

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4208-N-01]

Public and Indian Housing Drug Elimination Technical Assistance Program Notice of Funding Availability—FY 1997

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

ACTION: Public and Indian Housing Drug Elimination Technical Assistance Program Notice of Funding Availability (NOFA) for Fiscal Year (FY) 1997.

SUMMARY: This notice announces the availability of \$2.8 million under the FY 97 Public and Indian Housing Drug Elimination Technical Assistance Program. The \$2.8 million is derived from \$376,411 available from prior year carryover funds and \$2,423,589 available from the \$10 million technical assistance set-aside within the \$290 million appropriation provided for Public Housing Drug Elimination in the FY 1997 Appropriations Act. The purpose of this program is to provide short-term technical assistance to public housing agencies (PHAs), Indian housing authorities (IHAs), resident management corporations (RMCs), incorporated resident councils (RCs) and resident organizations (ROs) that are combating drug-related crime and abuse of controlled substances in public and Indian housing communities. Resident participation in the determination of programs and activities to be undertaken is critical to the success of all aspects of the program. HUD greatly desires and encourages programs that foster interrelationships among residents, the housing owner and management, the local law enforcement agency, and other community groups affecting the housing. When partnering with the neighborhood law enforcement agency/precinct, the community as a whole can enhance and magnify the effect of specific program activities. These funds reimburse consultants who provide expert advice and work with housing authorities or resident councils to assist them in gaining skills and training to eliminate drug abuse and related problems from public housing communities. This document describes the purpose of the NOFA, applicant eligibility, selection criteria, eligible and ineligible activities, application processing, consultant eligibility, and consultant application processing.

DATES: This NOFA is effective upon publication. Technical assistance applications and consultant application

kits may be immediately submitted to the address specified in the application kit. Applications may be submitted anytime, up to close of business on June 30, 1997. Technical assistance applications will be reviewed on a continuing basis until June 30, 1997, or until funds available under this NOFA are expended. There is no application deadline for consultants.

ADDRESSES: (a) An application kit may be obtained from the local HUD Field Office with jurisdiction or by calling HUD's Drug Information and Strategy Clearinghouse at (800) 578-3472; or for hearing- or speech-impaired persons (202) 708-0850 (TTY). (The TTY number is not a toll-free number.) The application kit contains information on all exhibits and requirements of this NOFA.

(b) An applicant must submit the application to the address specified in the application kit.

(c) In addition, applicants must simultaneously forward a copy of these documents to the HUD Field Office (FO) or Office of Native American Programs (ONAP) with jurisdiction over the relevant housing authority. HUD might not consider the application until the appropriate FO or ONAP has confirmed receipt with the appropriate office in Washington, DC. This copy must be addressed to Director, Public Housing Division, or Administrator, Office of Native American Programs, as appropriate.

FOR FURTHER INFORMATION CONTACT: For questions regarding the Public Housing Drug Elimination program contact Bertha M. Jones, Office of Crime Prevention and Security (OCPS), Office of Community Relations and Involvement (OCRI), Department of Housing and Urban Development, Room 4112, 451 Seventh Street, SW., Washington, DC 20410; telephone (202) 708-1197. For questions regarding the Native American program contact Tracy Outlaw, National Office of Native American Programs (ONAP), Department of Housing and Urban Development, Suite 3990, 1999 Broadway, Denver, CO 80202; telephone (303) 675-1600.

Hearing and speech-impaired persons may access the telephone numbers via TTY by calling the Federal Information Relay Service at 1-800-877-8339. (With the exception of the "800" number, these are not toll-free numbers.)

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 the near future. 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.

The list of related NOFAs HUD is publishing elsewhere in this issue of the **Federal Register** are: The Public and Indian Housing Drug Elimination Program NOFA, the Federally Assisted Low-Income Housing Drug Elimination Grants NOFA, and the Safe Neighborhood Grants NOFA.

To foster comprehensive, coordinated approaches by communities, the Department intends for the remainder of FY 1997 to continue to alert applicants to upcoming and recent NOFAs as each NOFA is published. 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/nofas.html>. Additional steps on NOFA coordination may be considered for FY 1998.

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

SUPPLEMENTARY INFORMATION:

I. Purpose and Substantive Description

(a) Purpose

The TA program is intended to provide immediate, short-term (90 days for completion) training, recommendations, and assistance to assess needs, train staff and residents, identify and design appropriate strategies to eliminate drugs and drug-related crime, and generally prepare and educate public and Indian housing and resident organization staff and residents to address problems related to crime and the abuse of controlled substances

in public and Indian housing communities. HUD encourages housing authorities and eligible resident organizations with or without a drug elimination grant in their communities to use this resource. Technical assistance is not intended for program implementation, the financial support of existing programs, or programs requiring more than 30 billable days of technical assistance over a 90 day period.

(b) Allocation Amounts

The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Pub.L. 104-204, approved September 26, 1996) (FY 1997 Appropriations Act) appropriated \$290 million in FY 1997 funds for HUD's low-income housing drug elimination programs. Of this amount, the FY 1997 Appropriations Act set aside \$10 million for "grants, technical assistance, contracts and other assistance training, program assessment and execution for or on behalf of public housing agencies and resident organizations (including the cost of necessary travel for participants in such training)." This notice announces the availability of \$2.8 million under the FY 97 Public and Indian Housing Drug Elimination Technical Assistance Program. The \$2.8 million is derived from \$376,411 available from prior year carryover funds and \$2,423,589 available from the \$10 million technical assistance set-aside within the \$290 million appropriation provided for Public Housing Drug Elimination in the FY 1997 Appropriations Act. Applications received from HAs and qualified RCs, ROs, and RMCs are eligible for a maximum amount of TA no greater than approximately \$15,000.

Note: The average amount of TA provided any one application in this program has been approximately \$10,000. The amount of \$15,000 is a maximum funding ceiling and is not guaranteed. HUD-initiated TA is eligible for a maximum of \$25,000 where HUD determines the circumstances require levels of assistance greater than \$15,000.

(c) Eligibility

The following is a listing of eligible applicants, eligible consultants, eligible activities, ineligible activities, and general program requirements under this NOFA.

(1) Eligible Applicants. (i) Public housing agencies (PHAs), Indian housing authorities (IHAs), incorporated resident councils (RCs), resident organizations (ROs) in the case of IHAs, and resident management corporations (RMCs) are eligible to receive short-term

technical assistance services under this NOFA.

(ii) An eligible RC or RO must be an incorporated nonprofit organization or association that meets each of the following requirements:

(A) It must be representative of the residents it purports to represent.

(B) It may represent residents in more than one development or in all of the developments of a PHA or IHA, but it must fairly represent residents from each development that it represents.

(C) It must adopt written procedures providing for the election of specific officers on a regular basis (but at least once every three years).

(D) It must have a democratically elected governing board. The voting membership of the board must consist of residents of the development or developments that the resident organization or resident council represents.

(iii) An eligible RMC must be an entity that proposes to enter into, or that enters into, a management contract with a PHA under 24 CFR part 964, or a management contract with an IHA. An RMC must have each of the following characteristics:

(A) It must be a nonprofit organization that is incorporated under the laws of the State or Indian tribe in which it is located.

(B) It may be established by more than one resident organization or resident council, so long as each such organization or council:

(1) Approves the establishment of the corporation; and

(2) Has representation on the Board of Directors of the corporation.

(C) It must have an elected Board of Directors.

(D) Its by-laws must require the Board of Directors to include representatives of each resident organization or resident council involved in establishing the corporation.

(E) Its voting members must be residents of the development or developments it manages.

(F) It must be approved by the resident council. If there is no council, a majority of the households of the development must approve the establishment of such an organization to determine the feasibility of establishing a corporation to manage the development.

(G) It may serve as both the resident management corporation and the resident council, so long as the corporation meets the requirements of 24 CFR part 964 for a resident council. (In the case of a resident management corporation for an Indian Housing Authority, it may serve as both the RMC

and the RO, so long as the corporation meets the requirements of this NOFA for a resident organization.)

(iv) Applicants are eligible to apply to receive technical assistance if they are already receiving technical assistance under this program, as long as the request creates no scheduling conflict with other TA requests from the same applicant.

(v) Applicants are eligible to apply to receive technical assistance whether or not they are already receiving drug elimination funds under the Public and Indian Housing Drug Elimination Program.

(vi)(A) In circumstances determined by HUD to be crime and drug-related and to require immediate attention because of drug and crime issues, eligible parties may receive technical assistance initiated and approved by HUD. These circumstances may include, for example:

(1) HAs unsuccessful in gaining Drug Elimination or Youth Sports Program grants;

(2) Applicants which have a demonstrated inability to explain their local drug or crime circumstances;

(3) Applicants with a demonstrated inability to identify or develop potential solutions to their local drug or crime problem;

(4) Applicants unable to develop local anti-drug, anti-crime partnerships;

(5) The need for training;

(6) Pervasive drug-related violence; and

(7) Disputes among tenants and disputes between tenants and management that are related to these issues.

(B) In instances of HUD-initiated TA, HUD staff requesting the TA will be required to explain the situation of the targeted housing authority or qualified resident council in terms of the three selection criteria outlined in section I.(d) of this NOFA which will be documented in the file, and used to choose a consultant and design and target the TA.

(vii) The applicant must have substantially complied with the laws, regulations, and Executive Orders applicable to the Drug Elimination TA Program, including applicable civil rights laws. Noncompliance may be evidenced by:

(A) An outstanding finding of civil rights noncompliance, unless the applicant demonstrates that it is operating in compliance with a HUD-approved compliance agreement designed to correct the area(s) of noncompliance;

(B) An adjudication of a civil rights violation in a civil action brought

against it by a private individual, unless the applicant demonstrates that it is operating in compliance with a court order designed to correct the area(s) of noncompliance;

(C) A deferral of Federal funding based upon civil rights violations;

(D) A pending civil rights suit brought against it by the Department of Justice; or

(E) An unresolved charge of discrimination issued against it by the Secretary under section 810(g) of the Fair Housing Act, as implemented by 24 CFR 103.400.

(2) Eligible Consultants. Consultants who want to provide short-term technical assistance services under this NOFA must be listed in the Consultant Database approved by HUD's Crime Prevention and Security Division (CPSD). To be included in that database, consultants must complete, in accordance with the requirements of section I.(c)(2)(ii), below, of this NOFA, a consultant application packet available from the Drug Information and Strategy Clearinghouse at (800) 578-3472, or (202) 708-0850 (TTY), and submit the packet to the address specified in the application kit. (The TTY number is not a toll-free number.)

(i) Consultant eligibility. HUD is seeking individuals or entities who have experience working with public or Indian housing or other low-income populations to provide short-term technical assistance under this NOFA. Consultants who have previously been deemed eligible and are part of the TA Consultant Database need not reapply, but they are encouraged to update their file with more recent experience and rate justification. To qualify as eligible consultants, individuals or entities should have experience in one or more of the following general areas:

(A) PHA/IHA-related experience with:

- (1) Agency organization and management;
- (2) Facility operations;
- (3) Program development; and
- (4) Experience working with residents and community organizations.

(B) Anti-crime- and anti-drug related experience with:

- (1) Prevention/intervention programs;
- (2) Enforcement strategies; and

(C) Experience as an independent consultant, or as a consultant working with a firm with related experience and understanding of on-site work requirements, contractual, reporting and billing requirements.

(D) HUD is especially interested in encouraging TA consultant applications from persons who are qualified in the following professional areas:

(1) Lease, screening and grievance procedures;

(2) Defensible space, security and environmental design;

(3) Parenting, peer support groups and youth leadership;

(4) Career planning, job training, tutoring and entrepreneurship;

(5) Community policing, neighborhood watch and anti-gang work; and

(6) Resident organizing, involvement, and relations with management.

(E) HUD especially encourages PHAs, IHAs, PHA/IHA employees, RMCs, incorporated resident councils and resident organizations, and public and Indian housing residents, with experience in the above areas, to submit a consultant application for eligibility under this NOFA. Eligible consultants will be entered into the Consultant Database for possible recommendation to technical assistance applicants.

(ii) Applying to be a consultant. Individuals or entities interested in being listed in the TA Consultant Database should prepare their applications and send them to the address specified in the application kit. Before they can be entered into the Consultant Database, consultants must submit an application that includes the following information:

(A) The Consultant Resource Inventory Questionnaire, including at least three written references, all related to the general areas listed above in sections I.(c)(2)(A)-(C). One or two of the written references must relate to work for a public or Indian housing authority, RC, RO or RMC;

(B) A resume;

(C) Evidence submitted by the consultant to HUD that documents the standard daily fee previously paid to the consultant for technical assistance services similar to those requested under this NOFA.

(1) For consultants who can justify up to the equivalent of ES-IV per day, this evidence may include an accountant's statement, W-2 Wage Statements, or payment statements, and it should be supplemented with a signed statement or other evidence from the employer of days worked in the course of the particular project (for a payment statement) or the tax year (for a W-2 Statement).

(2) For consultants who can justify above the equivalent of ES-IV per day, there must be three forms of documentation of the daily rate:

(i) A previous invoice and payment statement showing the daily rate charged and paid, or the overall amount paid and the number of days for work of a similar nature to that offered in this TA program;

(ii) A certified accountant's statement outlining the daily rate with an explanation of how the rate was calculated by the accountant. This should include at a minimum the total number of jobs of a similar nature completed by the consultant in the past 12 months, an explanation of the specific jobs used to calculate the rate, and the daily rates for each of the jobs used to justify the rate; and

(iii) A signed statement from the consultant that the certified daily rate was charged for work of a nature similar to that being provided for the Drug Elimination Technical Assistance Program. The accountant must be able to demonstrate independence from the consultant's business.

(iii) Working and billing in the TA program. No one individual may have active at one time any more than three contracts or purchase orders. If an individual is working as a member of a multi-person firm, the key individual for the specific contract must be listed on the contract as the key point of contact. The key point of contact must be on-site more hours than any other contracted staff billing to the purchase order, and that individual may have no more than three purchase orders active at the same time.

(iv) Consultant payment. HUD will determine a specific fee to pay a consultant under this NOFA based upon the evidence submitted in section I.(c)(2)(ii)(C), above, of this NOFA.

(v) Conflicts of interest. In addition to the conflict of interest requirements in 24 CFR part 85:

(A) No person who is an employee, agent, officer, or appointed official of the applicant may be funded as a consultant to the applicant by this Drug Elimination Technical Assistance Program.

(B) Consultants who wish to provide drug elimination technical assistance services through this program may not have any involvement in the preparation or submission of the TA proposal that requests their services. Any involvement of the consultant will be considered a conflict of interest, which makes the consultant ineligible for providing consulting services to the applicant and could disqualify the consultant from future consideration. This prohibition includes the preparation and distribution of prepared generic or sample applications, if HUD determines that any application by a HA, RC, RO or RMC duplicates a sufficient amount of any prepared sample to raise issues of possible conflict of interest.

(C) Consultants may no longer be requested by name in any application.

HUD will recommend consultants considering at least three elements including previous experience, proximity and cost. Section I.(e)(2)(ii) of this NOFA explains this further.

(3) Eligible Activities. To assist the eligible applicants identified in section I.(c)(1), above, of this NOFA, in responding immediately to drug-related problems in public and Indian housing developments, HUD has supplemented the Public and Indian Housing Drug Elimination Program (PHDEP) and Youth Sports Program (YSP) with funds for short-term technical assistance. Short-term technical assistance means that consultants shall only be reimbursed for a maximum of 30 days of work, which must be completed in less than 90 days from the date of the approved statement of work. The TA program is intended to provide *short-term, immediate assistance* to PHAs, IHAs, RMCs, RCs, and ROs in developing and/or implementing their strategies to eliminate drugs and drug-related crime. The program will fund the use of consultants who can provide the necessary consultation and/or training for the types of activities outlined below. HUD will fund the use of consultants who will assist the applicant in undertaking a task such as program planning and development for future strategies to eliminate drugs and drug-related crime, or conducting a needs assessment or survey. The TA program also funds efforts in:

(i) Assessing drug problems in public or Indian housing development(s) and surrounding community(ies);

(ii) Designing and identifying appropriate anti-crime- and anti-drug related practices and programs in the following areas:

(A) Law enforcement strategies, including negotiating with the local police, working with Federal law enforcement, Operation Safe Home, Weed and Seed, and other federal anti-crime efforts;

(B) Resident involvement in all aspects of the local anti-drug, anti-crime activities;

(C) Youth initiatives;

(D) Resident Patrols;

(E) Security and physical design;

(F) Community organization and leadership development; and
(G) Other areas that meet the purposes of eliminating drugs and drug-related crime described in this NOFA, as determined by HUD.

(iii) Training for housing authority staff and residents in anti-crime and anti-drug practices, programs, and management;

(iv) Improving overall agency management, operations, and

programming so that the applicant can more effectively respond to crime and drug problems in the targeted public housing development(s).

(4) Ineligible Activities. (i) Funding is not permitted for any type of monetary compensation for residents unless the residents are listed in the TA Consultant Database and are working as consultants.

(ii) Funding is not permitted for any activity that is funded under any other HUD program; including TA and training for the incorporation of resident councils or RMCs, and other management activities.

(iii) Funding is not permitted for salary or fees to the staff of the applicant, or former staff of the applicant within a year of his or her leaving the housing authority or resident organization.

(iv) Funding is not permitted for underwriting conferences.

(v) Funding is not permitted for conference speakers unless the speaker will also be providing additional TA as outlined in the eligible activities in sections I.(c)(3) (i)-(iv), above, of this NOFA.

(vi) Funding is not permitted for program implementation, proposal writing, the purchase of hardware or equipment, or any activities deemed ineligible in the Drug Elimination Program, excluding consultant's fees.

(5) General Program Requirements. (i) Applications for short-term technical assistance may be funded up to \$15,000 per request, with HUD providing payment directly to the authorized consultant for the consultant's fee, travel, room and board, and other approved costs.

(ii) For technical assistance initiated by HUD, the TA may be for any amount up to \$25,000.

(iii) Applicants that have not previously received technical assistance under this program may submit only one application initially. After the applicant's initial technical assistance report has been received and reviewed by HUD or the contractor administering the program, as appropriate, the applicant may submit multiple applications. For TA initiated by HUD an applicant may have more than one TA opportunity active at the same time.

(iv) Applications must be signed and certified by both the Executive Director and a resident leader, certifying the following:

(A) That a copy of the application was sent to the local HUD Field Office, Director of Public Housing Division, or Administrator, Office of Native American Programs; and

(B) That the application was reviewed by both the Housing Authority Executive Director, and a resident leader.

(d) Selection Criteria/Rating Factors

An application must include the minimum required elements and cannot request assistance for ineligible activities as listed in section I.(c)(4), above, of this NOFA. If HUD receives more than one application from a HA, or group of RCs, ROs, or RMCs in proximity to one another, HUD may exercise discretion to consider any two or more applications as one, recommending one or more consultants and executing contracts for any combination of applications. As an example, if three resident councils at one HA, or three HAs within one geographic area submit three separate TA applications within the same period of time, HUD may contract with one, two or three consultants to carry out the work, as HUD determines the best use of HUD funds, and the best outcomes for the applicants. Applications will be scored according to the criteria outlined below. Applicants must address the specific questions directly as listed below.

(1)(i) The extent to which the applicant needs short-term technical assistance. This will be measured by the applicant's discussion of the problems that triggered the request for assistance under this NOFA. (Maximum points: 5) For the maximum of five points allowed for this criterion, the discussion must include answers to each of the following questions:

(A) What is the nature of the drug-related crime problem in your community in terms of the extent of such crime, the types of crime, and the types of drugs being used?

(B) What is the nature of the housing authority's working relationships with law enforcement agencies, particularly local agencies, and indicate if and how TA funds will be used to improve those relationships?

(C) Are housing authority residents selling or using drugs, or committing the crimes? What about non-residents?

(D) What type of problems are you requesting assistance for in this application?

(E) How are those problems related to the drug and drug-related crime problems outlined above?

(ii) If the applicant cannot provide answers to each of these questions, but wishes to receive the maximum of five points allowed for this criterion, the applicant's discussion for this criterion must include answers to each of the following questions:

(A) What prevents you from identifying the problems?

(B) What prevents you from describing the problems?

(C) What prevents you from measuring the problems? (Maximum points: 5)

(2) The extent to which the applicant clearly describes the kind of technical assistance and skills needed to address the problems, and how well the technical assistance requested will address the problems. To receive the maximum of five points, the discussion for this criterion must address each of the following:

(i) Describe what you would like a consultant to do to help you with the problems outlined in Factor One.

(ii) Whom would you like the consultant to meet when the consultant is on-site?

(iii) What do you want the consultant to do when on-site?

(iv) What do you want in place after the consultant is finished on-site?

(Maximum points: 5)

(3) The likelihood that the requested technical assistance will assist the applicant's current strategy to eliminate drugs and drug-related crime, as described in the application; or, if the applicant does not currently have a strategy, the extent to which the technical assistance will help them develop a strategy to eliminate drugs and drug-related crime. To receive the maximum of five points, the discussion for this criterion must address each of the following:

(i) Describe the steps you and your organization are currently taking to measure, understand or address the drug-related crime problem in your development or housing authority.

(ii) How will the proposed assistance support these efforts?

(iii) Describe how the proposed assistance will allow you to develop an anti-drug, anti-crime strategy; or describe how the proposed assistance fits into your current strategy.

(Maximum points: 5)

(e) Application Review, Awards, and Payment

(1) Application Review. Applications for Technical Assistance will be reviewed and scored as they are received. Consultant applications will be received throughout the year with no deadline. A TA application must include both the descriptive letter (or form provided in the application kit) and certification statement (or form provided in the application kit) to be eligible for funding. All applications that qualify on the basis of the minimum required elements will be

scored on the basis of the selection criteria in section I.(d), above, of this NOFA. Applications must receive a total of 8 or more points, with no less than 2 points in any of the three selection criteria in section I.(d), above, of this NOFA to be eligible for funding. Eligible applications will be funded in the order in which negotiations for a statement of work are completed between the consultant and the program administrator until all funds are expended. The basis for each funding decision under this section will be documented.

(2) Application Awards.

(i) If the application includes the descriptive letter (or forms) requesting eligible activities, the certification statements (or form), and scores at least 8 points as described in section I.(e)(1), above, of this NOFA, it is eligible for funding. If sufficient funds are available to fund the technical assistance request, staff will confer with the applicant to confirm the work requirements.

(ii) If HUD receives more than one application from a HA, or group of RCs, ROs or RMCs in proximity to one another, HUD may exercise discretion to consider any two or more applications as one, assuming that the applications are received at the same time, or prior to approval by the Office of Finance and Accounting and the Office of Procurement and Contracts, executing the contract, and providing notification to the consultant to proceed to work. The TA Consultant Database will be searched to choose at least three consultants who: (1) Have a principal place of business or residence located within a reasonable distance from the applicant, as determined by HUD or its agent; or (2) appear to have the requisite knowledge and skills to assist the applicant in addressing its needs. An employee of a housing agency (HA) may not serve as a consultant to his or her employer. An HA employee who serves as a consultant to someone other than his or her employer must be on annual leave to receive the consultant fee. Applicants may *not* request any specific consultant. A list of the suggested consultants will be forwarded to the applicant. From this list, the applicant will recommend a consultant to provide the requested technical assistance. Instructions for consultants who wish to be included in the TA Consultant Database are outlined above in section I.(c)(2)(ii) of this NOFA.

(iii) The applicant must contact three TA consultants from the list provided. HUD may request confirmation from each recommended consultant to ensure that the three consultants have been contacted by the applicant. If HUD

determines that any consultant was not contacted, HUD may consider the recommendation by the applicant void, and can choose a consultant independent of the applicant. After making contact with each consultant, the applicant must send a written justification to HUD with a list of the consultants in order of preference, indicating any that are unacceptable, and stating the reasons for its preference. If the applicant does not provide HUD the written justification of consultant choice within the period requested, HUD will make its own choice of a consultant and proceed to negotiate a statement of work with the consultant. There is no guarantee that the applicant's first preference will be approved. Consultants will only be approved for the TA if the request is not in conflict with other requests for the consultant's services.

(iv) Staff designated by HUD will work with the consultant and applicant to develop a statement of work that includes a timeline and estimated budget. The statement of work should also include a discussion of the kind of technical assistance and skills needed to address the problem, and how the technical assistance requested will address these needs; and a description of the current crime and drug elimination strategy, and how the requested technical assistance will assist that strategy. If the applicant does not currently have a strategy, there should be a statement of how the technical assistance will help them develop a crime and drug elimination strategy. When HUD has completed the authorization to begin work, the consultant will be contacted to start work. The consultant must receive written authorization from HUD or its authorized agent before he or she can begin to provide technical assistance under this NOFA. The applicant and the relevant Field Office or Office of Native American Programs will also be notified. Because this program is for short-term technical assistance, consultants shall only be reimbursed for a maximum of 30 days of work, which must be completed in fewer than 90 days from the date of the approved statement of work. Work begun before the authorized date will be considered unauthorized work and may not be compensated by the Department.

(3) TA Consultant Work and Reports. HUD is working to improve the quality of TA consultant reports and invoices and has added requirements to improve the quality of reports and invoices, both for the benefit of the applicant, and for a record that will reflect the level of funds expended for the services. Reports

and invoices which do not include the new elements or meet the new standard will be returned to the consultant. If HUD returns a disapproved report or invoice to a consultant, HUD may withhold up to 25 percent of the payment requested by the consultant, or authorized in the purchase order, for the related work. HUD may also deny further work to the consultant in the TA program until the report or invoice is accepted by HUD. Examples of reports and invoices considered reasonable by HUD are available from the Drug Information and Strategy Clearinghouse, at 1-800-578-3472. Consultants are encouraged to obtain copies and use these as models before submitting an invoice or report in FY 1997. Previously acceptable standards may no longer be accepted by HUD.

(4) Payment of TA Consultants. The consultant must submit a report of its activities, findings and recommendations, a fee invoice, and expenses and original receipts to the address specified in the application kit. A copy of the report must also be submitted to the applicant. A revised version of the "Guidelines for Consultants" book, available from the Clearinghouse, describes the required elements of these reports. These required elements have changed from previous years and consultants are encouraged to review them closely to make sure all invoices and reports follow the new guidelines before submitting an invoice or report. After the report and expenses have been approved, and a verbal or written evaluation is received from the applicant, payment will be issued to the consultant.

II. Application Process

(a) Application Kit. An application kit may be obtained from the local HUD Field Office or Office of Native American Programs, or by calling HUD's Drug Information and Strategy Clearinghouse at (800) 578-3472 or (202) 708-0850 (TTY) (The TTY number is not a toll-free number). The application kit contains information on all exhibits and requirements of this NOFA. Requirements in the new FY 1997 Application Kit have changed from previous years and applicants are encouraged to carefully review the requirements to make sure that the application meets all requirements before submission.

(b) Application Submission. This NOFA is effective upon publication. Short-term (90 days for completion) technical assistance applications and consultant application kits may be immediately submitted to the address

specified in the application kit. The application submission deadline for the short-term technical assistance grants available under this NOFA is June 30, 1997. Technical assistance applications will be reviewed on a continuing first-come, first-served basis, until funds under this NOFA are no longer available or until June 30, 1997. Applicants are encouraged to submit their applications as early as possible in the fiscal year.

(1) An applicant must submit the application and the necessary assurances to the address specified in the application kit.

(2) In addition, applicants must simultaneously forward a copy of these documents to the HUD Field Office or Office of Native American Programs with jurisdiction over the relevant housing authority. This copy must be addressed to Director, Division of Public Housing, or Administrator, Office of Native American Programs, as appropriate.

III. Checklist of Application Submission Requirements

Each application for a grant under this program must include the following:

(a) An application will not be considered for funding unless it includes, at a minimum, the following elements:

(1) An application letter of no more than four pages that responds to each of the selection criteria in section I(d), above, of this NOFA, or the completed application forms available in the application kit; and

(2) A certification statement, or the form provided in the application kit, signed by the executive director of the housing authority and the authorized representative of the RMC or incorporated RC or RO, certifying that any technical assistance received will be used in compliance with all requirements in the NOFA, including those outlined in I(a)(3)-(4); and

(b) A completed and signed HUD Form 2880.

IV. Corrections to Deficient Applications

(a) HUD will notify an applicant, in writing or by telephone, of any curable technical deficiencies, such as a missing signature in the application. A log of telephone notifications will be maintained. The applicant must correct the deficiency in accordance with the information specified in HUD's notification. The application will not be given further consideration until the deficiency is corrected.

(b) Curable technical deficiencies relate to items that are not necessary to make a determination of an applicant's

eligibility. The items necessary for this determination are listed at section III.(a), above, of this NOFA, although missing signatures on the application letter, certification, or forms are curable.

V. Findings and Certifications

Paperwork Reduction Act Statement

The information collection requirements contained in this Notice have been submitted to the Office of Management and Budget, in accordance with 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**.

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 (title II of the Civil Rights Act of 1968) (25 U.S.C. 1301-1303) (ICRA) provides 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 individuals with disabilities 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 the Americans with Disabilities Act of 1990 (42 U.S.C. 12131) and implementing regulations at 29 CFR part 1640, 28 CFR part 35, and 28 CFR part 36.

(6) 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.

Use of Debarred, Suspended, or Ineligible Contractors

Applicants for short-term technical assistance under this NOFA are subject to the provisions of 24 CFR part 24 relating to the employment, engagement of services, awarding of contracts, or funding of any contractors or subcontractors during any period of debarment, suspension, or placement in ineligibility status.

Drug-Free Workplace Act of 1988

The requirements of the Drug-Free Workplace Act of 1988 and implementing regulations at 24 CFR part 24, subpart F apply under this notice.

Environmental Impact

This NOFA does not direct, provide for assistance or loan and mortgage insurance for, or otherwise govern or regulate property acquisition, disposition, lease, rehabilitation, alteration, demolition, or new construction, or set out or provide for standards for construction or construction materials, manufactured housing, or occupancy. Accordingly, under 24 CFR 50.19(c)(1), this NOFA is categorically excluded from environmental review under the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321). In addition, the provision of assistance under this NOFA is categorically excluded from review in accordance with 24 CFR 50.19(b)(9).

Federalism Impact

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the provisions of this NOFA do not have federalism implications within the meaning of the Order. The NOFA provides short-term technical assistance to housing authorities and resident organizations to

assist them in their anti-drug efforts in public housing communities. The involvement of resident organizations should greatly increase the success of the anti-drug efforts under this technical assistance program and therefore should have positive effects on the target population. As such, the program helps housing authorities to combat serious drug problems in their communities, but it does not have federalism implications.

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance Number for this program is 14.854.

Section 102 HUD Reform Act—Documentation and Public Access Requirements; Applicant/Recipient Disclosures

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 (57 FR 1942), HUD published 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:

(1) *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 **Federal Register** notice of all recipients of HUD assistance awarded on a competitive basis.

(2) *HUD responsibilities—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.

Section 103 HUD Reform Act

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 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 who have ethics related questions should contact HUD's Ethics Law Division (202) 708-3815 (This is not a toll-free number.)

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 IHAs established under state law are not excluded from coverage.

Dated: May 16, 1997.

Kevin Emanuel Marchman,

*Acting Assistant Secretary, Office of Public
and Indian Housing.*

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