

1. Statutory Authority

Sections 5 and 6, U.S. Housing Act of 1937 (42 U.S.C. 1437c, 1437d), as amended; Section 23 U.S. Housing Act of 1937, as amended by section 554, Cranston-Gonzalez National Affordable Housing Act; section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

2. Indian Housing Regulations

Indian Housing Development regulations are published at 24 CFR part 950.

3. 24 CFR Part 135, Economic Opportunities for Low and Very Low Income Persons

All applicants are herein notified that the provisions of section 3 of the Housing and Urban Development Act of 1968, as amended, and the regulations in 24 CFR part 135 are applicable to funding awards made under this NOFA. One of the purposes of the assistance is to give, to the greatest extent feasible, and consistent with existing Federal, state, and local laws and regulations, job training, employment, contracting and other economic opportunities to section 3 residents and section 3 business concerns. IHAs and tribes that receive HUD assistance described in this part shall comply with the procedures and requirements of this part to the maximum extent consistent with, but not in derogation of, compliance with section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)).

B. Development Allocation Amount

The Appropriations Act made available \$200,000,000 of budget authority for the Indian Housing Development program (new Indian Housing units).

Each of the ONAP jurisdictions has been designated as the smallest practical area for the allocation of assistance. Funds available for new units will be assigned to the ONAPs consistent with 24 CFR 791.403.

Section 201(b) of the 1997 Appropriations Act extends through September 30, 1997, the 1996 Appropriations Act provisions suspending the one-for-one replacement requirements of section 18(b)(3) of the United States Housing Act of 1937. Accordingly, no new development funds have been specifically identified to fund replacements for units demolished or disposed of by IHAs. However, any unfunded commitments made in prior fiscal years, and any commitments for replacement units made in fiscal year 1997 prior to the funding decisions made under this NOFA shall be funded from the funds assigned under this NOFA to that ONAP prior to funding new Indian Housing units.

The competitive process described in this NOFA will be used to select IHA applications to be funded for new Indian Housing units. The table below indicates the grant authority available for new units in FY 1997 for the six ONAPs, inclusive of funds needed to meet off-site sewer and water requirements.

ONAP location	Funds assigned
Eastern/Woodlands	\$28,109,400
Southern Plains	29,503,401
Northern Plains	22,991,801
Southwest	62,157,600
Northwest	18,148,000
Alaska	39,089,800
Total	200,000,000

C. Eligibility for New Housing Units

1. Eligible Applicants

All IHAs which meet the eligibility criteria specified at 24 CFR 950.207 are invited to submit applications for new Indian Housing units.

2. Applications

IHAs may submit one application per program type (mutual help and low rent). Umbrella IHAs may submit:

a. One application per program type for each member tribe, or

b. Applications which combine requests for housing for multiple tribes. Such applications will be rated by the ONAP as individual applications utilizing data combined for the appropriate tribes. Under no circumstances may a tribe be included on more than one application, per program type.

An IHA representing a tribe or tribes that has not previously received housing assistance under the Indian Housing Program may submit one application for a maximum of 15 units (either mutual help or low rent) for each previously unserved tribe.

3. State Created IHAs for Non-Federally Recognized Tribes

To be considered responsive to this NOFA and to be included in the rating and ranking of applications, state created IHAs for non-Federally recognized tribes must identify the general locality where the proposed units will be developed and certify that the proposed area of development is within the area of operation of the IHA. Area of operation is defined as a land area with defined geographical boundaries, which has a significant concentration of Indian families who:

a. Are not served by a public housing authority or tribally-created IHA; and

b. Have a bona fide historic presence or connection with the land, as recognized by the Federal Government or a state.

D. Development Award Application Process

1. Application Due Date

An IHA may submit an application(s) for new Indian Housing units at any time after the publication date of this NOFA, to the ONAP within whose jurisdiction the IHA applicant is located, on or before 3:00 p.m., ONAP local time, June 9, 1997. The application(s) shall be submitted on Form HUD-52730 and shall be accompanied by all the legal and administrative attachments required by the form and the items specified in Appendix 2. A facsimile of the application will not constitute physical delivery.

The application deadline is firm as to date and hour. HUD will treat as ineligible for consideration any application that is received after the application deadline. Applicants should make early submission of their materials to avoid any risk of loss of eligibility brought about by unanticipated delays or other delivery related problems.

2. Application Kit

An application kit and applicable forms may be obtained from any ONAP listed in Appendix 1.

3. Submittal of Complete Application

Completed applications must be submitted to the ONAP, within whose jurisdiction the IHA applicant is located, at the address/location listed in Appendix 1.

4. Action on Application

When the application is received by HUD, a written notification will be provided to the IHA showing the date and time the application was received in the ONAP. The ONAP will review each application for completeness and legal sufficiency. Applications that contain insufficient information to allow the ONAP to rate and rank the application will be considered non-responsive and will be returned to the IHA. After completion of this review, the ONAP will rate and rank all remaining applications received from eligible applicants. The ranking will result in an ordered listing of applicants (see F.2. below).

5. Corrections to Deficient Applications

After making funding decisions, the ONAP may condition approval of a grant upon receipt of items missing from responsive applications which rank high enough to be funded. Such grant condition may provide an IHA up to 14 calendar days to submit any identified missing information in a form

acceptable to the ONAP. Failure by the IHA to submit requested information within the timeframe specified by the ONAP will result in the withdrawal of the grant offer.

E. Rating Factors and Selection Criteria

1. Rating and Ranking

Rating and ranking of applications from IHAs for new Indian Housing units will be done in accordance with 24 CFR 950.225. Applications from new IHAs, or, in the case of an umbrella IHA that has added a new tribe, the application from the new tribe, will receive 100 points (unless the new tribe is included on a multiple tribe application with a tribe that has previously received funding). If an IHA that serves more than one tribal government, or, in the case of Alaska, more than one village, submits applications for housing units in several of the communities, each application will be treated separately, for purposes of the number of points awarded. Applications from umbrella IHAs which contain multiple tribes on one application will be evaluated by combining data for each tribe/village included in the application. An umbrella IHA submitting an application for a new tribe along with the tribes that have been previously funded will not automatically receive 100 points but will be evaluated on combined data from each tribe/village included in the application.

Newly created IHAs for tribes which have previously received housing units under an umbrella IHA shall not be awarded 100 points but scored as an established IHA utilizing the best available data relevant to the tribe's housing program. For each ONAP jurisdiction, the rankings will be based on awarding points to each application for the following categories in accordance with the table of maximum points available per category by ONAP jurisdictional area (see h. below):

a. *The relative unmet IHA need* for housing units compared to the other eligible applications for that program type [i.e., low rent (LR) or mutual help (MH)], based on IHA waiting lists and the total number of units in management and in the development pipeline. There should be a separate waiting list for each program type. This need will be measured for each program type by dividing the number of families on the waiting list, by the IHA's total number of units in management and under development. If the result of this division is greater than 1.00, the maximum points for this category shall be awarded. Otherwise, the result of this division shall be multiplied by the

maximum possible points available. If the IHA has 500 or more families on the waiting list, it is awarded the maximum points available for the category. If questions arise regarding the veracity of information on a waiting list, an ONAP may request an applicant to submit documentation supporting waiting list numbers, or may visit the IHA and review documentation maintained by the IHA.

b. *The relative IHA occupancy rate compared to the occupancy rates of other eligible IHA applications for that program type.* The occupancy rate for an IHA shall be derived from Indian Housing data supplied by the IHA to HUD with the application for housing. Such data shall include, by program type: total number of units in management (include homeownership units which are paid off but not conveyed); total number of occupied units; and the total number of vacant units as of September 30, 1996. For all IHA projects in management, the total number of units occupied is divided by the total number of units available, multiplied by 100. This occupancy rate for an IHA will then be divided by the highest occupancy rate of any IHA (never to exceed 97%, in any event), and this ratio shall be multiplied by the maximum points available for the category to calculate an IHA's points for this category. An existing IHA that is applying for a previously unfunded program type will be awarded a score equal to the highest rated score for this factor in the ONAP jurisdiction competition. A newly created IHA for a tribe which previously received housing units under an umbrella IHA shall be awarded a score based on the units within such tribe's jurisdiction whether or not the ownership and management of such units have been transferred to the newly created IHA.

c. *Length of time since the last new Indian Housing Development grant was approved.* Two points will be awarded for each year since the last grant award up to and including FY 1995, up to the maximum points available under this category. A newly created IHA for a tribe which previously received housing units under an umbrella IHA shall be awarded a score based on the last new Indian Housing Development grant approved within such tribe's jurisdiction. Units received for demolition or disposition purposes will not be counted for rating and ranking purposes for new Indian Housing units in FY 1997. For units awarded in FY 1996 due to the rescission in FY 1995, the FY 1996 approval date will not be used; instead the latest approval date for the project or projects rescinded will be

used to determine the last project approval date.

d. *Current IHA development and physical improvements activity.* This factor evaluates the IHA's performance during the past 24 months in developing new housing or maintaining/improving current housing. The ONAP will evaluate the IHA's performance in these areas and will award points based upon:

(i) Compliance with the requirements specified under 24 CFR 950.207(b);

(ii) Compliance with Comprehensive Grant/modernization implementation schedules;

(iii) Effectiveness of maintenance policies and procedures in protecting physical assets of the IHA;

(iv) Effectiveness of the IHA's development and physical improvements contract administration.

(v) Access for people with disabilities:

(a) Compliance with 504 of the Rehabilitation Act of 1973 including structural access and integration of the housing within the larger community.
(b) Efforts made by the IHA to incorporate the standards for "visitability" in all units (construction and renovation.)

The ONAP will prepare written support for the number of points awarded which will be available to the

IHA upon request. The ONAP shall take into consideration any unforeseen events such as natural disasters or other factors that may have precluded the IHA from meeting the criteria for this factor. The maximum points available for this category are listed in the table under h. below. A newly created IHA for a tribe which previously received housing units under an umbrella IHA shall be awarded a score based on the IHA's plan for developing and maintaining the units.

e. A *bonus* of up to 5 points will be awarded to any application where the applicant clearly demonstrates:

(i) Pre-planning of activities (detailed in chapters 1 through 4 of the Indian Housing Development Guide, 7450.I G, issued July 31, 1996) which includes site selection and coordination with other funding agencies, utility companies, and tribal departments, or

(ii) That the applicant has identified and selected sites for the development which result in savings of not less than 5 percent of the proposed development cost from using existing utility systems, pre-developed subdivision sites, or other items documented by the applicant, or

(iii) Innovative approaches to development or financing which will

significantly reduce the delivery time of housing or expand the number of houses developed without reducing quality.

f. *Program Coordination.* Applicants that have demonstrated coordination with programs designed and implemented through other tribal or regional governmental entities or cooperation with non-profit groups that has reduced the cost of services to be provided; maximized the effective use of grant funds; and/or addressed a broad range of community-based assistance will receive up to 5 points. To be eligible for the award of points, the applicant must provide in its application a narrative which describes its efforts and success in coordinating community based programs and documentation which supports the cooperation and coordination of the resources described.

g. *Computation.* Scores for ranking shall be carried out to two decimal places (xx.xx).

h. *Points available for each rating category.* The following table reflects the maximum points available for each category for each of the ONAP jurisdictional areas:

POINTS AWARDED FOR RATING FACTORS

	(a) Need	(b) Occupancy	(c) Time	(d) Workload
Eastern/Woodlands	30	20	20	30
Southern Plains	35	10	25	30
Northern Plains	25	10	20	45
Southwest	40	20	20	20
Northwest	10	10	20	60
Alaska	40	20	20	20

F. Selection Criteria

1. *The ranking process will produce an ordered list* of IHA applications by ONAP jurisdiction that may receive funding. The order is established by the total number of points the application received in the rating process. If any funds remain after the initial funding cycle within the ONAP jurisdiction, the funds will be provided to more fully fund applications that were reduced due to the Units Award table shown below. (Note: in those cases where applications have already been approved for demolition or disposition, funds will be provided before the funding decisions are made under this NOFA.)

2. *The number of units awarded shall be based upon the following table to ensure a more equitable distribution and meaningful competition based on need.* Exceptions to the maximum number of units awarded based on the table may be made and approved by the ONAP Administrator for the following reasons: 1. Equalization of units awarded to IHAs with similar scores 2. adjustments to assure the award of reasonably sized projects to all IHAs above a minimum score determined by the ONAP.

Waiting list by program type	Eastern/Wood-lands	Southern Plains	Northern Plains	Southwest	Northwest	Alaska
1,000 and above	110	50	20	240	5	20
750 to 999	85	50	20	160	5	20
500 to 749	65	50	20	120	25	20
400 to 499	50	40	20	80	20	20
300 to 399	40	30	20	60	15	20
200 to 299	35	20	20	40	10	20
199 and fewer	25	10	20	25	5	20

3. *Tie breaker.* In the case of ties, priority will be given to the application that has the highest scoring under the *Current IHA development and physical improvements activity* rating criterion (I.E.1.d.).

II. Other Matters

A. Accountability in the Provision of HUD Assistance

Section 102 of the Department of Housing and Urban Development Reform Act of 1989 (HUD Reform Act) and the final rule codified at 24 CFR part 4, subpart A, published on April 1, 1996 (61 FR 1448), contain a number of provisions that are designed to ensure greater accountability and integrity in the provision of certain types of assistance administered by HUD. On January 14, 1992, HUD published, at 57 FR 1942, a notice that also provides information on the implementation of section 102. The documentation, public access, and disclosure requirements of section 102 are applicable to assistance awarded under this NOFA as follows:

Documentation and public access requirements. HUD will ensure that documentation and other information regarding each application submitted pursuant to this NOFA are sufficient to indicate 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 **Federal Register** notice of all recipients of HUD assistance awarded on a competitive basis.

Disclosures. HUD will make available to the public for five years all applicant disclosure reports (HUD Form 2880) submitted in connection with this NOFA. Update reports (also Form 2880) will be made available along with the applicant disclosure reports, but in no case for a period 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.

B. Prohibition Against Advance Information on Funding Decisions

HUD's regulation implementing section 103 of the HUD Reform Act, 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 restrained by part 4 from providing advance information to any person (other than persons authorized to receive such information) 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 Ethics Law Division (202) 708-3815 (voice), (202) 708-1112 (TTY). (These are not toll-free numbers.) For HUD employees who have specific program questions, the employee should contact the appropriate Field Office Counsel or Headquarters Counsel for the program to which the question pertains.

C. Lobbying

Section 319 of the Department of the Interior and Related Agencies Appropriations Act hereafter referred to as the "Byrd Amendment," prohibits grantees from using any federally appropriated funds to influence federal employees, members of Congress, and congressional staff regarding specific grants or contracts. The Department has determined that the requirements of the Byrd Amendment do not apply to IHAs established by a tribal government exercising its sovereign powers with respect to expenditures specifically permitted by other Federal law. The Byrd Amendment requires all IHAs established under state law to submit the following documents for applications for grants exceeding \$100,000.

Certification. A certification that no federally appropriated funds will be used for lobbying purposes. The certification shall be submitted on the Form entitled "Certification for Contracts, Grants, Loans and Cooperative Agreements."

Disclosure Document. A document disclosing any lobbying activities (on Standard Form—LLL, "Disclosure of Lobbying Activities") where any funds other than federally appropriated funds will be or have been used to influence federal employees, members of Congress, and congressional staff regarding specific grants or contracts.

D. Conversions

During the first 24 months after Program Reservation, project conversion

between program type (LR or MH) may only be approved by HUD where:

1. An IHA submitted projects for mutual help (MH) and low rent (LR), each scored high enough to be funded, and the IHA has the waiting list to support the conversion, or

2. If only one application was submitted and approved, the application upon re-ranking in the other program has to score at least 0.01 higher than the number of points achieved by the highest rated application from any IHA which was not funded. If neither circumstance exists, the request to convert will not be approved.

E. Errors in Ranking and Rating Fiscal Year 1996

1. Errors made by an ONAP during the 1996 fiscal year rating and ranking that resulted in a change of rank order detrimental to an IHA may be corrected as follows:

a. The ONAP will construct a hypothetical distribution that would have existed if the error had not been made, and

b. The ONAP will determine what the unit award/funding would have been for the IHA subject to the funds that were available at the time.

2. Remedial action will be taken for errors made by an ONAP as follows:

a. The ONAP will deduct any funds needed from the FY 1997 fair share assigned to that ONAP before any FY 1997 rating and rankings are completed.

b. A correction of an error for an IHA will not adversely affect the IHA participation in the FY 1997 rating and ranking process. The IHA's application will be rated and ranked on the same basis as other applications and as if no error was made.

F. Moderate Design

Housing developed under the Indian Housing Program is subject to 24 CFR 950.255(c) which requires IHAs to select a moderate design standard. The definition of moderate design will vary between marketplaces; however, in adopting design standards, IHAs are to be guided by the following: Moderate design under the Indian Housing Program will result in a housing unit of a size and with amenities consistent with housing offered for sale in the general geographic area of the IHA's jurisdiction to buyers who are either first time homebuyers or who are at or below the median income for the area. Additionally, houses developed shall be of a consistent square footage and with amenities of like sized (number of bedrooms) units within the project. The cost to design and construct individual homes in any project may not deviate

more than 10 percent from the average cost of a home in the same development without approval from HUD. Any such approval will be based on site costs, special disability related accessories or for costs beyond the control of the IHA. Approval will not be granted if there are unnecessary design features. Notwithstanding the moderate design standard adopted by the IHA, houses developed under this NOFA must comply with the total development cost (TDC) limitations published periodically by HUD. The most recent TDC limitations were provided by Notice PIH 96-26 (HUD) issued on May 15, 1996.

G. Environment

This NOFA provides funding under, and does not alter environmental requirements of 24 CFR part 950, a regulation that was previously published in the **Federal Register**, and this NOFA specifically refers below to the environmental review provisions of part 950. Therefore, in accordance with 24 CFR 50.19(c)(5), the issuance of this NOFA is categorically excluded from preparation of a Finding of No Significant Impact under the National

Environmental Policy Act of 1969 (42 U.S.C. 4321).

For individual development projects, the IHA must comply with the environmental review procedures in 24 CFR part 58, including the limitation in section 58.22 on committing or expending funds before environmental clearance, in accordance with 24 CFR 950.247 and 950.120(a).

H. Federalism Impact

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that this NOFA does not have "federalism implications" because it does not have substantial direct effects on the States (including their political subdivisions), or on the distribution of power and responsibilities among the various levels of government. This NOFA only announces the availability of FY 1997 funding for the development of new Indian Housing units and provides the applicable criteria, processing requirements and action timetable.

I. Impact on the Family

The General Counsel, as the Designated Official under Executive

Order 12606, the Family, has determined that this NOFA has potential significant impact on family formation, maintenance, and general well-being only to the extent that the selected IHA applications will fund new Indian Housing units. Since the potential impact on the family is considered beneficial, no further review under the Order is necessary.

J. Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance Program number is 14.850

K. Other Federal Requirements

In order to be eligible for funding, activities must be in compliance with Section 504 of the Rehabilitation Act of 1973 and implementing regulations at 24 CFR 8, Fair Housing Act and implementing regulations and the Americans with Disabilities Act (ADA), as applicable.

Dated: April 14, 1997.

Kevin E. Marchman,

Acting Assistant Secretary for Public and Indian Housing.

APPENDIX 1

Tribes & IHAs location	ONAP addresses
East of the Mississippi River (including all of Minnesota) and Iowa: Mohammed Rahmah e-mail: mohammed_m._rahmah@hud.gov.	Eastern/Woodlands Office of Native American Programs, 5P, Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, Illinois 60604-3507, (312) 886-4532 or (800) 735-3239, TTY Numbers: 1-800-927-9275 or 312-886-3741.
Louisiana, Missouri, Kansas, Oklahoma, and Texas except for Ysleta del Sur: Sherry Hunt e-mail: sherry_c._hunt@hud.gov.	Southern Plains Office of Native American Programs, 6.IPI, 500 W. Main, Suite 400, Oklahoma City, Oklahoma 73102, (405) 553-7545, TTY Numbers: (405) 231-4181 or (405) 231-4891.
Colorado, Montana, Nebraska, North Dakota, South Dakota, Utah and Wyoming: Ann Roman e-mail: carol_a._roman@hud.gov.	Northern Plains Office of Native American Programs, 8P, First Interstate Tower North, 633 17th Street, Denver, Co 80202-3607, (303) 672-5465, TTY Number: (303) 672-5248.
Arizona, California, and Nevada: Barbara Byestewa e-mail: barbara_a._byestewa@hud.gov.	Southwest Office of Native American Programs, 9EPID, Two Arizona Center, 400 North Fifth Street, Suite 1650, Phoenix, Arizona 85004-2361, (602) 379-4143, TTY Number: (602) 379-4461,
New Mexico and Ysleta del Sur in Texas: Johnny Cata e-mail: johnny_j._cata@hud.gov.	or Albuquerque Division of Native American Programs, 9EPIDI, Albuquerque Plaza, 201 3rd Street, N.W. Suite 1830, Albuquerque, New Mexico 87102-3368, (505) 766-1372, TTY Number: None.
Idaho, Oregon and Washington: Dan Gough e-mail: dan-iel_gough@hud.gov.	Northwest Office of Native American Programs, 10PI, 909 First Avenue, Suite 300, Seattle, Washington 98104-1000, (206) 220-5273, TTY Number: (206) 220-5185.
Alaska: Donna Hartley e-mail: donna_hartley@hud.gov	Alaska Office of Native American Programs, 10.1PI, 949 East 36th Avenue, Suite 401, Anchorage, Alaska 99508-4399, (907) 271-4625, TTY Number: (907) 271-4328.

Appendix 2—New Indian Housing Development Application Submission Checklist

Note: Certain submission requirements listed on the following checklist are included on the application form HUD-52730. It is the responsibility of the IHA to assure that all submission requirements of the checklist are met whether through the application form or by separate submittal:

1. Application Form HUD-52730:
 - ___ Complete application on Form HUD-52730 (5/94).
 - ___ Attach all exhibits and tables as required.
2. IHA Resolution(s): each application must be accompanied by an IHA Resolution which contains the following:

- ___ A statement that authorizes the submission of the application for units.
- ___ A statement explaining how solid waste disposal for the proposed development will be addressed.
- ___ A statement regarding the planned access to public utility services and a listing of any official commitment(s) for these utility services for the development.

____ The IHA Resolution must advise HUD of any persons with a pecuniary interest in the proposed development. Persons with a pecuniary interest in the development shall include but not be limited to any developers, contractors, and consultants involved in the application, planning, construction, or implementation of the development. (During the period when an application is pending or assistance is being provided, the applicant shall update the disclosure required within thirty days of any substantial change.)

3. Certifications: Each application must contain the following certifications provided by the Executive Director on IHA letterhead, in addition to the certifications included on Form HUD-52730 (5/94).

____ Certification Regarding Drug-Free Workplace Requirements as directed by 24 CFR 24.630(b).

____ Certification that the IHA has complied with all requirements of 24 CFR Part 135, which implements Section 3 of the HUD Act of 1968, as amended.

____ Certification that the IHA has complied with Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act and the Indian Civil Rights Act or Fair Housing Act, as applicable.

4. Letters: Each IHA application must be accompanied by a letter of support signed by the CEO of the general local government indicating:

____ Support for the proposed application and development.

____ Support for the IHA's intent to apply for planning funds for the development.

____ Where applicable, assurance to HUD that access road needs will be identified by Tribal Resolution (with BIA concurrence) and entered on the BIA Indian Reservation Roads prioritization schedule used by BIA for resource allocation (25 CFR part 170: 57 BIAM 4 and Supplement 4).

____ Acknowledgement that there is a need for the housing assistance applied for that is not being met by private enterprise.

____ Assurance that there are, or will be available, public facilities and services adequate to serve the proposed housing. (If available, Tribal support is evidenced by attached letters from various organizations that will provide utilities and services to the proposed housing units.)

5. Supporting Documentation: Each application must be accompanied by the following supporting documentation:

____ Disclosure of additional assistance from other sources that will be used in association with the project for which the applicant is seeking assistance.

____ Statement specifying the number of eligible applicant families by program type (LR or MH). The statement must be supported by a sufficient number of current applications from eligible families maintained by the IHA.

____ A table reflecting by program type: the total number of units in management (include homeownership units which are paid off but not conveyed), number of units occupied, and the number of vacant units as of September 30, 1996.

6. Items That Should be Submitted, If Not Previously Submitted:

____ Certified Copy of the Transcript of Proceedings containing the IHA Resolution pursuant to which the Application is being made.

____ IHA Organization Transcript or General Certificate.

____ Tribal Ordinance

7. Optional Items:

____ Cooperation Agreements. Where the provisions of the necessary local government cooperation are not contained in the ordinance or other enactment creating the IHA, the IHA is required to execute a cooperation agreement(s) for the location involved, which is sufficient to

cover the number of units in the application. The cooperation agreement may be submitted with the application but shall be submitted before HUD may enter into an Annual Contributions Contract (or amendment thereto) for funds in excess of planning needs of the project.

8. Force Account. To enable the Field Office of Native American Programs to make an initial determination of the viability of the proposal, there are additional submission requirements for the application, including:

____ IHA justification for HUD approval of the force account method, pursuant to 24 CFR 950.215(b).

____ IHA or Tribal resolution agreeing to cover any costs in excess of the HUD-approved estimated construction cost.

____ Evidence that either the IHA or Tribe has the resources to cover such excess costs.

____ An action plan as outlined in the Indian Housing Development Guidebook, Chapter 11, Section 11-4, page 11-6.

9. Special submittal requirements for state created IHAs for non-Federally recognized tribes:

____ Certification, signed by the Chairman of the IHA Board of Commissioners stating that sites selected or to be selected are within the IHA's area of operation.

____ Supporting documentation including maps, state laws and local ordinances, and other relevant information which documents the IHA's area of operation, i.e., defined geographic boundaries which have a significant concentration of Indian families who are not eligible to be served by a public housing authority or tribally created IHA and have a bona fide historic presence or connection with the land, as recognized by the Federal Government or a state.

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