

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4196-N-01]

Combined Notices of Funding Availability for FY 1997 for the Public and Indian Housing Economic Development and Supportive Services Program and the Tenant Opportunities Program

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

ACTION: Notices of Funding Availability (NOFAs) for Fiscal Year (FY) 1997.

SUMMARY: Through this announcement HUD is making a total of \$62.225 million in grant funds available for two programs: the Public and Indian Housing Economic Development and Supportive Services Program (ED/SS) and the Tenant Opportunities Program (TOP). Applicants will continue to submit separate applications for either program. The announcements have been combined to highlight HUD's parallel restructuring of these complementary programs. The restructuring represents a major HUD initiative to improve the targeting and management of limited resources for public and Indian housing resident self-sufficiency. The goal is to most effectively focus these resources on "welfare to work" and on independent living for the elderly and persons with disabilities.

DATES: Applications for funding under the TOP NOFA must be physically received at the correct local HUD Field Office or Area Office of Native American Programs (AONAP) as applicable on or before August 13, 1997, at 3:00 pm, local time. This application deadline is firm as to date and hour.

Applications for funding under the ED/SS NOFA must be physically received at the correct local HUD Field Office or Area Office of Native American Programs (AONAP) as applicable on or before August 18, 1997, at 3:00 pm, local time. This application deadline is firm as to date and hour.

In the interest of fairness to all competing applicants, HUD will treat any application that is received after the respective program deadlines as ineligible for consideration. Applicants should take this practice into account and make early submission of their materials to avoid any risk of loss of eligibility brought about by any unanticipated or delivery-related problems. Delivery of applications by Facsimile (FAX) is not acceptable.

FOR FURTHER INFORMATION CONTACT: For questions concerning either the ED/SS

or TOP programs contact: the local HUD Field Office, Director, Office of Public Housing (Appendix "A" of this NOFA) or HUD's Resident Initiative Clearinghouse, telephone 1-800-955-2232.

For questions concerning Native Americans programs contact: the local HUD Field Office, AONAP Administrator (Appendix "A" of this NOFA), or HUD's Resident Initiative Clearinghouse, telephone 1-800-955-2232.

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

SUPPLEMENTARY INFORMATION:

I. Background

The recent passage of The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. 104-193; 110 Stat. 2105; approved August 22, 1996), transformed the former Aid to Families with Dependent Children (AFDC) program into the Temporary Assistance to Needy Families (TANF) program. This change confronts the public housing and Native American communities with a profound challenge and opportunity. Approximately forty percent (40%) of families residing in public housing list AFDC as their primary source of income.

The rewards of moving this substantial segment of public and Indian housing residents from welfare dependency to work and self-sufficiency are clear. The potential consequences of failure are equally clear and threaten not only the economic well being of individual families, but of entire public housing and Native American communities that could experience significant losses of rental income as residents become ineligible for further welfare assistance. HUD believes that it is imperative that housing authorities and residents work together to meet the challenge of welfare reform.

These combined NOFAs announce the availability of a total of \$62.225 million for two programs: The Public and Indian Housing Economic Development and Supportive Services Program (ED/SS) and the Tenant Opportunities Program (TOP). With these revised NOFAs, HUD has restructured both of these programs to: (1) Maximize their effectiveness in helping the public housing and Native American communities meet the challenge of welfare reform; and (2) direct funding to public housing and

Native American communities that have the best prospects for success.

In order for housing authorities to succeed in moving a substantial number of welfare dependent families to work and self-sufficiency, they must have a sound ED/SS implementation plan that is based on meeting valid community needs. The plan must be based on an examination of the public and Native American housing community's needs and resources. It must include a Section 3 component and in the case of Indian Housing Authorities (IHAs), Indian preference requirements as stated in 950.175, must be implemented. The plan must also include measurable goals that can be achieved within 24 months. It is important to emphasize two additional components of the plan that are critical to success.

First, although housing authorities need to direct a meaningful portion of their internal resources to increase the self-sufficiency of residents, HUD recognizes that housing authorities will have to utilize resources outside of public and Indian housing in the local community in order to succeed. HUD is requiring that housing authorities secure partnerships in advance of applying for an ED/SS grant as well as a one for one (100%) match of grant funds. Secondly, HUD also maintains that services for residents must be anchored in the local community to be effective. HUD is therefore requiring that a majority of resident services to be provided under the ED/SS implementation plan must be based in a community facility that is accessible to the resident recipients of the services. The community facility can be provided by the housing authority (HA) (many already exist in public and Indian housing communities) or provided by another organization, as long as it is easily accessible to the residents to be assisted.

Just as HUD has revised the ED/SS program to improve its effectiveness, HUD has made similar revisions to the TOP program. In order to apply for TOP, applicants (Resident Associations (RAs) includes RCs, RMCs, ROs, etc. see definitions in Section IV of this Announcement) will have to include an implementation plan with specific measurable goals that can be achieved within 24 months. HUD is requiring that TOP applicants have a signed partnership agreement (Memorandum of Understanding or Agreement) with the HA prior to submitting their application. A provision in the partnership agreement must give TOP applicants access to a community facility to anchor the residents' activities. In the conference report for HUD's 1997 appropriations bill, the

Congress specifically required that HUD improve program effectiveness prior to awarding further funding (See H.R. Conf. Rep. No. 812, 104th Cong., 2d Sess. 54 (1996)). HUD examined the TOP program and concluded its major weaknesses were: (1) A lack of partnership between the TOP grantees and their HAS; (2) a need for enhanced financial management controls; (3) a need to expedite grantee program implementation; (4) a lack of a clear focus on performance objectives; and (5) a failure to target TOP grants toward the basic self-sufficiency needs of residents.

HUD believes that the measures it is putting in place to address these problems would also benefit the ED/SS program and would address the need to restructure the programs to promote self-sufficiency. Therefore, this NOFA adds the following additional threshold requirements for both programs:

1. Applicants in either program now must certify that grants previously received under one of HUD's Community Relations and Involvement grants (such as Public Housing Drug Elimination, ED/SS, TOP, Family Investment Center, Elderly Service Coordinator, etc.) are not in default.

2. All ED/SS applicants that are designated as "troubled" are now required to provide for a qualified contract administrator. All TOP applicants except those whose financial management system and procurement procedures have been determined to comply (by HUD or an independent accountant) with 24 CFR Part 84 are required to provide for a qualified contract administrator.

3. Applications must include a sound assessment of resident needs and resources to meet the needs.

4. Applications (other than Elderly and Disabled Supportive Services Category ED/SS applications) must also include an ED/SS implementation plan for the two year period after which many residents will lose benefits if they fail to find work. The implementation plan must be coordinated with the state welfare plan.

5. Programs proposed in applications (other than Elderly and Disabled Supportive Services Category ED/SS applications) must aim primarily at residents directly affected by potential loss of benefits.

In addition to modifying application threshold requirements, the NOFA contains restructured selection factors designed to emphasize performance capability. Applicants must specifically describe the following elements to obtain the maximum number of points: (1) Staffing; (2) budget; (3) timetable; (4) project management structure; (5) fiscal

management structure; and (6) program assessment provisions. Reviewers will also assess the previous experience of applicants in carrying out previously awarded public housing grants that support resident services and (for ED/SS) will consider the applicant's Public Housing Management Assessment Program (PHMAP) score in the case of housing authority applicants in the ED/SS program.

It should also be noted that HUD has taken steps to improve the implementation of current TOP grants. HUD has placed 64 grantees in default for failing to comply with program requirements. Grantees currently in default are not eligible for funding under this announcement.

HUD believes that the steps outlined above will increase the effectiveness of both of these grant programs. HUD also believes that the two programs can complement one another in many instances. To encourage grantees to coordinate the activities of these programs, HUD is allocating a portion of the points in the selection factors for ED/SS grantees and TOP grantees that agree to work together (see selection factor at Section VI(h)(3)(i)(A)). While there is no guarantee that applicants that have agreed to coordinate their grant activities will both be funded, HUD believes that both TOP and ED/SS applicants will have a higher chance of success in implementing their programs if they enter into such an arrangement. Such a sharing of resources should benefit both the housing authority ED/SS applicant and the Resident Association TOP applicant.

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, HUD 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.

With respect to community and economic development, the following related NOFAs have been published: (1) The NOFA for the HUD-Administered Small Cities Community Development Block Grant Program—Development Grants for Fiscal Year 1997 and the Section 108 Loan Guarantee Program for Small Communities in New York State (December 3, 1996, at 61 FR 64196); (2) the NOFA for the Community Outreach Partnership Centers (March 20, 1997, at 62 FR 13506); (3) the NOFA for the Youthbuild Program (April 23, 1997, at 62 FR 19860); and (4) the NOFA for Historically Black Colleges (May 12, 1997, at 62 FR 26180). The NOFA for the Joint HUD/HHS/ED Community Partnership will be published in the near future. To foster comprehensive, coordinated approaches by communities, HUD 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.

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

II. Funding Amounts

(a) *FY 1997 Appropriations.* HUD is making a total of \$62.225 million in grant funds available for two programs: ED/SS funded at \$42.25 million and TOP funded at \$19.975 million. Under the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Pub. L. 104-204, 110 Stat. 2874; approved September 26, 1996) (FY 1997 Appropriations) sixty (\$60) million was set aside for the ED/SS program.

(b) *TOP Funding.* Five (\$5) million of the sixty (\$60) million available under the ED/SS set-aside was further allocated to fund the TOP program for FY 1997. HUD has carried over fifteen (\$15) million appropriated in FY 1996 for the TOP program pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Pub. L. 104-134, 110 Stat. 1321; approved April 26, 1996). HUD has allocated \$25,000 from the fifteen million carried over to

fund an applicant which, due to a technical error, was not awarded a grant pursuant to a previous TOP NOFA. HUD is adding the remaining \$14,975,000 carried over from FY 1996 to the five (\$5) million available under the FY 1997 Appropriations to make a total of \$19.975 million available under this NOFA for TOP.

Of the total amount available for TOP, \$5 million will be competitively awarded to National Resident Organizations (NROs), Regional Resident Organizations (RROs) and Statewide Resident Organizations (SROs) to provide training and technical assistance, and coordinate linkages to appropriate supportive services for public and Indian housing resident organizations who have not been awarded RM/TOP funds. The remainder of the funds (\$14,975,000) is being made available on a competitive basis under this NOFA to applicants other than National Resident Organizations (NROs), Regional Resident Organizations (RROs) and Statewide Resident Organizations (SROs) that submit timely applications and are selected for funding. This financial assistance may not exceed \$100,000 with respect to any public and Indian housing project.

HUD encourages housing authorities to notify their RAs of this funding opportunity. It is important for residents to be advised that, even in the absence of a RA, the opportunity exists to establish a RA before applying for funding. If no RA exists for any of the developments, HUD encourages every HA to post this NOFA in a prominent location within the HA's main office, as well as in each development's office.

(c) *ED/SS funding.* Of the remaining fifty five (\$55) million available for the ED/SS program, the following has been set aside:

(1) Five (\$5) million for the Moving to Work Demonstration;

(2) \$250,000 to the community of St. Petersburg, Florida for a self-sufficiency program for public housing residents (part of a package of assistance in response to the civil disturbances in St. Petersburg); and

(3) \$2.5 million to be used in conjunction with funding from the Department of Health and Human Services for a Resident Uplift and Economic Development Program.

(4) \$5 million for service coordinators, which will be administered by the Office of Housing and that will be made available separately.

(5) HUD is making the remaining \$42.25 million available under this NOFA.

III. Application Submission Requirements

Applicants must apply using application kits that HUD has provided. Application kits for either the ED/SS or TOP programs may be obtained, and assistance provided from: (1) The local HUD Field Office with delegated public housing responsibilities over an applying public housing agency or RA; (2) The Area Offices of Native American Programs (AONAPs) having jurisdiction over an Indian housing authority, Resident Organization or Native American Resident Management Corporation making an application; (3) By calling HUD's Resident Initiatives Clearinghouse, telephone (800) 955-2232; or (4) by consulting the *Funding* cross reference under HUD's Business and Community Partner HomePage on the Internet's World Wide Web (<http://www.hud.gov/bushome.html>): look under *Funding* then under Public Housing and then under the reference for either *ED/SS* or *TOP*. The application kit contains information on all exhibits and certifications required under this NOFA as well as additional guidance.

For the ED/SS program, an HA may submit one application under the Family Economic Development and Supportive Services grant category and/or one application under the Elderly and Disabled Supportive Services grant category to assist the Elderly and/or Persons with Disabilities. The maximum number of applications that an HA may submit is two. If the HA submits two applications, the total amount requested must not exceed the maximum permitted for the Family Economic Development and Supportive Services category.

Joint applications ARE NOT PERMITTED under the ED/SS program with the following EXCEPTION: HAS under a single administration (such as HAS managing another HA under contract or HAS sharing a common executive director) may submit a single application, even though each HA has its own operating budget. For TOP, only one Basic or Additional Grant application will be considered for funding from an individual project (See Section VII(d) of this Announcement for explanation of types of grants). If two such applications are received from a project, only the application from the duly elected RA will be considered. In addition, for all funding years, the sum total of TOP and Resident Management Program financial assistance for any single public or Indian housing project, including all project-based Basic and Additional Grants and any portion of an

Intermediary Grant which benefits the project, may not exceed \$100,000 (See Section VII(d) of this Announcement for explanation of types of grants).

With respect to both the ED/SS and TOP programs, an original application and two identical copies of the original application must be received by the deadline at the local HUD Field Office with responsibilities over the applying HA or RA (exclusive of Resident Organizations and Native American Resident Management Corporations), and addressed Attention: Director, Office of Public Housing or (in the case of Indian housing authorities, Resident Organizations or Native American Resident Management Corporations) to the local HUD AONAP, Attention: Administrator, AONAPs with jurisdiction over the applying Indian housing authorities, Resident Organization or Native American Resident Management Corporations, as appropriate. A complete listing of these offices is provided in Appendix "A" of this NOFA.

It is not sufficient for an application to bear a postage date within the submission time period. APPLICATIONS RECEIVED AFTER THE DEADLINE DATES/TIMES LISTED ABOVE, WILL NOT BE CONSIDERED. Applications submitted by facsimile (FAX) are not acceptable.

IV. Common Definitions

Community Facility means a non-dwelling structure that provides space for multiple supportive services for the benefit of public and Indian housing residents (as well as others eligible for the services provided) that may include but are not limited to:

- (1) Child care;
- (2) After-school activities for youth;
- (3) Job training;
- (4) Campus of Learner activities; and
- (7) English as a Second Language (ESL) classes.

Contract Administrator means an overall administrator and/or a financial management agent that oversees the financial aspects of a grant and assists in the entire implementation of the grant. Examples of qualified organizations that can serve as a Contract Administrator are:

- (1) Local housing authorities; and
- (2) Community based organizations such as Community Development Corporations (CDCs), community churches, and State/Regional Associations/Organizations.

Development has the same meaning as the term "Project" below.

Elderly person means a person who is at least 62 years of age.

Jurisdiction-Wide Resident

Organization means an incorporated nonprofit organization or association that meets the following requirements:

(1) Most of its activities are conducted within the jurisdiction of a single housing authority;

(2) There are no incorporated Resident Councils, Resident Management Corporations, Resident Organizations or Native American Resident Management Corporations within the jurisdiction of the single housing authority;

(3) It has experience in providing start-up and capacity-building training to residents and resident organizations; and

(4) Public or Indian housing residents representing unincorporated Resident Councils within the jurisdiction of the single housing authority must comprise the majority of the board of directors.

Intermediary Resident Organizations means Jurisdiction-Wide Resident Organizations, State-wide Resident Organizations, Regional Resident Organizations and National Resident Organizations.

National Resident Organization (NRO) means an incorporated nonprofit organization or association for public and Indian housing that meets each of the following requirements:

(1) It is national (i.e., conducts activities or provides services in at least two HUD Areas or two States);

(2) It has experience in providing start-up and capacity-building training to residents and resident organizations; and

(3) Public or Indian housing residents representing different geographical locations in the country must comprise the majority of the board of directors.

Native American Resident Management Corporation (RMC) (as defined in 24 CFR 950.962) means an entity that proposes to enter into, or enters into, a contract to manage IHA property. The corporation shall have each of the following characteristics:

(1) It shall be a nonprofit organization that is incorporated under the laws of the State or Indian tribe in which it is located;

(2) It may be established by more than one resident organization, so long as each such organization both approves the establishment of the corporation and has representation on the Board of Directors of the corporation;

(3) It shall have an elected Board of Directors;

(4) Its by-laws shall require the Board of Directors to include representatives of each resident organization involved in establishing the corporation;

(5) Its voting members are required to be residents of the project or projects it manages; and

(6) It shall be approved by the resident organization. If there is no organization, a majority of the households of the project or projects shall approve the establishment of such an organization.

Person with disabilities means an adult person who:

(1) Has a condition defined as a disability in section 223 of the Social Security Act;

(2) Has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance Bill of Rights Act. Such a term shall not exclude persons who have the disease of acquired immunodeficiency syndrome (AIDs) or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome; or

(3) Is determined, pursuant to regulations issued by the Secretary, to have a physical, mental, or emotional impairment which:

(i) Is expected to be of long-continued and indefinite duration;

(ii) Substantially impedes his or her ability to live independently; and

(iii) Is of such a nature that such ability could be improved by more suitable housing conditions.

Project is the same as "low-income housing project" as defined in section 3(b)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437 *et. seq.*) (1937 Act).

Resident Association (RA) means any or all of the forms of resident organizations as they are defined elsewhere in this Definitions section and includes Resident Councils (RC), Resident Management Corporations (RMC), Resident Organizations (RO), Native American Resident Management Corporations, Regional Resident Organizations (RRO), Statewide Resident Organizations (SRO), and National Resident Organizations (NRO).

Resident Council (RC) means (as provided in 24 CFR 964.115) an incorporated or unincorporated nonprofit organization or association that shall consist of persons residing in public housing and must meet each of the following requirements in order to receive official recognition from the HA/ HUD, and be eligible to receive funds for RC activities and stipends for officers for their related costs for volunteer work in public housing. (Although 24 CFR part 964 defines an RC as an incorporated or unincorporated nonprofit organization, HUD requires the RC to be registered with the State at the time of application submission.)

(1) It must adopt written procedures such as by-laws, or a constitution which provides for the election of residents to the governing board by the voting membership of the public housing residents. The elections must be held on a regular basis, but at least once every 3 years. The written procedures must provide for the recall of the resident board by the voting membership. These provisions shall allow for a petition or other expression of the voting membership's desire for a recall election, and set the percentage of voting membership ("threshold") which must be in agreement in order to hold a recall election. This threshold shall not be less than 10 percent of the voting membership.

(2) It must have a democratically elected governing board that is elected by the voting membership. At a minimum, the governing board should consist of five elected board members. The voting membership must consist of heads of households (any age) and other residents at least 18 years of age or older and whose names appear on a lease for the unit in the public housing that the resident council represents.

(3) It may represent residents residing in:

(i) Scattered site buildings in areas of contiguous row houses;

(ii) One or more contiguous buildings;

(iii) A development; or

(iv) A combination of the buildings or developments described above.

Regional Resident Organization (RRO) means an incorporated nonprofit organization or association for public or Indian housing that meets each of the following requirements:

(1) It is regional (i.e., not limited by HUD Areas, including Tribal Areas);

(2) It has experience in providing start-up and capacity-building training to residents and resident organizations; and

(3) Public or Indian housing residents representing different geographical locations in the region must comprise the majority of the board of directors.

Resident Organization (RO) means an RC for an Indian housing authority (24 CFR 950.962).

Resident Management Corporation (RMC) (See 24 CFR 964.7, 964.120) means an entity that consists of residents residing in public housing and must have each of the following characteristics in order to receive official recognition by the HA and HUD:

(1) It shall be a nonprofit organization that is validly incorporated under the laws of the State in which it is located;

(2) It may be established by more than one RC, so long as each such council:

(i) Approves the establishment of the corporation; and

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

(3) It shall have an elected Board of Directors, and elections must be held at least once every 3 years;

(4) Its by-laws shall require the Board of Directors to include resident representatives of each RC involved in establishing the corporation; include qualifications to run for office, frequency of elections, procedures for recall, and term limits if desired;

(5) Its voting members shall be heads of households (any age) and other residents at least 18 years of age and whose names appear on the lease of a unit in public housing represented by the RMC;

(6) Where an RC already exists for the development, or a portion of the development, the RMC shall be approved by the RC board and a majority of the residents. If there is no RC, a majority of the residents of the public housing development it will represent must approve the establishment of such a corporation for the purposes of managing the project; and

(7) It may serve as both the RMC and the RC, so long as the corporation meets the requirements of this part for an RC.

Secretary means the Secretary of Housing and Urban Development.

Statewide Resident Organization (SRO) means an incorporated nonprofit organization or association for public or Indian housing that meets the following requirements:

- (1) It is Statewide or Tribe-wide;
- (2) It has experience in providing start-up and capacity-building training to residents and resident organizations; and

(3) Public or Indian housing residents representing different geographical locations in the State or Tribe must comprise the majority of the board of directors.

V. Common Requirements

(a) *Selection Processing.* (1) *Corrections to Deficient Applications.* After the submission deadline date, HUD will screen each application to determine whether it is complete, consistent, and contains correct computations.

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

(ii) Curable technical deficiencies relate to items that are not necessary for HUD review under selection factors and would not improve the quality of the applicant's program proposal.

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

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

(2) *Scoring.* HUD will review each application that it determines meets the requirements of these NOFAs and evaluate it by assigning points in accordance with the selection factors for the program for which the applicant applied. (HUD may utilize non-HUD staff reviewers to assist in scoring applications.) The number of points that an application receives will depend on the extent to which the application is responsive to the information requested in the selection factors. An application must receive a score of at least 75 points (or in the case of Elderly and Disabled Supportive Service Category applications in the ED/SS program—60 points) out of the maximum of 100 points that may be awarded under either of these NOFAs to be eligible for funding.

After applications have been scored, Headquarters will rank the applications in accordance with the ranking procedures for each program. Awards will be made in ranked order until all funds are expended. HUD will select the highest ranking applications that can be fully funded. In the event that two eligible applications receive the same score, and both cannot be funded because of insufficient funds, the application with the highest score in Selection Factor 3 will be selected. If Selection Factor 3 is scored identically for both applications, the scores in Selection Factors 1, 2, and 4 (for TOP) will be compared in this order, one at a time, until one application scores higher in one of the factors and is selected. If the applications score identically in all factors, the application that requests less funding will be selected. In the event that the remaining applications contain equal funding,

selections will be made among the remaining applications by lottery.

(b) *Post Selection Administration Funding—Reduction of Requested Grant Amounts and Special Conditions.* All awards will be made to fund fully an application, except as follows. HUD may approve an application for an amount lower than the amount requested, withhold funds after approval, adjust line items in the proposed grant budget within the amount requested and/or the grantee will be required to comply with special conditions added to the grant agreement, in accordance with 24 CFR 85.12 (public housing agencies), and 24 CFR 950.135 (Indian housing authorities) as applicable, and the requirements of this NOFA, or where:

(1) HUD determines the amount requested for one or more eligible activities is not supported in the application, and/or is unreasonable or unnecessary;

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

(3) The applicant has requested an ineligible activity; An activity proposed for funding does not qualify as an eligible activity and can be separated from the budget;

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

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

(c) *General Grant Requirements.* In addition to the requirements set forth in this NOFA, grantees are responsible for ensuring that grant funds are administered in accordance with all applicable laws and regulations, OMB circulars, HUD fiscal and audit controls, grant agreements, grant special conditions, the grantee's approved budget (SF 424A), and supporting budget narrative, plan and activity timetable. Applicable Federal laws include but are not limited to those related to fair housing and equal opportunity and the following:

(1) *Grant Administration.* The policies, guidelines, and requirements of the following apply to this NOFA:

(i) *For HAs and any governmental subgrantees:* 24 CFR part 85, OMB Circular A-87 and 24 CFR part 44;

(ii) *For private non-profit grantees or subgrantees:* 24 CFR part 84, OMB Circulars A-122 or A-21, as applicable, and 24 CFR part 45; and

(iii) *For for-profit participants using Federal funds:* 24 CFR part 84 and Federal Acquisition Requirements (FAR).

(2) *Cost Principles.* The cost principles of OMB Circulars A-87, A-21, or A-122, as applicable to the specific entity incurring the cost, apply to grantees and subgrantees funded under this NOFA.

(3) *Ineligible Contractors.* The provisions of 24 CFR part 24 apply and relate 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.

(4) *Freedom of Information Act.* Applications submitted in response to this NOFA are subject to disclosure under the Freedom of Information Act (FOIA).

(5) *Grant Staff Personnel.* All persons or entities compensated by grants for services provided under an ED/SS or TOP grant must meet all applicable personnel or procurement requirements and shall be required, as a condition of employment, to meet relevant State, local and Tribal government, insurance, training, licensing, civil rights or other similar standards and requirements.

(6) *Grant Agreement.* After an application has been approved, HUD and the applicant shall enter into a grant agreement (Form 1044) setting forth the amount of the grant and its applicable terms, conditions, financial controls, payment mechanism (which except under extraordinary conditions will operate under HUD's Line of Credit Control System (LOCCS)) and special conditions, including sanctions for violation of the agreement. Except as otherwise specified in the Grant Agreement, the applicant's entire application, including but not limited to the budget, timetable, and narrative will be incorporated in the Grant Agreement.

(7) *Duplication of Funds.* Under OMB Cost Circulars (A-87, A-21, and A-122), grantees may not duplicate funding from (i.e., charge the same costs to) the ED/SS or TOP grant and any other funding sources, although the costs of budget line items may be shared between the grant and other funding sources in accordance with allocation criteria in the applicable OMB Cost circular. Adequate financial controls must be in place to assure compliance with these requirements.

(8) *Risk Management.* Grantees and subgrantees are required to implement, administer and monitor programs so as to minimize the risk of fraud, waste, abuse, and liability for losses from adversarial legal action. The following requirements address these concerns:

(i) *Insurance/Indemnification.* Each grantee shall obtain adequate insurance coverage to protect itself against any

potential liability arising out of the eligible activities under this part. Subgrantees shall obtain their own liability insurance. For the TOP program, section 20(b)(3) of the 1937 Act states that bonding and insurance, or its equivalent, shall be available to protect the Secretary and the Public Housing Agency against loss, theft, embezzlement or fraudulent acts on or behalf of the RMC or its grantees.

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

(iii) *Default.* HUD may impose sanctions, subject to HUD notice and Grantee opportunity to respond/correct as described in the program grant agreement if the grantee:

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

(B) Fails to make satisfactory progress toward its program goals, as specified in its plan and as reflected in its performance, financial status reports or through other information available to HUD;

(C) Does not establish procedures that will minimize the time elapsing between drawdowns and disbursements;

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

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

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

(G) Does not submit reports; or

(H) Files a false certification.

(iv) *Sanctions.* The sanctions that HUD may impose include but are not limited to:

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

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

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

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

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

(F) Withhold further awards for the program; or

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

(10) *Treatment of Income.* For public housing only, annual Income does not include the earnings and benefits to any family member resulting from the participation in a program providing employment training and supportive services in accordance with the Family Support Act of 1988, section 22 of the 1937 Act (See 24 CFR part 5), or any comparable Federal, State, or local authority during the exclusion period. For purposes of this paragraph, the following definitions apply:

(i) *Comparable Federal, State, local or tribal law* means a program providing employment training and supportive services that:

(A) Is authorized by a Federal, State, local or tribal law;

(B) Is funded by the Federal, State, local or tribal government;

(C) Is operated or administered by a public agency;

(D) Has as its objective to assist participants in acquiring employment skills.

(ii) *Exclusion period* means the period during which the resident participates in a program described in this NOFA, plus 18 months from the date the resident begins the first job acquired by the resident after completion of such program that is not funded by public housing assistance under the 1937 Act. If the resident is terminated from employment based on good cause, the exclusion shall end.

(iii) *Earnings and benefits* means the incremental earnings and benefits resulting from a qualifying employment program or subsequent job.

(11) *Reports and Closeout* (i) *Semiannual reports.* Each applicant receiving a grant shall submit to HUD a semi-annual progress report in a format prescribed by HUD that indicates program expenditures and measures performance in achieving program milestones and goals. No grant payments will be approved for grantees with overdue progress reports.

(ii) *Final reports and closeout.* As part of a grant closeout process, each applicant receiving a grant shall submit to HUD a final report in a format prescribed by HUD that reports final program expenditures and measures performance in achieving program goals.

(iii) *Audits and closeouts.* HUD will make maximum use of audits required under 24 CFR parts 44 and 45 as applicable in conducting grant closeout. At grant closeout, grantees shall make the latest audit available to HUD along with the final report. TOP Grantees shall time their final audit to reflect grant completion and to be available at closeout.

(12) *LOCCS/VRS* All grantees will access the grant funds through the LOCCS/VRS.

VI. Public Housing Economic Development and Supportive Services Program (ED/SS) NOFA

(a) *Purpose and Description.* (1) *Authority.* The ED/SS program is authorized pursuant to the 1997 Appropriations Act.

(2) *Funding Available.* The Department is making a total of \$42.25 million available for award pursuant to this NOFA. The Department is setting aside 10% of this amount to fund applications from IHAs with the remainder (90%) available to fund applications from PHAs. Both the amount for IHAs and the amount for PHAs will be allocated as follows: 80% will be allocated to Family Economic Development and Supportive Services category grants; and the remaining 20% will be allocated to Elderly and Disabled Supportive Services category grants.

(3) *Program Description.* The ED/SS program provides grants to HAs to enable them to establish and implement programs that increase resident self-sufficiency and support continued independent living for elderly and disabled residents.

(b) *Eligible Applicants* (1) *Primary Applicants.* Public and Indian Housing Authorities that have not received a previous ED/SS grant are eligible primary applicants. Public and Indian Housing Authorities are required to establish partnerships with eligible co-applicants as described below.

(2) *Co-Applicants.* Eligible Co-Applicants are:

(i) Corporations (including non-profit and for profit corporations) are eligible co-applicants; and

(ii) Public bodies, including an agency or instrumentality thereof, are eligible co-applicants.

(3) Co-Applicant Roles and Requirements.

(i) Co-Applicants capabilities will be considered in reviewing applications.

(ii) Co-Applicants are considered an integral part of the application and cannot be changed once applications are submitted and under review without disqualifying an application. If an applicant HA is awarded a grant, it must

obtain HUD approval prior to dissolving a partnership with a Co-Applicant or significantly changing its role.

(iii) Co-Applicants can be designated subgrantees if appropriate, but in such an instance become subject to Federal requirements applicable to subgrantees.

(c) *Eligible Participants.* (1) Residents of conventional public or Indian housing are eligible to participate in and/or receive the benefits of a Family ED/SS category grant. A grantee may designate that up to twenty five percent (25%) of the total number of persons eligible to participate in and/or receive the benefits of a Family ED/SS category grant may be recipients of assistance under the Section 8 Program rather than residents of conventional public housing.

(2) A grantee may designate that up to twenty five percent (25%) of the total number of persons eligible to participate in and/or receive the benefits of a Disabled Supportive Services category grant may be recipients of assistance under the Section 8 Program rather than residents of conventional public housing.

(3) A grantee may plan for assistance for elderly persons or persons with disabilities on a waiting list for either public housing or Section 8 assistance in advance of their becoming public housing residents or securing Section 8 assistance.

(d) *Maximum Grant Amounts.* The maximum grant awards are limited as follows:

(1) *For Family Economic Development and Supportive Services category*—no more than \$250 per unit up to the below listed maximums:

(i) For HAs with 1 to 780 units, the maximum grant award is \$150,000.

(ii) For HAs with 781 to 7,300 units the maximum grant award is \$500,000.

(iii) For HAs with 7,301 or more units, the maximum grant award is \$1,000,000.

(2) *For Elderly or Disabled Supportive Services category*—no more than \$100 per unit up to the below listed maximums:

(i) For HAs with 1 to 217 units occupied by Elderly residents or persons with disabilities, the maximum grant award is \$100,000.

(ii) For HAs with 218 to 1,155 units occupied by Elderly residents or persons with disabilities, the maximum grant award is \$200,000.

(iii) For HAs with 1,156 or more units occupied by Elderly residents or persons with disabilities, the maximum grant award is \$300,000.

(3) An HA may submit one application under the Family Economic Development and Supportive Services

grant category and/or one application under the Elderly or Disabled Supportive Services grant. The maximum number of applications that an HA may submit is two. If an HA submits two applications, the total amount requested must not exceed the maximum grant amount available for its size under the Family Economic Development and Supportive Services category (as listed above).

(e) *Eligible activities.* Program funds may be used for the following:

(1) *Family Economic Development and Supportive Services category.*

(i) *Economic Development activities.* Activities essential to facilitate economic uplift and provide access to the skills and resources needed for self-development and business development. Economic development activities may include:

(A) *Entrepreneurship Training* (literacy training, computer skills training, business development planning).

(B) *Entrepreneurship Development* (entrepreneurship training curriculum, entrepreneurship courses).

(C) *Micro/Loan Fund.* Developing a strategy for establishing a revolving micro/loan fund and/or capitalizing a loan fund. A loan fund (from non-grant funds and/or grant funds) must be included as part of a comprehensive entrepreneurship training program if applicable.

(D) *Developing credit unions.* Developing a strategy to establish and/or creating on-site credit union(s) to provide financial and economic development initiatives to HA residents. (ED/SS grant funds cannot be used to capitalize a credit union.) The credit union could support the normal financial management needs of the community (i.e., check cashing, savings, consumer loans, micro-businesses and other revolving loans).

(E) *Employment training and counseling* (e.g., job training (such as Step-Up programs), preparation and counseling, job search assistance, job development and placement, and continued follow-up assistance).

(F) *Employer linkage and job placement.*

(ii) *Supportive Services.* The provision of services to assist eligible residents to become economically self-sufficient, particularly families with children where the head of household would benefit from the receipt of supportive services and is working, seeking work, or is preparing for work by participating in job-training or educational programs. Supportive services may include:

(A) Child care, of a type that provides sufficient hours of operation and serves appropriate ages as needed to facilitate parental access to education and job opportunities.

(B) Computer based educational opportunities, skills training, and entrepreneurial activities.

(C) Homeownership training and counseling, development of feasibility studies and preparation of homeownership plans/proposals.

(D) Education including but not limited to:

(1) Remedial education;

(2) Literacy training;

(3) Assistance in the attainment of certificates of high school equivalency;

(4) Two-year college tuition assistance;

(5) Trade school assistance;

(6) Youth leadership skills and related activities (activities may include peer leadership roles training for youth counselors, peer pressure reversal, life skills, goal planning).

(E) Youth mentoring of a type that mobilizes a potential pool of role models to serve as mentors to public or Indian housing youth. Mentor activities may include after-school tutoring, drug abuse treatment, job counseling or mental health counseling.

(F) Transportation costs, as necessary to enable any participating family member to receive available services to commute to his or her training or supportive services activities or place of employment.

(G) Personal welfare (e.g., family/parental development counseling, parenting skills training for adult and teenage parents, substance/alcohol abuse treatment and counseling, and self-development counseling, etc.).

(H) Supportive health care services (e.g., outreach and referral services).

(1) The employment of case managers.

(2) *Elderly or Disabled Supportive Services Category*. Supportive Services for the elderly and for persons with disabilities include:

(i) Meal service adequate to meet nutritional need;

(ii) Personal assistance (which may include, but is not limited to, aid given to eligible residents in grooming, dressing, and other activities which maintain personal appearance and hygiene);

(iii) Housekeeping aid;

(iv) Transportation services;

(v) Wellness programs, preventive health education, referral to community resources;

(vi) Personal emergency response; and

(vii) Congregate services—includes supportive services that are provided in a congregate setting at a conventional HA development.

(3) *For both Family Economic Development and Supportive Services category and Elderly or Disabled Supportive Services category grants:*

(i) The employment of service coordinators. For the purposes of this NOFA, a service coordinator is any person who is responsible for one or more of the following functions:

(A) Assessing the training and supportive service needs of eligible residents (for Family Economic Development and Supportive Service category grants);

(B) Working with community service providers to coordinate the provision of services and to tailor the services to the needs and characteristics of eligible residents;

(C) Establishing a system to monitor and evaluate the delivery, impact, effectiveness and outcomes of supportive services under this program;

(D) Coordinating this program with other independent living or self-sufficiency, education and employment programs;

(E) Performing other duties and functions that are appropriate to assist eligible public and Indian housing residents to become economically self-sufficient;

(F) Performing other duties and functions to assist residents to remain independent, and to prevent unnecessary institutionalization; and

(G) Mobilizing other national and local public/private resources and partnerships.

(ii) Any other services and resources, proposed by the applicant and approved by HUD and authorized by the 1997 Appropriations Act that are determined to be appropriate in assisting eligible residents.

(4) Administrative costs not to exceed 15% of the grant amount.

(f) *Term of Grant*. All funds must be expended within 36 months after the effective date of grant agreement. Grant implementation progress must be evident and documented within the first six months of grant award. Grantees must have completed all but grant closeout activities within 30 months after the effective date of the grant agreement. Grant terms may not be extended without substantial good cause (circumstances reasonably unforeseen and reasonably beyond the grantee's control) and subject to HUD approval.

(g) *Program Requirements—Threshold Criteria*. The following threshold requirements are considered essential for an application to be complete and acceptable for rating and ranking:

(1) *General Submission Requirements*. A complete application as prescribed in

the Application Kit must be submitted to the appropriate field office by the deadline as specified in this NOFA.

(2) *Needs Assessment Report*. The applicant must provide a needs assessment report dealing with the proposed recipient population that contains, at minimum, sections containing statistical or survey information on the needs of the recipient population that addresses the needs of different projects to be served relative to the needs of the overall housing authority and an identification of resources to meet the needs.

(3) *Grant Implementation Plan*. (i) The applicant must provide a grant implementation plan, in a format prescribed by the application kit, that reduces the level of needs identified in the needs assessment report.

(ii) This plan must, at minimum, list specific measurable objectives to be achieved as a result of grant activities (such as an objective of 100 residents becoming employed, 10 resident businesses starting, or 150 residents completing GED requirements) and list major milestones necessary to accomplish the goals. Milestones shall include the number of participants to be served, types of services, outcomes, and dollar amounts to be allocated over the two year period.

(iii) The plan must also include a detailed budget, activities and timetable.

(iv) In addition, the plan must describe how resources and/or services firmly committed by partners/co-applicants are effectively directed to support the residents' self-sufficiency efforts. To be considered "firmly committed" there must be a written agreement to provide the resources. The written agreement may be contingent upon an applicant receiving a grant award. These resources must be provided for a period two years.

(4) *For Family Economic Development and Supportive Service Applications*. The applicant must provide evidence that the proposed grant implementation plan is consistent with the State or Tribal Welfare Plan. Applicants must, however, comply with the restrictions of the ED/SS program if its requirements conflict with those of the State or Tribal Welfare Plan. For example the State or Tribal plan may give TANF recipients five years to leave public assistance; but, the ED/SS program is to be completed within two and a half years regardless. In order to be consistent with the State or Tribal Welfare Plan, the implementation plan must have a performance objective that would result in a majority of the participants becoming self sufficient by the deadline for termination of TANF assistance set

by the State. In addition, the applicant's plan must be guided by the goals, milestones and schedules set by the State TANF plan both overall and to the extent that such goals, milestones and schedules are set for individual families.

(5) *Focus on Residents Affected by Welfare Reform.* The application must contain written evidence from the HA that at least 75% or more of the public or Indian housing residents to be included in the proposed program and served by ED/SS grant funds are affected by the welfare reform legislation, including TANF recipients, legal immigrants, and disabled SSI recipients. This requirement is not applicable to applications dealing with elderly persons and/or persons with disabilities.

(6) *Accessible Community Facility.* The application must provide evidence (e.g. through an executed use agreement) that a preponderance of the proposed activities will be administered at community facilities in or within easy access of the specific public or Indian housing development(s). These facilities and these programs must be accessible to persons with disabilities. These facilities may include deprogrammed units, existing community space or off-site facilities. If units have to be converted from dwelling use into a community facility or the facility is to be constructed, the applicant must submit a plan for the conversion or construction that provides for adequate resourcing and a time schedule. If the proposed community facility is to be provided by an entity other than the applicant, the application must include an agreement with the proper authority (owner or operator of the site) for use of the proposed facility. The community facilities must be operational within nine (9) months of the grant awards. In the case of applications for programs to be implemented for the primary benefit of residents in housing that is dispersed in a rural setting, the applicant must provide evidence that participants will have access to transportation to the community facility that is convenient. This community facility requirement also shall not apply to reverse community activities that provide transportation to jobs that are distant from the dwellings of participants.

(7) *Leveraging Other Resources (Matching Requirement).* The budget, the narrative described in paragraph (3) above, and commitments from resources and services other than the grant for which the applicant is applying to support the grant (including Comprehensive Grant, and other grants or assistance from governmental units/agencies of any type and/or private

sources, whether for-profit or not-for-profit) must clearly evidence that these resources are firmly committed, will support the proposed grant activities and will, in combined amount (including in-kind contributions of personnel, space and/or equipment) equal the ED/SS grant amount proposed in this application. At least half of the match amount must consist of a monetary contribution of funds rather than in-kind or other types of contributions. Salaries paid for with ED/SS funds do not qualify as funds from sources outside HUD. The following are guidelines for valuing certain types of contributions:

(i) The value of volunteer time and services shall be computed at a rate of five dollars per hour except that the value of volunteer time and service involving professional and other special skills shall be computed on the basis of the usual and customary hourly rate paid for the service in the community where the ED/SS activity is located.

(ii) The value of any donated material, equipment, building, or lease shall be computed based on the fair market value at time of donation. Such value shall be documented by bills of sales, advertised prices, appraisals, or other information for comparable property similarly situated not more than one year old taken from the community where the item or ED/SS activity is located, as appropriate.

(8) *Compliance with Current Programs.* The applicant must provide certification in the format provided in the Application Kit that it is not in default at the time of application submission with respect to grants for the programs listed below:

- (i) The Family Investment Center Program;
- (ii) The Youth Development Initiative under the Family Investment Center Program;
- (iii) The Youth Apprenticeship Program;
- (iv) The Apprenticeship Demonstration in the Construction Trades Program;
- (v) The Urban Youth Corps Program;
- (vi) The HOPE 1 Program;
- (vii) The Public Housing Service Coordinator Program;
- (viii) The Public Housing Drug Elimination Program; and
- (ix) The Youth Sports Program.

(x) In the case of an HA that is designated as "troubled" as a result of its PHMAP score or "High Risk" IHAs, the HA must provide certification that a Contract Administrator (or equivalent qualified organization) will be deployed in the administration of this proposed grant.

(9) *Automated Capability.* The application must provide certification that the applicant will secure access to on-line computer/INTERNET capability as a means of communication with HUD on grant matters.

(10) *Audit Findings and Equal Opportunity Requirements.* An applicant cannot have unresolved, outstanding Inspector General audit findings or fair housing and equal opportunity monitoring and compliance review findings or Field Office management review findings relating to discriminatory housing practices. In addition, the applicant must be in compliance with civil rights laws and equal opportunity requirements. An applicant will be considered to be in compliance if:

(i) As a result of formal administrative proceedings, there are no outstanding findings of noncompliance with civil rights laws or the applicant is operating in compliance with a HUD-approved compliance agreement designed to correct the area(s) of noncompliance.

(ii) There is no adjudication of a civil rights violation in a civil action brought against it by a private individual, or the applicant demonstrates that it is operating in compliance with a court order, or implementing a HUD-approved tenant selection and assignment plan or compliance agreement, designed to correct the area(s) of noncompliance.

(iii) There is no deferral of Federal funding based upon civil rights violations;

(iv) HUD has not deferred application processing by HUD under Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-1) (Title VI), the Attorney General's Guidelines (28 CFR 50.3) and HUD's Title VI regulations (24 CFR 1.8) and procedures (HUD Handbook 8040.1) [PHAs only] or under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) (Section 504) and HUD's implementing regulations (24 CFR 8.57) [PHAs and IHAs];

(v) There is no pending civil rights suit brought against the applicant by the Department of Justice; and

(vi) There is no unresolved charge of discrimination against the applicant issued by the Secretary under section 810(g) of the Fair Housing Act (42 U.S.C. 3601-3619), as implemented at 24 CFR 103.400.

(11) *PHMAP Score.* An applicant cannot have a PHMAP score of less than a C for either Indicator #6, component (1), Financial Management/Cash Reserves, or Indicator #7, Resident Services and Community Building, on its most recent PHMAP. If an applicant's most recent PHMAP score is derived from the predecessor PHMAP regulation

(24 CFR Part 901, published December 30, 1996), the applicant cannot have a PHMAP score of less than a C for either Indicator 9, Operating Reserves, or Indicator 11, Resident Initiatives.

(h) *Selection Factors.* Each application for a grant award that is submitted in a timely manner, as specified in the Application Kit, to the local HUD field office or AONAP as applicable and that otherwise meets the threshold and other requirements of this NOFA will be evaluated competitively using a point scale.

The number of points that an application receives will depend on how well it addresses the selection factors described below. An application must receive a score of at least 75 points (or in the case of Elderly and Disabled Supportive Service Category applications in the ED/SS program—60 points) out of the maximum of 100 points that may be awarded under this competition to be eligible for funding. Applications for both Family Economic Development and Supportive Services and Elderly and Disabled Supportive Services Grants will be scored on the following factors.

(1) *Quality of Planning for Self-sufficiency* (for Family Economic Development and Supportive Services Category applications) and *Independence for the Elderly and Persons with Disabilities* (for Elderly and Disabled Supportive Services Category applications). (Maximum Points: 40) In assessing this factor, HUD will consider the following:

(i) *Needs Assessment* (Maximum Points: 10): HUD will award up to 10 points based on the quality and comprehensiveness of the needs assessment document.

(A) In order to obtain maximum points for Family Economic Development and Supportive Services Category applications, this document must contain statistical data which provides:

(1) A thorough socioeconomic profile of the eligible residents in relationship to HA-wide and national public and Indian housing data on residents:

(a) Who are on TANF, SSI benefits, or other fixed income arrangements;

(b) In job training, entrepreneurship, or community service programs; and

(c) Who are employed.

(d) Specific information should be provided on training, contracting and employment through the HA.

(5) An assessment of the current service delivery system as it relates to the needs of the target population, including the number and type of services, the location of services, and community facilities currently in use.

(B) In order to obtain maximum points for Elderly and Disabled Supportive Services Category applications, this document must contain statistical data which provides:

(1) the numbers of elderly, disabled and Supplemental Security Income recipient residents that are residing in the targeted development(s).

(2) An assessment of the current service delivery system as it relates to the needs of the target population, including the number and type of services, the location of services, and community facilities currently in use,

(3) A description of the goals, objectives, and program strategies that will result in increased independence for proposed program participants.

(ii) *Viability and comprehensiveness of the strategies to address the needs of residents* (Maximum Points: 20): The score in this factor will be based on the viability and comprehensiveness of strategies to address the needs of residents. HUD will award up to 20 points based on the following:

(A) *Services* (Maximum Points: 10): The score in this factor will be based on the extent and comprehensiveness of the services that will be provided.

(1) For Family Economic Development and Supportive Services Category applications a high score is received if there is a comprehensive description of how the applicant's plan provides services that specifically address the successful transition from welfare to work of non-elderly families. To receive a high score, the applicant must commit to a whole family approach, whereby children and adult members of the same household are provided with comprehensive services, along with case management that tracks the provision of those services: services would include counseling, job training/development/placement (and/or business training/development/start-up), child care and transportation.

(2) For Elderly and Disabled Supportive Services Category applications, a high score is received if the applicant includes case management, health and personal care, congregate services and transportation. To obtain maximum points the services must be located in a community facility and be available on a 12 hour basis or as needed by the eligible residents.

(B) *Resident Contracting and Employment* (Maximum Points: 5): The score in this factor will be based on the extent to which residents will achieve self-sufficiency through the applicant contracting with resident owned businesses and through resident employment. A high score will be awarded where there is documentation

(letter or resolution) describing the HA's commitment to hire a substantial number of residents or contract with a substantial number of resident owned businesses and a narrative describing the reasonable number of jobs or contracts, as well as the training processes related to the comprehensive plan. Elderly and Disabled Supportive Services Category applications will not be scored on this criterion.

(C) *Rent Reform and Occupancy Incentives* (Maximum Points: 5): The score in this factor will be based on the degree to which the applicant has implemented, proposes to implement or collaborates with a public welfare department to implement incentives designed to promote resident self-sufficiency including but not limited to: ceiling rents, rent exclusions, rent escrows, occupancy preferences for applicants who work or who are in a self-sufficiency program, stipends, or income disregards. A high score is received if the applicant can show how the incentives complement other aspects of the applicant's implementation plan. Elderly and Disabled Supportive Services Category applications will not be scored on this criterion.

(iii) *Budget appropriateness/efficient use of grant* (Maximum Points: 5): Up to 5 points based on the extent to which the proposed ED/SS program will result in a lower total ED/SS program cost per dwelling unit to be served in the program in comparison to other applications under ED/SS. For the purposes of this selection factor, applicants may only count dwelling units currently under an annual contributions contract at the time of application submission. The procedure for determining the score is outlined below.

(A) HUD will combine all of the per-unit amounts, rounded to the nearest whole dollar, into a single nationwide list in order from the lowest cost per unit to the highest cost per unit. HUD will take the total number of grant applications that have met the prerequisites to be scored and divide them by the score for this factor (i.e. 5) to establish a scoring increment.

(B) HUD will start at the lowest per-unit amount and count one scoring increment into the list (i.e. 1/5th of the way into the list). The per-unit amount at that location will constitute a breakpoint. HUD will count the next scoring increment into the list and establish another breakpoint. The process will be repeated to establish 5 segments of per-unit costs. In the event that multiple applications share the same per-unit cost at a breakpoint, the

breakpoint will be adjusted by \$1 higher or lower than that of the initial breakpoint to achieve as close as possible a 1/5th segment.

(C) Once all of the breakpoints have been established as outlined, HUD will enter the score. All applications with a cost per unit below that of the first breakpoint will receive a score of 5; those with a cost per unit above the first breakpoint but lower than the second breakpoint will receive a score of 4; etc.

(iv) *Reasonableness of the Timetable* (Maximum Points: 5): The score in this factor will be based on the speed at which the applicant can realistically accomplish the goals of the proposed ED/SS program. To receive a high score, the applicant must demonstrate that it will make substantial progress within the first six months after grant execution including putting staff in place, finalizing partnership arrangements, completing the development of requests for proposals and achieving other milestones that are prerequisites for implementation of the program. In addition the applicant must demonstrate that the proposed timetable for all components of the proposed program is reasonable considering the size of the grant and its activities and that it can accomplish its objectives within the first 30 months of the grant term.

(2) *Applicant Capability/Organizational Structure for Administering Grant Activities* (Maximum Points: 30): In assessing this factor, HUD will consider the following:

(i) *Proposed program staffing* (Maximum Points: 5): The score in this factor will be based on the extent to which the applicant's proposed staffing in support of the program is suited to accomplishing the program's objectives in terms of the appropriateness of staff skills, assignments and levels. In order to receive a high score an applicant must provide a comprehensive description of who will provide the services and how the services identified will be delivered. This should include an organizational chart, proposed staff/other resources/consultants proposed, and a discussion of coordination among various services providers.

(ii) *Program Administration* (Maximum Points: 5): The score in this factor will be based on the soundness of the proposed management of the proposed ED/SS program. In order to receive a high score an applicant must provide a comprehensive description of the project management structure, including the use of a contract administrator, if applicable. The narrative must provide a description of how any co-applicants, subgrantees and

other partner agencies relate to the program administrator as well as the lines of authority and accountability among all components of the proposed program.

(iii) *Fiscal Management* (Maximum Points: 5): The score in this factor will be based on the soundness of the applicant's proposed fiscal management. In order to receive a high score an applicant must provide a comprehensive description of the fiscal management structure, including but not limited to budgeting, fiscal controls and accounting. The application must describe the staff responsible for fiscal management, and the processes and timetable for implementation during the proposed grant period.

(iv) *Program Evaluation* (Maximum Points: 5): The score in this factor will be based on the soundness of the applicant's plan to evaluate the success of its proposed ED/SS program both at the completion of the program and during program implementation. In order to receive a high score the application must contain a comprehensive description of the program evaluation system (including staff designated for the program quality controls), performance measures (including use of automated systems for collecting the program data), and the timetable for undertaking this activity. The NOFA Application Kit will contain guidance on the preparation of performance measures. The performance measures must be related to the goals and objectives of the proposed program and could include but not be limited to the following based on the grant category for which the applicant is applying:

(A) The number of residents starting jobs or entrepreneurship training programs;

(B) The number of residents successfully completing job training or starting businesses;

(C) The number of residents receiving supportive services (specified by type of service);

(D) The number of community facilities used for welfare to work and other self-sufficiency/independence efforts; and

(E) The number of community partnerships executed in support of self-sufficiency for residents.

(v) *Applicant/Administrator Track Record* (Maximum Points: 10): The score in this factor will be based on the applicant's or if a Contract Administrator is proposed the Administrator's prior performance in successfully carrying out grant programs designed to assist residents in increasing their self-sufficiency, security

or independence. In order to receive a high score the applicant must demonstrate its (or the proposed Administrator's) program compliance and successful implementation of any of resident self-sufficiency, security or independence oriented grants (including those listed below) awarded to the applicant or overseen by the Administrator. Applicants or Administrators with no prior experience in operating programs that foster resident self-sufficiency, security or independence will receive a score of 0 on this factor. The applicant's past experience may include but is not limited to administering the following grants:

(A) The Family Investment Center Program;

(B) The Youth Development Initiative under the Family Investment Center Program;

(C) The Youth Apprenticeship Program;

(D) The Apprenticeship Demonstration in the Construction Trades Program;

(E) The Urban Youth Corps Program;

(F) The HOPE 1 Program;

(G) The Public Housing Service Coordinator Program;

(H) The Public Housing Drug Elimination Program; and

(I) The Youth Sports Program.

(3) *Resident and Other Partnerships* (Maximum Points: 30).

In assessing this factor, HUD will consider the following:

(i) *Applicant Partnership with Residents* (Maximum Points: 15): The score in this factor will be based on the following:

(A) *Overall Relationship/TOP Coordination* (Maximum Points: 5): For Family Economic Development and Supportive Services Category applications, the score in this factor will be based on the extent of coordination between the applicant's proposed ED/SS program and any/all existing or proposed TOP programs sponsored by RAs within the applicant's jurisdiction. In order to receive a high score the application must contain a Memorandum(s) of Understanding (MOU) that describes collaboration between HA staff and residents on all of the specific components related to the implementation plans of both the proposed or current TOP and ED/SS Programs. If there are no existing and no proposed TOP grants within the jurisdiction of the applicant, the score for this factor will be 0. Elderly and Disabled Supportive Services Category applications will not be scored on this criterion. In addition, if all of the resident groups eligible to apply for

TOP within the applicant's jurisdiction have already received TOP grants and will have completed their activities, the applicant will not be scored on this criterion.

(B) *Resident Involvement in ED/SS Activities* (Maximum Points: 10): The score in this factor will be based on the extent of resident involvement in developing the proposed ED/SS program as well as the extent of proposed resident involvement in implementing the proposed ED/SS program. In order to receive a high score on this factor the applicant must provide documentation that describes the involvement of residents in the planning phase for this program, and a commitment to provide continued involvement in grant implementation. In order to receive maximum points a memorandum of understanding or other written agreement between the applicant and the appropriate Resident Associations must be included.

(ii) *Other Partnerships* (Maximum Points: 15): The score in this factor will be based on the successful integration of partners into implementation of the proposed ED/SS program. In order to receive a high score an applicant must provide a signed Memorandum of Understanding (MOU) (or other equivalent signed documentation provided that it delineates the roles and responsibilities of each of the parties and the benefits they will receive) that delineates specific partnerships related to the components in the comprehensive plan. In assessing this factor HUD will examine a number of aspects of the proposed partnership including:

(1) The appropriateness of the level of expertise of the partners related to activities proposed in the application;

(2) The soundness of the division of responsibilities/management structure of the proposed partnership relative to the expertise and resources of the partners;

(3) The extent of commitment of the partners (time, resources, funds, etc.); and

(4) The extent to which the partnership as a whole addresses a broader level of unmet resident needs; the extent to which the addition of the partners provides the ability to meet needs more cost effectively or efficiently than the applicant or its partners could achieve individually without forming the partnership.

(5) If located in, or serving the population of a federally designated Empowerment Zone or Enterprise community, the extent to which the program has been coordinated with the

Empowerment Zone or Enterprise Community Strategic Plan.

(4) *Bonus Points* (Maximum Points: 10): *Selection as a Job Plus Demonstration Site*—The applicant will receive 10 bonus points if it has been selected as a participant in the Department's Jobs Plus demonstration program.

(i) *Ranking Procedures*: HUD will divide the applicants that have complied with the threshold requirements and possess a score greater than or equal to the minimum score listed in Section V(a)(2) of this announcement into two lists: one list for PHA applicants and one list for IHA applicants. The applicants on these two lists will further be ranked in two lists based upon the category of grant requested. Headquarters shall fund the applications on each of the four lists in rank order pursuant to the procedure outlined in Section V(a)(2) of this announcement utilizing the funding allocated to PHAs and IHAs respectively and to each category of grant (Family Economic Development and Supportive Services category and Elderly and Disabled Supportive Services category) in Section VI(a)(2) of this announcement. If there are insufficient applications to exhaust the funding for a category, the remaining funds will be reallocated to the other category within the separate PHA or IHA allocation. After any such reallocation, if there are insufficient applications to exhaust the funding for the PHA or the IHA allocation, the remaining funds will be reallocated to the other type of applicant (PHA or IHA) list. If such a reallocation occurs, the reallocated amount is subject to the category allocations until there are insufficient applications to exhaust the funding in which case the funds can be reallocated to the other category.

(j) *General Program Requirements*. (1) Persons participating in an Elderly or Disabled Supportive Services category grant program shall not be required to provide more information than is necessary to participate in the specific services that are requested. Any and all information provided to a service coordinator or service provider must be kept confidential. Housing Authority staff are prohibited from examining participant medical records or requesting/obtaining information on the extent or nature of a participant's disability. This provision shall not prohibit grantees, service coordinators and service providers from collecting information reasonably necessary to maintain complete records of and report on program activities including: the demographic characteristics of people served, the kinds of services provided

and the results/outcomes of services provided.

(2) Grantees are required to attend HUD sponsored training specifically designated for grantees under this program. The Department intends to offer a three to four day training session within six months of awarding grants.

VII. Tenant Opportunity Program (TOP) NOFA

(a) *Purpose and Description*. (1) *Authority*. TOP is authorized under section 20 of the 1937 Act. Section 20(a) states that "[t]he purpose of this section [section 20] is to encourage increased resident management of public housing projects * * * [and the provision of funding] * * * to promote formation and development of resident management entities." Further, section 20(f)(1) of the 1937 Act provides that:

[T]he Secretary shall provide financial assistance to resident management corporations or resident councils that obtain, by contract or otherwise, technical assistance for the development of resident management entities, including the formation of such entities, the development of the management capability of newly formed or existing entities, the identification of the social support needs of residents of public housing projects, and the securing of such support.

Section 20(f)(2) designates that financial assistance may not exceed \$100,000 with respect to any public or Indian housing project. HUD has implemented section 20 at 24 CFR part 950, subpart O (for Indian housing), and part 964 (for public housing).

(2) *Funding Available*. This NOFA makes \$12,975,000 available for awards to public housing Resident Associations, \$2 million for awards to Resident Organizations and Native American Resident Management Corporations and \$5 million for awards to intermediary Resident Organizations to provide technical assistance and training activities under the TOP program. (3) *Program Description*. (i) The TOP program helps meet the need in many communities for economic development and supportive services. The program enables resident entities to establish priorities, based on the efforts in their public and Indian housing communities, that are aimed at furthering economic lift and independence.

(ii) Technical assistance grants are provided by the Secretary to resident grantees and NROs/RROs/SROs (referred to as Intermediary Resident Organizations) to assist residents to improve their educational, professional, and economic levels, by obtaining skills which will make them more employable in the local community. TOP technical

assistance grants are available for the development of resident management entities, including the formation of such entities, the development of the management capability of newly formed or existing entities, the identification of the social support needs of residents of public and Indian housing projects and the securing of such support.

(b) *Eligible applicants.* (1) *Basic and Additional Grants.* Funding for Basic and Additional Grants under this program is limited to the following Resident Associations (RAs) with duly elected boards: Resident Councils (RCs), Resident Management Corporations (RMCs), Resident Organizations (ROs), and Native American Resident Management Corporations. This year, the following restrictions have been placed on applicant eligibility which differ from previous years:

(i) HUD no longer allows for the submission of city-wide/jurisdiction-wide or multiple RA applications except for Jurisdiction-Wide Resident Organizations. Subject to the previous exception for Jurisdiction-Wide Resident Organizations only applications which represent a single development may apply. Joint applications of any sort will not be considered for grant awards.

(ii) HUD no longer allows for the formation of Partnership Paradigm Technical Assistance (PPTA) organizations or Technical Assistance Organizations (TAOs). Therefore, no PPTA or TAO applications will be considered for grant awards.

(iii) Applicants must be registered as non-profit corporations with 501(c) status or have applied for such status.

(2) *Intermediary Grants.* Funding for Intermediary Grants under this program is limited to the following Intermediary Resident Organizations which must be registered as non-profit corporations with 501(c) status: Jurisdiction-Wide Resident Organizations, Statewide Resident Organizations (SROs), Regional Resident Organizations (RROs) and National Resident Organizations (NROs).

(c) *Eligible Participants.* Residents of conventional public or Indian housing are eligible to participate in and/or receive the benefits of TOP grant activities.

(d) *Eligible Grant Amounts.* (1) *Basic Grants.* Eligible Applicant RAs that have not previously received direct TOP funding or assistance from an Intermediary Resident Organization can receive up to \$100,000 in grant funds. The \$100,000 maximum grant amount of Eligible Applicants that have received assistance from an Intermediary Resident Organizations must be reduced

by the value of the assistance that they received from the Intermediary Resident Organization. Intermediary Resident Organizations that provide assistance to RAs must provide the value of the assistance to the RA upon request.

(2) *Additional Grants.* Any eligible RA selected for a Resident Management (RM) or a TOP grant in FYs 1988-1995 (including a mini grant for start-up activities) that received less than a total of \$100,000 may apply for an Additional Grant, provided that total cumulative RM/TOP funding for a project site, including Citywide or Intermediary Grant funds benefiting the project, does not exceed (including previous grants) the total statutory maximum of \$100,000.

(3) *Housing Authority Jurisdiction Maximum.* The amount of funding available for all applicants that are not Intermediary Resident Organizations, Resident Organizations or Native American Resident Management Organizations and that are located within the jurisdiction of a single housing authority is limited to the following amounts based on the size of the housing authority.

For Housing Authorities with one to 780 units the maximum funding amount is \$700,000.

For Housing Authorities with 781 to 7,300 units the maximum funding amount is \$1,400,000.

For Housing Authorities with more than 7,301 units the maximum funding amount is \$2,100,000.

(4) *Intermediary Grants.* Eligible Intermediary Resident Organizations may apply for up to \$250,000 except for Jurisdiction-Wide Resident Organizations that may only apply for up to \$100,000. Intermediary Resident Organizations must list in their application the name of the RAs that will receive training or technical assistance, and submit letters of support from each entity identified in the application. The intermediary cannot list RAs that have already received RM/TOP grants totaling \$100,000 and cannot propose to provide assistance to a given project that would result in the project exceeding its statutory maximum for RM/TOP funding.

(5) *Grant Limits.* (i) For all years combined, a public or Indian housing development (a "project") may receive a maximum of \$100,000 in TOP funds and/or TOP funded assistance by Intermediary Resident Organizations.

(ii) If an applicant was awarded a TOP grant jointly with other RAs in a previous year, HUD will prorate the total grant awarded, and the applicants can apply for the remaining balances

not to exceed the maximum of \$100,000 per public or Indian housing project.

(e) *Eligible and Ineligible Activities.*

(1) *Eligible Activities.* Activities for which funding under this NOFA may be provided to an eligible RA or Intermediary include any combination of, but are not limited to, the following:

(i) Social Support Needs (such as Self-Sufficiency and Youth Initiatives) including:

(A) Feasibility studies to determine training and social services needs;

(B) Training in management-related trade skills, computer skills, etc.;

(C) Management-related employment training and counseling including job search assistance, job development assistance, job placement assistance and follow up assistance;

(D) Coordination of support services including:

(1) child care services,

(2) educational services including remedial education, literacy training, assistance in attaining a GED,

(3) vocational training including computer training,

(4) health care outreach and referral services,

(5) meal services for the elderly or persons with disabilities,

(6) personal assistance to maintain hygiene/appearance for the elderly or persons with disabilities,

(7) housekeeping assistance for the elderly or persons with disabilities,

(8) transportation services,

(9) congregate services for the elderly or persons with disabilities, and

(10) case management;

(E) Training for programs such as child care, early childhood development, parent involvement, volunteer services, parenting skills, before and after school programs;

(F) Training programs on health, nutrition, safety and substance abuse;

(G) Workshops for youth services including: child abuse and neglect prevention, tutorial services, youth leadership skills, youth mentoring, peer pressure reversal, life skills, and goal planning. The workshops could be held in partnership with community-based organizations such as local Boys and Girls Clubs, YMCA/YWCA, Boy/Girl Scouts, Campfire and Big Brother/Big Sisters, etc.

(H) Training in the development of strategies to successfully implement a youth program. For example, assessing the needs and problems of the youth, improving youth initiatives that are currently active, and training youth, housing authority staff, resident management corporations and resident councils on youth initiatives and program activities; and

(ii) Resident Management Business Development including:

(A) Training related to resident-owned business development and technical assistance for job training and placement in RMC developments;

(B) Technical assistance and training in resident managed business development through:

(1) Feasibility and market studies;

(2) Development of business plans;

(3) Outreach activities; and

(4) Innovative financing methods including revolving loan funds and the development of credit unions; and

(C) Legal advice in establishing a resident managed business entity.

(iii) Resident Management:

(A) Training residents, as potential employees of an RMC, in skills directly related to the operation, management, maintenance and financial systems of a project;

(B) Training residents with respect to fair housing requirements; and

(C) Gaining assistance in negotiating management contracts, and designing a long-range planning system.

(iv) Homeownership Opportunity.

Determining feasibility for homeownership by residents, including assessing the feasibility of other housing (including HUD owned or held single or multifamily) affordable for purchase by residents.

(v) Resident Capacity Building:

(A) Training Board members in community organizing, Board development, and leadership training;

(B) Determining the feasibility of resident management enablement for a specific project or projects; and

(C) Assisting in the actual creation of an RMC, such as consulting and legal assistance to incorporate, preparing by-laws and drafting a corporate charter.

(vi) General:

(A) Required training on HUD regulations and policies governing the operation of low-income public housing including contracting/procurement regulations, financial management, capacity building to develop the necessary skills to assume management responsibilities at the project and property management;

(B) Purchasing hardware, i.e. computers and software, office furnishings and supplies, in connection with business development. Every effort must be made to acquire donated or discounted hardware;

(C) Training in accessing other funding sources; and

(D) Hiring trainers or other experts. By law, resident grantees must ensure that all training is provided by a qualified public or Indian housing management specialist (Consultant/Trainer), HUD

Headquarters or Field/Area ONAP staff or the local HA. To ensure the successful implementation of the TOP Work Plan activities, the RAs are required to determine the need to contract for outside consulting/training services. The RA and the HA must jointly select and approve the consultant/trainer. Each RA should make maximum use of its HA, nonprofits, or other Federal, State, local or Tribal government resources for technical assistance and training needs. The amount allowed for hiring an individual consultant for this purpose shall not exceed 30 percent of the total grant award or \$30,000, whichever is less. The amount available for all individual consultants (not including training firms) and contracts shall not exceed 50% of the grant or \$50,000 whichever is less. HUD Field Offices or AONAPs will monitor this process to ensure compliance with program and OMB requirements.

(E) Rental or lease of a car, van, or bus by resident grantees to attend training;

(F) Stipends, as provided in this paragraph. Trainees and TOP program participants of a RA may only receive stipends for participating in or receiving training under the TOP to cover the reasonable costs related to participation in training and other activities in the TOP program, subject to the availability of funds. The stipends should be used for additional costs incurred during the training programs, such as child care and transportation costs. The cost of stipends may not exceed \$200 per month per trainee without written HUD authorization.

(G) Reimbursement of reasonable expenses incurred by Officers and Board members in the performance of their fiduciary duties and/or training related to the performance of their official duties.

(H) Travel directly related to the successful completion of the required TOP Work Plan. All grantees must adhere to the travel policy established by HUD. The policy sets travel costs at a maximum amount of \$5,000 per RA (not applicable to intermediaries) without special HUD approval.

(I) Child care expenses for individual staff and board members, in cases where staff or board members who need child care are involved in training-related activities associated with grant activities including welfare-to-work and economic development and other self-sufficiency initiatives.

(vii) *Administrative costs* necessary for the implementation of grant activities. Administrative costs are not to exceed 25% of the grant unless the grantee is unable to obtain the services

of a Contract Administrator without cost in which case administrative costs are not to exceed 30% of the grant. (Costs associated with the functions of a Contract Administrator are considered Administrative costs subject to the cost limitations of this paragraph.)

Appropriate administrative costs include, but are not limited to, the following items or activities:

(A) Telephone, computer, printing, copying, and sundry non-dwelling equipment (such as office supplies, software, and furniture). A grantee must justify the need for this equipment in relationship to implementing its approved grant activities.

(B) Grant contract and financial management, audit. If a grantee is unable to obtain the services of a Contract Administrator or accountant without charge, the cost for a Contract Administrator or accountant is eligible. The cost for an independent audit should be budgeted separately from this item.

(viii) Technical assistance regarding any other service and/or resource, including case management that is proposed by applicants and approved by HUD.

(2) *For Intermediary Grants only.* (i) The purpose of this grant is to provide training, technical assistance and coordinate linkages to appropriate supportive services for public and Indian housing residents who have not been awarded RM/TOP funds or have received awards less than \$100,000.

(ii) All Intermediaries must be knowledgeable and adhere to all policies that relate to the RA.

(3) *Ineligible Activities.* Ineligible items or activities include, but are not limited to, the following:

(i) Entertainment, including associated costs such as food and beverages, except normal per diem for meals related to travel performed in connection with implementing the TOP Work Plan. (See TOP Travel Notice for more specific guidance.)

(ii) Purchase or rental of land or buildings (including the community facility) or any improvements to land or buildings.

(iii) Activities not directly related to the welfare-to-work initiatives (e.g., lead-based paint testing and abatement and operating capital for economic development activities).

(iv) Purchase of any vehicle (car, van, bus, etc.) or any other property, other than as described under section VII(e)(1) (Eligible Activities) of this NOFA, unless approved by HUD Headquarters or the local HUD Field Office or AONAPs.

(v) Architectural and engineering fees.

(vi) Payment of salaries for routine project operations, such as security and maintenance, or for RA staff, except that a reasonable amount of grant funds may be used to hire a person to coordinate the TOP grant activities or coordinate on-site social services.

(vii) Payment of fees for lobbying services.

(viii) Any expenditures that are fraudulent, wasteful or otherwise incurred contrary to HUD or OMB directives.

(ix) Any cost otherwise eligible under this NOFA for which funds are being provided from any other source.

(x) Legal fees and/or expenses of any sort except for expenses directly related to establishing an RA as a 501(c) non-profit corporation or legal advice directly related to establishing resident management or business entities.

(xi) Entertainment equipment such as televisions, radios, stereos, and VCRs. A waiver of this item may be granted by the HUD Field Office or AONAP if funding is being utilized specifically and explicitly for the purposes of establishing a business directly related to radio, television or film or some other form of technical communication, and equipment is being utilized for training of residents or RAs. All such waivers must be authorized in writing by the HUD Field Office or AONAP before purchases may be made.

(4) *For Intermediaries Only.* In addition to the other ineligible activities listed in this NOFA, intermediaries cannot provide training and technical assistance to RAs that have received TOP funds of \$100,000 or that would result in exceeding the statutory ceiling by providing more than \$100,000 of training or technical assistance to a given project site.

(f) *Term of Grant.* All funds must be expended within 36 months after effective date of grant agreement. Grant implementation progress must be evident and documented within the first six months of grant award. Grantees must have completed all but grant closeout activities within 30 months after the effective date of the grant agreement. Grant terms may not be extended without substantial good cause (circumstances reasonably unforeseen and reasonably beyond the grantee's control) and subject to HUD approval. All extensions or waivers to this time frame must be authorized by the HUD Field Office or AONAP in writing. Funds not utilized during this time frame are subject to cancellation and recapture.

(g) *Program Requirements—Threshold Criteria.* The following threshold requirements are considered essential

for an application to be complete and acceptable for rating and ranking:

(1) *General Submission Requirements.*

(i) A complete application as prescribed in the Application Kit must be submitted to the appropriate field office by the deadline as specified in this NOFA.

(ii) *Needs Assessment Report.* A Needs Assessment Report dealing with the proposed recipient population that contains, at minimum, sections containing statistical or survey information on the needs of the recipient population and an identification of resources to meet the needs.

(iii) *Two Year Workplan.* A Two Year Work Plan Linked to a Resident Self-Sufficiency or Independent Living Strategy: These plans must, at minimum, include the following:

(A) Sections discussing TOP specific program goals, objectives, strategies, performance measures, staffing, timetable, and budget. The timetable must show that the plan can be implemented within 24 months.

(B) Sections describing how activities and performance standards are targeted to meet needs which are identified in the needs assessment, and advance a resident self-sufficiency and/or independent living strategy, as appropriate for resident composition.

(C) Evidence that the proposed TOP program has been coordinated with and supports the housing authority's efforts to increase resident self-sufficiency and is coordinated and consistent with the State or Tribal Welfare Plan.

(2) *Focus on Residents Affected by Welfare Reform.* The application must contain written evidence provided by the HA to the RA that at least 75% or more of the public or Indian housing residents to be included in the proposed program are affected by the welfare reform legislation, including TANF recipients, legal immigrants, and disabled SSI recipients.

(3) *Partnership between the Resident Association and the Housing Authority.*

(i) The application must contain a signed MOU between the RA and the HA which describes the specific roles, responsibilities and activities to be undertaken between the two entities.

(ii) The MOU, at a minimum, must identify the principal parties (i.e. the name of the HA and RA), the terms of the agreement (expectations or terms for each party), and an indication that the agreement pertains to the support of the RA TOP grant application. This document is the basis for foundation of the relationship between the RA and HA. It must be precise and outline the specific duties and objectives to be

accomplished under the grant. All MOUs must be finalized, dated and signed by duly authorized officials of both the RA and HA upon submission of the application. A sample MOU will be provided in the Application Kit.

(iii) This threshold requirement is not applicable to Intermediary Resident Organization applicants.

(4) *Accessible Community Facility.*

The applicant must provide evidence (e.g., through an executed use agreement and/or in the MOU with the HA) that a preponderance of the proposed activities will be administered at community facilities in or within easy access of the property represented by the RA within nine months of the grant award. If units have to be converted from dwelling use into a community facility or the facility is to be constructed, the applicant must submit a plan for the conversion or construction that provides for adequate resourcing and a time schedule. If the proposed community facility is to be provided by an entity other than the applicant, the application must include an agreement with the proper authority (owner or operator of the site) for use of the proposed facility. These facilities and these programs must be accessible to persons with disabilities. The center must also offer other types of services such as education, employment readiness/placement, child care, health and other appropriate social services to prepare and support the participating residents' efforts. In the case of applications for programs to be implemented for the primary benefit of residents in housing that is dispersed in a rural setting, the applicant must provide evidence that participants will have access to transportation to the community facility that is convenient. This community facility requirement also shall not apply to reverse community activities that provide transportation to jobs that are distant from the dwellings of participants.

(5) *Contract Administrator.* Unless HUD or an Independent Public Accountant has determined that the applicant's financial management system and procurement procedures comply with 24 CFR part 84, the application must contain evidence that the RA will use the services of a Contract Administrator in administering the grant. Troubled HAs are not eligible to be Contract Administrators. In the event that an applicant is unable to obtain the services of a Contract Administrator without having to pay for the services the Contract Administrator would provide, the applicant may enter into an agreement with a capable entity (e.g., subrecipient) to serve the function

of a Contract Administrator. If an applicant selects such an option, the applicant would either have to follow the competitive procurement procedures established in 24 CFR part 84 or alternatively select a proposed Contract Administrator subject to the following terms and conditions without being subject to the competitive procurement requirements of 24 CFR part 84. First the applicant must enter into a written agreement with the proposed Contract Administrator that would not obligate the applicant to pay the proposed Contract Administrator any compensation for expenses incurred in advance of the applicant entering into a grant agreement with HUD. In cases where the Contract Administrator is the HA, the contract administration responsibilities can be incorporated into the MOU discussed in paragraph (g)(3) above. This requirement does not apply to Intermediary Resident Organization applicants.

(6) *Applicant Non-Profit Status and Democratic Board Elections.* The applicant must provide:

(i) Evidence that the applicant is registered as a nonprofit corporation with 501(c) or (for RAs other than Intermediary Resident Organizations) has applied for 501(c) status; and

(ii) *For RAs other than Intermediary Resident Organizations.* Certification of the RA board election as required by HUD, notarized by the local HA and/or an independent third-party monitor.

(7) *Compliance with Current Programs.* The applicant must provide certification on the format provided in the Application Kit that it is not in default at the time of application submission with respect to any previous HUD funded grant programs the applicant has received.

(8) *Automated Capability.* The application must provide certification that the applicant will secure access to on-line computer/INTERNET capability as a means of communication with HUD on grant matters.

(9) *Audit Findings and Equal Opportunity Requirements.* An applicant cannot have unresolved, outstanding Inspector General audit findings, or fair housing and equal opportunity monitoring review findings or Field Office management review findings relating to discriminatory housing practices. In addition, the applicant must be in compliance with civil rights laws and equal opportunity requirements. An applicant will be considered to be in compliance if:

(i) As a result of formal administrative proceedings, there are no outstanding findings of noncompliance with civil rights laws or the applicant is operating

in compliance with a HUD-approved compliance agreement designed to correct the area(s) of noncompliance;

(ii) There is no adjudication of a civil rights violation in a civil action brought against it by a private individual, or the applicant demonstrates that it is operating in compliance with a court order, or implementing a HUD-approved tenant selection and assignment plan or compliance agreement, designed to correct the area(s) of noncompliance;

(iii) There is no deferral of Federal funding based upon civil rights violations;

(iv) HUD has not deferred application processing by HUD under Title VI, the Attorney General's Guidelines (28 CFR 50.3) and HUD's Title VI regulations (24 CFR 1.8) and procedures (HUD Handbook 8040.1) [PHAs only] or under Section 504 and HUD's implementing regulations (24 CFR 8.57) [PHAs and IHAs];

(v) There is no pending civil rights suit brought against the applicant by the Department of Justice; and

(vi) There is no unresolved charge of discrimination against the applicant issued by the Secretary under section 810(g) of the Fair Housing Act, as implemented by 24 CFR 103.400.

(10) Applicants which are Intermediary Resident Organizations must list in the application the name of the RAs that will receive training, technical assistance and/or coordinated supportive services and must provide letters of support from each entity identified in the application. The intermediary can not list RAs that have been previously awarded Resident Management and/or TOP funds at the maximum limit of \$100,000.

(h) *Selection Factors.* Each application for a grant award that is submitted in a timely manner, as specified in the Application Kit, to the local HUD field office or AONAP as applicable and that otherwise meets the threshold and other requirements of this NOFA will be evaluated competitively using a point scale.

The number of points that an application receives will depend on how well it addresses the selection factors described below. An application must receive a score of at least 75 points out of the maximum of 100 points that may be awarded under this competition to be eligible for funding. Unless specifically noted below, Intermediary Resident Organization applicants will be scored based on the same factors as those generally applicable to the TOP program.

Applications for the Tenant Opportunities Program activities will be scored on the following factors:

(1) *Quality of the TOP Implementation Plan* (Maximum Points: 40).

In assessing this factor, HUD will consider the following:

(i) *Needs Assessment* (Maximum Points: 10): HUD will award up to 5 points based on the quality and comprehensiveness of the needs assessment document. Intermediary Resident Organizations will receive points under this Needs Assessment factor (as outlined below) based on the assessment of needs and resources for each of the project sites the Intermediary Resident Organization proposes to assist as well as the goals, objectives and strategies for those sites. In order to obtain maximum points, this document must contain statistical data and other information which provides:

(A) A thorough socioeconomic profile of the eligible residents in relationship to PHA-wide and national public and Indian housing data on residents:

- (1) Who are on TANF, SSI, or other fixed income arrangements;
- (2) In job training, entrepreneurship, or community service programs;
- (3) Who are employed.

(4) Specific information should be provided on training, contracting and employment through the HA.

(B) An assessment of the current service delivery system as it relates to the needs of the target population, including the number and type of services, the location of services, and community facilities currently in use;

(ii) *Viability and comprehensiveness of the strategies to address the needs of residents* (Maximum Points: 15): (A) The score in this factor will be based on the extent and comprehensiveness of the training and related services that will be provided as well as the extent that the proposed training and related services will contribute to providing for unmet resident needs identified in the required Needs Assessment Report.

(B) To receive a high score applicants must provide a comprehensive description of how the proposed plan provides training and related services that specifically address the successful transition from welfare to work of non-elderly families and the achievement of independence of elderly families and persons with disabilities. To obtain maximum points the training and related services must be located in the community facility and be available as needed by the eligible residents.

(C) Intermediary Resident Organizations will receive points under this Viability and Comprehensiveness factor (as outlined above) based on the training and related services for each of the project sites the Intermediary

Resident Organization proposes to assist.

(iii) *Proposed program staffing* (Maximum Points: 5): The score in this factor will be based on the extent to which the applicant's proposed staffing in support of the program is suited to accomplishing the program's objectives in terms of the appropriateness of staff skills, assignments and levels. In order to receive a high score an applicant must provide a comprehensive description of who will provide the training and related services and how the training and related services identified will be delivered. This should include an organizational chart, proposed staff/other resources/consultants proposed, and a discussion of coordination among various services providers.

(iv) *Budget appropriateness/efficient use of grant funds* (Maximum Points: 5): The score in this factor will be based on the following:

(A) *Detailed Budget Break-Out*: The extent to which the application includes a detailed budget break-out for each budget category in the SF-424A.

(B) *Reasonable administrative costs*: The extent to which the application includes reasonable administrative costs within the administrative cost ceiling.

(C) *Budget Efficiency*: The extent to which the application requests funds commensurate with the level of effort necessary to accomplish the goals and objectives and the estimated costs to the government are reasonable in relationship to the anticipated results.

(v) *Reasonableness of the timetable* (Maximum Points: 5): The score in this factor will be based on the speed at which the applicant can realistically accomplish the goals of the proposed TOP program. To receive a high score, the applicant must demonstrate that the proposed timetable for all components of the proposed program is reasonable (i.e. a given task is allotted the amount of time it would normally take to accomplish such a task) and that the applicant can accomplish the proposed implementation plan objectives within the 24 month time limit. The applicant must also demonstrate that a substantial portion of their proposed program will be implemented within 6 months of receiving grant funds.

(2) *Adequacy of Managerial/Fiscal Structure for Administering and Coordinating the Services to Meet the Needs* (Maximum Points: 30).

In assessing this factor, HUD will consider the following:

(i) *Program Administration* (Maximum Points: 5): The score in this factor will be based on the soundness of the proposed management of the

proposed TOP program. In order to receive a high score an applicant must provide a clear description of the project management structure, including the use of a contract administrator if applicable. The narrative must provide a description of how any partner organizations relate to the program administrator as well as the lines of authority and accountability among all components of the proposed program.

(ii) *Fiscal Management* (Maximum Points: 5): The score in this factor will be based on the soundness of the applicant's proposed fiscal management. In order to receive a high score an applicant must provide a comprehensive description of the fiscal management structure, including but not limited to budgeting, fiscal controls and accounting. The application must clearly describe the staff responsible for fiscal management, and the processes and timetable for implementation during the proposed grant period.

(iii) *Program Assessment* (Maximum Points: 5): The score in this factor will be based on the soundness of the applicant's plan to assess the success of its proposed TOP program both at the completion of the program and during program implementation. In order to receive a high score the application must contain a comprehensive description of the program assessment system (including staff designated for the program quality controls), program evaluation and performance measures (including use of automated systems for collecting the program data), and timetable for undertaking this activity. Guidance on the preparation of performance measures will be contained in the Application Kit. The performance measures must be related to the goals and objectives of the proposed program and may include but not be limited to the following:

(A) Number of residents successfully completing job training or beginning businesses;

(B) Number of residents receiving supportive services (specified by type of service);

(C) Number of community facilities used for welfare to work or other self-sufficiency/independence efforts; and

(D) Number of community

partnerships executed in support of self-sufficiency for residents.

(iv) *Applicant/Administrator Track Record/Capability* (Maximum Points: 15): In assessing this factor, HUD will consider the soundness of the prior experience of the Applicant and the Contract Administrator (if applicable) in successfully carrying out resident services programs designed to assist residents in increasing their self-

sufficiency, security or independence. A high score is received if the Applicant or Administrator can demonstrate compliance and successful implementation (i.e. completion of grant implementation plan tasks) of prior resident services programs. Applicants and Contract Administrators with no prior experience in operating programs that foster resident self-sufficiency, security or independence will receive a score of 0 on this factor.

(3) *Partnerships* (Maximum Points: 30). In assessing this factor, HUD will consider the following:

(i) *Housing Authority-Resident Association Partnership* (Maximum Points: 10): (A) The score in this factor will be based on the extent of coordination between the applicant's proposed TOP program and any/all existing or proposed HA resident services programs that assist residents in increasing their self-sufficiency, security or independence. In order to receive a high score the application must contain an MOU (between the HA and the RA) which describes collaboration between HA staff and residents on all of the specific components related to the implementation plans of both the proposed TOP program and the resident services programs of the housing authority.

(B) *Intermediary Resident Organizations* will receive points under this Housing Authority-Resident Association Program Partnership factor based on the extent to which the Intermediary Resident Organization can demonstrate that the housing authorities for each of the project sites the Intermediary Resident Organization proposes to assist have agreed to support and coordinate their efforts with those of the Intermediary Resident Organization in assisting the project site.

(ii) *Other Partnerships* (Maximum Points: 15): The score in this factor will be based on the successful integration of partners into implementation of the proposed TOP program. In order to receive a high score an applicant must provide an MOU or other equivalent documentation that delineates specific partnerships related to the components in the comprehensive plan. In assessing this factor HUD will examine a number of aspects of the proposed partnership including:

(A) The appropriateness of the level of expertise of the partners related to activities proposed in the application;

(B) The soundness of the division of responsibilities/management structure of the proposed partnership relative to

the expertise and resources of the partners;

(C) The extent of commitment of the partners (time, resources, funds, etc.); and

(D) The extent to which the partnership as a whole addresses a broader range of resident needs: the extent to which the addition of the partners provides the ability to meet needs more cost effectively or efficiently than the applicant or its partners could achieve individually without forming the partnership.

(5) If located in, or serving the population of a federally designated Empowerment Zone or Enterprise Community, the extent to which the program has been coordinated with the Empowerment Zone or Enterprise Community Strategic Plan.

(iii) *Resident Involvement* (Maximum Points: 5). (A) The score in this factor will be based on the extent of resident involvement in developing the proposed TOP program as well as the extent of proposed resident involvement in implementing the proposed TOP program. In order to receive a high score on this factor the applicant must provide verifiable documentation which describes the involvement of affected residents in the planning phase for this program, and a commitment by the Resident Association to provide continued involvement in grant implementation. In order to receive maximum points the application must contain a resolution from the appropriate RA(s) which includes signatures from the resident community.

(B) *Intermediary Resident Organizations* will receive points under this Resident Involvement factor based on the demonstrated level of coordination of efforts between the RA for each of the project sites the Intermediary Resident Organization proposes to assist and the Intermediary Resident Organization. Higher points will be awarded to the extent that RAs proposed to be assisted have taken the preliminary steps to be ready to take advantage of the assistance proposed for their site by the Intermediary Resident Organization. For example, the RA for the proposed site has organized itself and selected its leadership and obtained basic training from the HA or other community organizations.

(4) *Bonus Points* (Maximum Points: 5): The applicant may receive up to 5 bonus points based on the following factor:

(i) *Leveraging Community Resources* (Maximum Points: 5): The applicant may receive a maximum of 5 extra points if the budget can show that outside resources (including other

existing Federal, state, local, Tribal, public, non-profit, and/or private resources) are to be utilized in this proposed program. The maximum number of points can be provided if the applicant can demonstrate that the total amount of the resources (including in-kind contributions of personnel, space and/or equipment) equals the amount proposed in this grant application.

(i) *General Program Requirements*. (1) *Travel Policy*. All TOP grantees must adhere to the travel policy established by HUD. All travel must be in complete compliance with PIH Notice 96-18, Travel Policy for Resident Management/Tenant Opportunities Program Grantees. The policy ensures that all travel funded under TOP is directed toward the successful completion of the required TOP Work Plan/Performance Standards. The travel policy sets a maximum amount of \$5,000 over the 2- to 3-year period of the grant. Requests for funds beyond the limit of \$5,000 must be approved by the local HUD Office.

(2) *TOP Orientation*. Grantees are required to attend HUD sponsored training specifically designated for grantees under this program. The Department intends to offer a three to four day training session within six months of awarding grants. If the grantee's grant agreement is executed and the organization is properly established in the Line of Credit Control System/Voice Response System (LOCCS/VRS), the grantee must draw down the total amount needed to attend the training. If the grantee's grant agreement is not executed and the organization is not properly established in the LOCCS/VRS, the grantee may request the HA to advance the organization the total amount needed to attend the HUD orientation training. The grantee must reimburse the HA when the organization is properly established in the LOCCS/VRS.

(3) *Procurement of Trainers and Consultants*. To ensure the successful implementation of the TOP Work plan activities, RAs are required to determine the need to contract for outside consulting/training services. The RA and HA must jointly select the consultant/trainer in accordance with applicable procurement requirements and with approval by the local HUD Field Office or AONAP. Each RA should make maximum use of the resources provided by the following entities for technical assistance and training needs:

- (i) HAs;
- (ii) Nonprofits;
- (iii) Educational institutions; and
- (iv) Federal, State, local or Tribal government institutions.

(4) *Computer Capability*. RAs must have access to computer capability and access to the INTERNET and electronic mail and must make such access available to resident beneficiaries for TOP training and supportive service activities.

(5) *Training Requirements*. All grantees must adhere to the following training requirements:

(i) RA grantees are required to have training, and intermediary grantees are requested to provide training, in the areas listed below. The amount and scope of training, however, will depend on their RA's goals. For example, the training required to assume property management is more extensive than the training needed to establish a landscaping enterprise. The required training areas are:

(A) HUD regulations and policies governing the operation of low-income housing, which includes:

- (1) The part 900 series of 24 CFR;
- (2) Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and HUD's implementing regulations at 24 CFR part 135 or in the case of programs in Native American jurisdictions Indian preference requirements as stated in 950.175; and
- (3) The applicable civil rights laws as implemented for public housing (24 CFR part 964) and Indian housing (24 CFR part 950).

(B) Financial management, including budgetary and accounting principles and techniques, in accordance with Federal guidelines, including:

(A) (1) OMB Circulars A-110 (and HUD's implementing regulations at 24 CFR part 84) and A-122, which contain Federal administrative requirements for grants; and

(2) OMB Circular A-133 (and HUD's implementing regulations at 24 CFR part 48), which relates to audit requirements for nonprofit organizations;

(C) Capacity building to develop the necessary skills to become economically self-sufficient.

(D) Organizational planning and development leadership training and development skills.

(E) Interviewing skills, effective communication skills, and proper attire in the workforce, specifically as it relates to the skills being taught.

(ii) Each grantee must ensure that the training is provided by a qualified housing management specialist (Consultant/Trainer) or the local HA. The total allowed to assist in hiring an individual consultant shall not exceed 50 percent of the total grant award or \$50,000, whichever is less.

(j) *Ranking Procedures*: For the TOP program, Headquarters will rank

applicants that have complied with the threshold requirements and possess a score greater than or equal to the minimum score in three lists based upon the type of applicant (Intermediary Resident Organization applicants vs. applicants that are either Resident Organizations or Native American Resident Management Corporations vs. Resident Association (RA) applicants that do not fall within either of the previous two categories) pursuant to Section V(a)(2) of this announcement. Using the Resident Association list (not including Intermediary Resident Organizations, etc.), Headquarters will select the highest ranking applications from each housing authority jurisdiction until the funds available for that jurisdiction are exhausted. In the event of a tie score HUD will follow the procedure outlined in Section V(a)(iv)(2) of this announcement. HUD will then compile the list of the higher ranking applications from each jurisdiction that do not exhaust the funding available for the housing authority jurisdiction and array them from highest to lowest score on one National list. Headquarters shall separately fund the remaining applications on all three separate lists (the Intermediary Resident Organization list, the Resident Organization/Native American Resident Management Corporation list and the Resident Association list exclusive of the other two categories) in rank order pursuant to the procedure outlined in Section V(a)(2) of this announcement utilizing the funding allocated to each type of applicant in Section V(a)(2) of this announcement. At the completion of the process, there will be a separate list of awardees corresponding to the separate rank order lists. If there are insufficient applications to exhaust the funding for either the Intermediary Resident Organization applicants list or the applicants that are either Resident Organizations or Native American Resident Management Corporations list (or for both lists), the remaining funds will be reallocated to the list for the other type of applicant (Resident Associations that do not fall within the first two categories). If there are insufficient applications to exhaust the funding for the Resident Associations that do not fall within the first two categories, the remaining funds will be reallocated to the list for Intermediary Resident Organization applicants first and then if funds remain to the list for either Resident Organizations or Native American Resident Management Corporations.

VIII. Findings and Certifications

The following findings and certifications are applicable to both the TOP and ED/SS Programs:

Paperwork Reduction Act. The information collection requirements contained in this Notice have been approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), and assigned OMB control numbers 2577–0087 (TOP) and 2577–0211 (ED/SS). *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.*

Environmental Impact. The ED/SS and TOP NOFAs do 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), the ED/SS and TOP NOFAs are categorically excluded from environmental review under the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321).

Federalism Executive Order. The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, *Federalism*, has determined that this NOFA will not have substantial, direct effects on states, on their political subdivisions, or on their relationship with the Federal Government, or on the distribution of power and responsibilities between them and other levels of government. This notice announces the availability of funds to provide economic development opportunities and supportive services to residents of public and Indian housing and other low-income families. It will not have an effect on the relationship between the Federal Government and the states or their political subdivisions.

Prohibition of Advance Disclosure of Funding Decisions. HUD's regulation implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989, 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 the applications and in the making of funding decisions are limited by part 4 from providing advance

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

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

Section 102 of the HUD Reform Act—Documentation, Access, and Disclosure. 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:

(a) *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.

(b) *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.

Prohibition Against Lobbying Activities. Applicants for funding under

this NOFA are subject to the provisions of section 319 of the Department of Interior and Related Agencies Appropriation Act for Fiscal Year 1991, 31 U.S.C. Section 1352 (the Byrd Amendment) and to the provisions of the Lobbying Disclosure Act of 1995, Pub. L. 104-65 (December 19, 1995).

The Byrd Amendment, which is implemented in regulations at 24 CFR part 87, prohibits applicants for Federal contracts and grants from using appropriated funds to attempt to influence Federal Executive or legislative officers or employees in connection with obtaining such assistance, or with its extension, continuation, renewal, amendment or modification. The Byrd Amendment applies to the funds that are the subject of this NOFA. Therefore, applicants must file a certification stating that they have not made and will not make any prohibited payments and, if any payments or agreement to make payments of nonappropriated funds for these purposes have been made, a form SF-LLL disclosing such payments must be submitted. The certifications and the SF-LLL are included in the application package.

Catalog of Federal Domestic Assistance Numbers

The Catalog of Federal Domestic Assistance Number is 14.853.

Dated: June 2, 1997.

Kevin Emanuel Marchman,

Acting Assistant Secretary for Public and Indian Housing.

Appendix—Names, Addresses and Telephone Numbers of the Local HUD Offices and Offices of Native American Programs Accepting Applications for the Economic Development and Supportive Services Grant Program

New England

Connecticut State Office, Attention: Director, Office of Public Housing, First Floor, 330 Main Street, Hartford, CT 06106-1860, Telephone No. (203) 240-4523

Massachusetts State Office, Attention: Director, Office of Public Housing, Thomas P. O'Neill, Jr., Federal Building, 10 Causeway Street, Boston, MA 02222-1092, Telephone No. (617) 565-5634

New Hampshire State Office, Attention: Director, Office of Public Housing, Norris Cotton Federal Building, 275 Chestnut Street, Manchester, NH 03101-2487, Telephone No. (603) 666-7681

Rhode Island State Office, Attention: Director, Office of Public Housing, Sixth Floor, 10 Weybosset Street, Providence, RI 02903-3234, Telephone No. (401) 528-5351

New York/New Jersey

New Jersey State Office, Attention: Director, Office of Public Housing, One Newark

Center, Thirteenth Floor, Newark, NJ 07102-5260, Telephone No. (202) 622-7900

New York State Office, Attention: Director, Office of Public Housing, 26 Federal Plaza, Suite 3237, New York, NY 10278-0068, Telephone No. (212) 264-6500

Buffalo Area Office, Attention: Director, Office of Public Housing, Lafayette Court, Fifth Floor, 465 Main Street, Buffalo, NY 14203-1780, Telephone No. (716) 846-5755

Mid-Atlantic

District of Columbia Office, Attention: Director, Office of Public Housing 820 First Street, NE, Washington, DC 20002-4205, Telephone No. (202) 275-9200

Maryland State Office, Attention: Director, Office of Public Housing, City Crescent Building, 5th Floor, 10 South Howard Street, Baltimore, MD 21201-2505, Telephone No. (410) 962-2520

Pennsylvania State Office, Attention: Director, Office of Public Housing, The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3390, Telephone No. (215) 656-0576 or 0579

Virginia State Office, Attention: Director, Office of Public Housing, The 3600 Centre, 3600 West Broad Street, P.O. Box 90331, Richmond, VA 23230-0331, Telephone No. (804) 278-4507

West Virginia State Office, Attention: Director, Office of Public Housing, 405 Capitol Street, Suite 708, Charleston, WV 25301-1795, Telephone No. (304) 347-7000

Pittsburgh Area Office, Attention: Director, Office of Public Housing, 339 Sixth Avenue, Sixth Floor, Pittsburgh, PA 15222-2515, Telephone No. (412) 644-6571

Southeast/Caribbean

Alabama State Office, Attention: Director, Office of Public Housing, Beacon Ridge Tower, Suite 300, 600 Beacon Parkway, West, Birmingham, AL 35209-3144, Telephone No. (205) 290-7617

Caribbean Office, Attention: Director, Office of Public Housing, New San Juan Office Building, 159 Carlos E. Chardon Avenue, Room 305, San Juan, PR 00918-1804, Telephone No. (809) 766-6121

Georgia State Office, Attention: Director, Office of Public Housing, Richard B. Russell Federal Building, 75 Spring Street, SW, Atlanta, GA 30303-3388, Telephone No. (404) 331-5136

Kentucky State Office, Attention: Director, Office of Public Housing, 601 West Broadway, P.O. Box 1044, Louisville, KY 40201-1044, Telephone No. (502) 582-5251

Mississippi State Office, Attention: Director, Office of Public Housing, Doctor A.H. McCoy Federal Building, Suite 910, 100 West Capitol Street, Jackson, MS 39269-1016, Telephone No. (601) 965-5308

North Carolina State Office, Attention: Director, Office of Public Housing, Koger Building, 2306 West Meadowview Road, Greensboro, NC 27407-3707, Telephone No. (910) 547-4001

South Carolina State Office, Attention: Director, Office of Public Housing, Strom

Thurmond Federal Building, 1835 Assembly Street, Columbia, SC 29201-2480, Telephone No. (803) 765-5592

Tennessee State Office, Attention: Director, Office of Public Housing, 251 Cumberland Bend Drive, Suite 200, Nashville, TN 37228-1803, Telephone No. (615) 736-5213

Jacksonville Area Office, Attention: Director, Office of Public Housing, Southern Bell Tower, Suite 2200, 301 West Bay Street, Jacksonville, FL 32202-5121, Telephone No. (904) 232-2626

Knoxville Area Office, Attention: Director, Office of Public Housing, John J. Duncan Federal Building, Third Floor, 710 Locust Street, Knoxville, TN 37902-2526, Telephone No. (615) 545-4384

Midwest

Illinois State Office, Attention: Director, Office of Public Housing, Ralph Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, IL 60604-3507, Telephone No. (312) 353-5680

Indiana State Office, Attention: Director, Office of Public Housing, 151 North Delaware Street, Suite 1200, Indianapolis, IN 46204-2526, Telephone No. (317) 226-6303

Michigan State Office, Attention: Director, Office of Public Housing, Patrick V. McNamara Federal Building, 477 Michigan Avenue, Detroit, MI 48226-2592, Telephone No. (313) 226-7900

Minnesota State Office, Attention: Director, Office of Public Housing, 220 Second Street, South, Minneapolis, MN 55401-2195, Telephone No. (612) 370-3000

Ohio State Office, Attention: Director, Office of Public Housing, 200 North High Street, Columbus, OH 43215-2499, Telephone No. (614) 469-5737

Wisconsin State Office, Attention: Director, Office of Public Housing, Suite 1380, Henry S. Reuss Federal Plaza, 310 West Wisconsin Avenue, Suite 1380, Milwaukee, WI 53203-2289, Telephone No. (414) 297-3214

Cincinnati Area Office, Attention: Director, Office of Public Housing, 525 Vine Street, Suite 700, Cincinnati, OH 45202-3188, Telephone No. (513) 684-2533

Cleveland Area Office, Attention: Director, Office of Public Housing, Renaissance Building, Fifth Floor, 1350 Euclid Avenue, Cleveland, OH 44115-1815, Telephone No. (216) 522-4058

Grand Rapids Area Office, Attention: Director, Office of Public Housing, 50 Louis Street, N.W.—Third Floor, Grand Rapids, MI 49503, Telephone No. (616) 456-2127

Southeast

Arkansas State Office, Attention: Director, Office of Public Housing, TCBY Tower, 425 West Capitol Avenue, Little Rock, AR 72201-3488, Telephone No. (501) 324-5931

Louisiana State Office, Attention: Director, Office of Public Housing, 501 Magazine Street, Ninth Floor, New Orleans, LA 70130, Telephone No. (504) 589-7233

Oklahoma State Office, Attention: Director, Office of Public Housing, 500 West Main

Street, Oklahoma City, OK 73102, Telephone No. (405) 553-7559
 Texas State Office, Attention: Director, Office of Public Housing, 1600 Throckmorton, Post Office Box 2905, Fort Worth, TX 76113-2905, Telephone No. (817) 885-5401

Houston Area Office, Attention: Director, Office of Public Housing, Norfolk Tower, Suite 200, 2211 Norfolk, Houston, TX 77098-4096, Telephone No. (713) 834-3274

San Antonio Area Office, Attention: Director, Office of Public Housing, Washington Square 800 Dolorosa, San Antonio, TX 78207-4563, Telephone No. (210) 229-6800

Great Plains

Iowa State Office, Attention: Director, Office of Public Housing, Federal Building, Room 29, 210 Walnut Street, Des Moines, IA 50309-2155, Telephone No. (515) 284-4512

Kansas/Missouri State Office, Attention: Director, Office of Public Housing, Gateway Tower II, Room 200, 400 State Avenue, Kansas City, KS 66101-2406, Telephone No. (913) 551-5462

Nebraska State Office, Attention: Director, Office of Public Housing, Executive Tower Centre 10909 Mill Valley Road, Omaha, NE 68154-3955, Telephone No. (402) 492-3100

St. Louis Area Office, Attention: Director, Office of Public Housing, Robert A. Young Federal Building 50 Louis, N.W., Third Floor, St. Louis, MO 63103-2836, Telephone No. (314) 539-6512

Rocky Mountains

Colorado State Office, Attention: Director, Office of Public Housing, 633-17th Street 12th Floor, Denver, CO 80202-3607, Telephone No. (303) 672-5440

Pacific/Hawaii

Arizona State Office, Attention: Director, Office of Public Housing, 2 Arizona Center, Suite 1600, 400 North Fifth Street, Phoenix, AZ 85004-2361, Telephone No. (602) 379-4434

California State Office, Attention: Director, Office of Public Housing, Phillip Burton Federal Building and U.S. Courthouse 450 Golden Gate Avenue, Ninth Floor, San Francisco, CA 94102-3448, Telephone No. (415) 556-4752

Hawaii State Office, Attention: Director, Office of Public Housing, Seven Waterfront Plaza, Suite 500, 500 Ala Moana Boulevard, Honolulu, HI 96813-4918, Telephone No. (808) 522-8175

Los Angeles Area Office, Attention: Director, Office of Public Housing, AT&T Center 611 West 6th Street, Suite 800, Los Angeles, CA 90017-3127, Telephone No. (213) 894-8000 ext. 3500

Sacramento Area Office, Attention: Director, Office of Public Housing, 777 12th Street, Suite 200, Sacramento, CA 95814-1997, Telephone No. (916) 551-1351

Northwest/Alaska

Alaska State Applicants submit applications to the Washington State Office in Seattle, WA (see below):

Oregon State Office, Attention: Director, Office of Public Housing, 400 Southwest Sixth Avenue, Suite 700, Portland, OR 97204-1596, Telephone No. (503) 326-2519

Washington State Office, Attention: Director, Office of Public Housing, Seattle Federal Office Building, Suite 200, 909 1st Avenue, Seattle, WA 98104-1000, Telephone No. (206) 220-5101

Office of Native American Program Offices

Serves East of the River (Including all of Minnesota)

Eastern Woodlands Office of Native American Programs, Attention: Administrator, Office of Native American Programs, Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, IL 60604-3507, Telephone No. (800) 735-3239 [Toll Free] or (312) 886-3539

Serves: Louisiana, Missouri, Kansas, Oklahoma and Eastern Texas

Southern Plains Office of Native American Programs, Attention: Administrator, Office

of Native American Programs, 500 West Main Street, Suite 400, Oklahoma City, OK 73102, Telephone No. (405) 553-7525

Serves: Colorado, Montana, The Dakotas, Nebraska, Utah and Wyoming

Northern Plains Office of Native American Programs, Attention: Administrator, Office of Native American Programs, First Interstate Tower North, 633 17th Street, Denver, CO 80202-3607, Telephone No. (303) 672-5465

Serves: California, Nevada, Arizona and New Mexico

Southwest Office of Native American Programs, Attention: Administrator, Office of Native American Programs, Two Arizona Center, Suite 1650, 400 North Fifth Street, Suite 1650, Phoenix, AZ 85004-2361, Telephone No. (602) 379-4156

or

Albuquerque Division of Native American Programs, Albuquerque Plaza, 201 3rd Street, Suite 1830, Albuquerque, NM 87102-3368, Telephone No. (505) 766-1372

Serves: Iowa, Washington, Idaho and Oregon

Northwest Office of Native American Programs, Attention: Administrator, Office of Native American Programs, 909 1st Avenue, Suite 300, Seattle, WA 98104-1000, Telephone No. (206) 220-5270

Serves: Alaska

Alaska Office of Native American Programs, Attention: Administrator, Office of Native American Programs, University Plaza Building, 949 East 36th Avenue, Suite 401, Anchorage, AK 99508-4399, Telephone No. (907) 271-4633

Serves: National

Office of Native American Programs, 1999 Broadway, Suite 3390, Box 90, Denver, CO 80302, Telephone No. (303) 675-1600

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