

**DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT**

[Docket No. FR-4193-N-01]

**NOFA for Fair Housing Initiatives  
Program; FY 1997 Competitive  
Solicitation**

**AGENCY:** Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

**ACTION:** Notice of Funding Availability (NOFA).

**SUMMARY:** This NOFA announces the availability of \$15,000,000 of 1997 Fiscal Year (FY) funding for the Fair Housing Initiatives Program (FHIP). This program assists projects and activities designed to enforce and enhance compliance with the Fair Housing Act and substantially equivalent State and local fair housing laws. HUD will fund projects undertaken through the Private Enforcement Initiative (PEI), Education and Outreach Initiative (EOI) and the Fair Housing Organizations Initiative (FHOI). For this funding round, \$1,350,000 is reserved from the Fair Housing Organizations Initiative for organizations that assist persons with disabilities to build the capacity of such organizations to undertake fair housing enforcement activities. Additionally, \$500,000 is reserved from the Education and Outreach Initiative's Regional, local and community-based component for projects that propose to address community tensions that arise as people expand their housing choices, and \$150,000 is reserved under the EOI national component for a fair housing site on the Internet.

In the body of this document is information concerning the principal objectives of the NOFA, eligibility, available amounts, selection criteria, how to apply for funding, how selections will be made, and a checklist of application submission requirements.

**DATES:** An application kit for funding under this Notice will be available following publication of the NOFA. The actual application due date will be specified in the application kit. Applicants submitting an application under the PEI will be given at least 50 days from today's date, until August 15, 1997, to submit their applications. Applicants submitting applications under the EOI and the FHOI will be given at least 60 days from today's date, until August 25, 1997, to submit their applications. Applications will be accepted if they are received on or before the application due date, or are received within 7 days after the

application due date, but with a U.S. postmark or receipt from a private commercial delivery service (such as, Federal Express or DHL) that is dated on or before the application due date.

**ADDRESSES:** To obtain a copy of the application kit, please write the Fair Housing Information Clearinghouse, P.O. Box 9146, McLean, VA 22102, or call the toll free number 1-800-343-3442 (voice) or 1-800-290-1617 (TTY). Also please contact this number if information concerning this NOFA is needed in an accessible format.

**FOR FURTHER INFORMATION CONTACT:** Aztec Jacobs, Office of Fair Housing Initiatives and Voluntary Programs, Room 5234, 451 Seventh Street, S.W., Washington, D.C. 20410-2000; telephone number (202) 708-0800 (this is not a toll free number). Persons who use a text telephone (TTY) may call 1-800-290-1617.

**SUPPLEMENTARY INFORMATION:**

**Paperwork Reduction Act Statement**

The information collection requirements contained in this NOFA 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 number 2529-0033. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

**Promoting Comprehensive Approaches to Housing and Community Development**

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

In this spirit, it may be helpful for applicants under this NOFA to be aware of other related HUD NOFAs that have recently been published or are expected to be published in this fiscal year. By reviewing these NOFAs with respect to their program purposes and the eligibility of applicants and activities, applicants may be able to relate the activities proposed for funding under this NOFA to the recent and upcoming

NOFAs and to the community's Consolidated Plan.

With respect to fair housing, a related NOFA that the Department expects to publish in the **Federal Register** in the next few weeks is the NOFA for the Fair Housing Services Center in East Texas.

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

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

**I. Substantive Description and Purpose**

*(a) Authority*

Title VIII of the Civil Rights Act of 1968, as amended, 42 U.S.C. 3601-19 (Fair Housing Act), charges the Secretary of Housing and Urban Development with responsibility to accept and investigate complaints alleging discrimination based on race, color, religion, sex, handicap, familial status or national origin in the sale, rental, or financing of most housing. In addition, the Fair Housing Act directs the Secretary to coordinate action with State and local agencies administering fair housing laws and to cooperate with, and render technical assistance to, public or private entities carrying out programs to prevent and eliminate discriminatory housing practices.

Section 561 of the Housing and Community Development Act of 1987, 42 U.S.C. 3616 note, established the Fair Housing Initiatives Program (FHIP) to strengthen the Department's enforcement of the Fair Housing Act and to further fair housing. Implementing regulations are found at 24 CFR part 125.

Three general categories of activities were established at 24 CFR part 125 for FHIP funding under section 561 of the Housing and Community Development Act of 1987: the Administrative Enforcement Initiative, the Education and Outreach Initiative, and the Private Enforcement Initiative. Section 905 of the Housing and Community Development Act of 1992 (HCDA 1992) (Pub. L. 102-550, approved October 28, 1992), amended section 561 by adding specific eligible applicants and activities to the Education and Outreach

and Private Enforcement Initiatives, as well as an entirely new Fair Housing Organizations Initiative. More significantly, section 905 established FHIP as a permanent program. The final rule implementing these statutory amendments was published on November 27, 1995 (60 FR 58446).

*(b) Purpose*

This program assists projects and activities designed to enforce and enhance compliance with the Fair Housing Act and substantially equivalent State and local fair housing laws.

*(c) Objectives*

(1) One of the objectives of this funding round is to provide for a wide geographic distribution of awards for fair housing enforcement and education services throughout the country, including underserved areas.

(2) Through the PEI and FHOI components of this NOFA, the Department will fund full service and broad-based fair housing enforcement projects that address protected classes under the Fair Housing Act (except for the set-aside in the FHOI component described in Section I(f)(3)(i)(D) and in the following section). Enforcement projects must include more than one type of activity. Fair housing services are enforcement activities which consist of: complaint intake; testing; evaluation of testing results; investigation, including: property searches, document reviews, witness interviews; conciliation; enforcement of meritorious claims through litigation or referral to administrative enforcement agencies; and dissemination of information about fair housing laws. These enforcement activities may be conducted on a community, local, regional or national level. Furthermore, to be funded, projects must be broad-based. Broad-based means not limited to a single fair housing issue (such as insurance, mortgage lending or advertising), but rather covering more than one issue related to discrimination in the provision of housing covered under the Fair Housing Act. Proposals under the Education and Outreach Initiative, however, may focus on a single issue that addresses protected classes under the Fair Housing Act.

(3) The Fair Housing Act was amended in 1988 to prohibit housing discrimination on the basis of disability. This amendment also required the provision of reasonable accommodations, where necessary, to permit a person with a disability to have the full enjoyment of their housing. Moreover, it required certain newly constructed multi-family housing to

comply with accessibility guidelines published in the **Federal Register**. Although eight years have passed since the enactment of these amendments, it appears that in many areas of the country, much of the covered newly constructed housing still may fail to comply with the Fair Housing Act requirements and many housing providers still discriminate against persons with disabilities and refuse to provide reasonable accommodations for them. For this funding round, the Department seeks to develop the capacity of organizations that assist persons with disabilities to undertake fair housing enforcement activities. This will enable such organizations to develop the capability to become full-service fair housing enforcement organizations and thereby provide greater assistance to clients (including representing clients from other protected classes who are also disabled) in the enforcement of their Fair Housing rights.

(4) During the last four years, the Department has moved aggressively to expand housing choice. Through these efforts, tens of thousands of units of segregated, obsolete public housing are being demolished. Residents of these units frequently face community opposition and prejudice as they attempt to use housing certificates or vouchers to move to non-segregated decent housing in other neighborhoods. Similarly, public housing agencies and non-profit housing providers which seek to develop scattered site public housing or small group homes for persons with disabilities in areas outside of the inner city also are subject to community resistance. In response to these problems, the Department seeks to encourage local fair housing organizations, community groups, and local governmental agencies to engage in grassroots efforts to resolve community tensions that arise as people expand their housing choices. The objective is to bring together fair housing organizations with civic leaders, religious and community officials, and others to work out solutions to local problems.

*(d) Definitions*

The definitions that apply to this NOFA are as follows:

*Qualified fair housing enforcement organization (QFHO-E)* means any organization, whether or not it is solely engaged in fair housing enforcement activities, that—

- (1) Is organized as a private, tax-exempt, nonprofit, charitable organization;
- (2) Has at least 2 years experience in complaint intake, complaint

investigation, testing for fair housing violations and enforcement of meritorious claims; and

(3) Is engaged in complaint intake, complaint investigation, testing for fair housing violations and enforcement of meritorious claims at the time of application for FHIP assistance. For the purpose of meeting the 2-year qualification period for these activities it is not necessary that the activities were conducted simultaneously, as long as each activity was conducted for 2 years. It is also not necessary for the activities to have been conducted for 2 consecutive or continuous years. An organization may aggregate its experience in each activity over the 3 year period preceding its application to meet the 2-year qualification period requirement.

*Fair housing enforcement organization (FHO-E)* means any organization that—

- (1) Is organized as a private, tax-exempt, nonprofit, charitable organization;
- (2) Is currently engaged in complaint intake, complaint investigation, testing for fair housing violations and enforcement of meritorious claims; and
- (3) Upon the receipt of FHIP funds will continue to be engaged in complaint intake, complaint investigation, testing for fair housing violations and enforcement of meritorious claims.

*Meritorious claims* means enforcement activities by an organization that resulted in lawsuits, consent decrees, legal settlements, HUD and/or substantially equivalent agency (under 24 CFR 115.6) conciliations and organization-initiated settlements with the outcome of monetary awards for compensatory and/or punitive damages to plaintiffs or complaining parties, or other affirmative relief, including the provision of housing. Applicants should note that the definition of "meritorious claims" is only relevant as a part of the definition of QFHO-E and FHO-E, and does not impose a limit on the kinds of activities that may be funded under FHIP.

*(e) Allocation Amounts*

The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997, (approved September 26, 1996, Pub. L. 104-204), (97 App. Act) appropriated \$15 million for activities pursuant to section 561, the Fair Housing Initiatives Program. This amount is being made available on a competitive basis to eligible organizations that submit timely

applications and are selected in response to this NOFA. The funding selections will be made on the basis of criteria for eligibility, factors for award, completeness of budget information, and any other factors described in this NOFA.

The full cost of FY 1997 multi-year awards under the Private Enforcement Initiative will be funded from FY 97 funds. Recipients of FHIP grant awards under the Private Enforcement Initiative (PEI) based upon applications submitted under the FY 1996 FHIP NOFA, RFA-96-1 (FR-4047, published May 24, 1996, 61 FR 26362), and recipients of PEI FHIP grant awards based upon applications submitted under the FY 1995 FHIP NOFA, RFA-95-1 (FR-3878, published April 11, 1995, 60 FR 18444), may not apply in the FY 1997 competition for multi-year Private Enforcement Initiative awards.

The Department retains the right to shift funds among the FHIP Initiatives listed below, within statutorily prescribed limitations. The amounts included in this NOFA are subject to change based on fund availability. The amount of FY 1997 funding available for the FHIP is divided among three Initiatives as follows:

(1) Education and Outreach Initiative (EOI)

The amount of \$1,800,000 in FY 1997 funds is being used for the EOI for 18 month projects.

(i) *National component.* (A) General. Of the FY 1997 EOI total of \$1,800,000, \$300,000 is made available under this NOFA for national EOI projects, with an award cap of \$150,000.

(B) Fair Housing web site projects. Of the \$300,000 available under the EOI national component, the Department is reserving \$150,000 for applications that will develop and/or administer a web site on the Internet as a means of providing fair housing education and guidance to the public. Applications submitted for these special projects will be rated separately. If insufficient acceptable applications are received, remaining funds will be added to the \$300,000 available for national education and outreach projects under section I.(e)(1)(i)(A) of this NOFA above.

(ii) *Regional, local, and community-based component.* The amount of \$1,500,000 in FY 1997 funds is made available under this NOFA for regional, local, and community-based projects.

(A) General. A total of \$1,000,000 is available, with an award cap of \$100,000, for projects that support regional, local and community-based education and outreach efforts.

(B) Projects to address community tensions. A total of \$500,000 from the

EOI regional, local, and community-based component will be reserved to fund up to five regional, local, and community-based education projects that will address community tensions that arise as people protected under the Fair Housing Act seek to expand their housing choices. The maximum amount awarded to any applicant will be \$100,000. Applications submitted for these special projects will be rated separately. If insufficient acceptable applications are received, remaining funds will be added to the \$1,000,000 available for regional, local, and community-based education and outreach projects under section I.(e)(1)(ii)(A) of this NOFA, above.

(2) Private Enforcement Initiative (PEI).

Funds for the PEI are made available under this NOFA in the amount of \$10.5 million for 24 month projects, with an award cap of \$350,000. Recipients of multi-year PEI awards based upon applications submitted under RFA 96-1 and RFA 95-1 may not apply for multi-year PEI funds made available under this NOFA.

(3) Fair Housing Organizations Initiative (FHOI).

The amount of \$2,700,000 is made available under this NOFA for the FHOI for 18 month projects, to be used for the continued development of fair housing enforcement organizations, with an award cap of \$200,000.

(i) *Organizations serving persons with disabilities.* The Department is reserving \$1,350,000 of the \$2,700,000 under the FHOI to develop the capacity of organizations that assist persons with disabilities to undertake fair housing enforcement activities, thus enabling such organizations to become full-service fair housing enforcement organizations.

(f) *Eligibility*

Eligible activities, eligible applicants, and additional requirements under each Initiative are listed below. All activities and materials funded by FHIP must be reasonably accessible to persons with disabilities.

(1) Education and Outreach Initiative (EOI)

(i) *Eligible applicants.* The following organizations are eligible to receive funding under the Education and Outreach Initiative:

- (A) State or local governments;
- (B) Qualified fair housing enforcement organizations (QFHO-Es);
- (C) Fair housing enforcement organizations (FHO-Es)
- (D) Public or private non-profit organizations or institutions and other

public or private entities that are formulating or carrying out programs to prevent or eliminate discriminatory housing practices; and

(E) Fair Housing Assistance Program (FHAP) Agencies—State and local agencies funded by the Fair Housing Assistance Program (FHAP).

(ii) *Eligible activities.* (A) In general. Each application for Education and Outreach Initiative funding must identify if it proposes a national or a regional, local, or community-based project. In addition, Fair Housing web site projects under the national component, and projects to address community tensions under the regional, local, or community-based component, must be identified. Funding is permitted for reasonable, necessary, and justified production or development of new materials (brochures, public service announcements, videos) for dissemination to the general public. Applicants proposing to develop new materials should demonstrate in their application that they have checked with a local, regional or national clearinghouse for similar or duplicative materials and explain the reason existing materials are not applicable to their area or targeted population(s). The kinds of activities that may be funded through this Initiative may include (but are not limited to) the following:

(1) Activities that support the Fair Housing planning requirement of State and local governments subject to the Consolidated Plan (24 CFR part 91). These activities include conducting an analysis of impediments to fair housing choice and undertaking actions to eliminate the identified impediments.

(2) Providing fair housing counseling services, including the subjects of pre- and post-purchase counseling (mortgage lending, and brokerage services) and/or rental housing counseling;

(3) Providing educational materials, seminars and working sessions for schools, civic associations, neighborhood organizations, and other groups to support community-based education and outreach efforts;

(4) Bringing housing industry and civic or fair housing groups together to identify discriminatory housing practices and to determine how to correct them;

(5) Providing technical assistance to support compliance with the Fair Housing Act's accessible design and construction requirements and the Fair Housing Accessibility Guidelines;

(6) Conducting outreach and providing information on fair housing through printed and electronic media;

(7) Developing or implementing Fair Housing Month activities; and

(8) Informing persons with disabilities, and/or their support organizations and service providers, housing providers, and the general public on the rights of persons with disabilities under the Fair Housing Act and on the location or availability of accessible housing or the reasonable accommodations, reasonable modifications, or the accessible design and construction provisions of the Act.

(B) National programs. (1) Activities eligible to be funded as national programs shall be designed to provide a centralized, coordinated effort for the development and dissemination of fair housing media products or educational materials that may appropriately be used on a nationwide basis. All activities listed in paragraph I.(f)(1)(ii)(A) above are eligible as national projects. As stated at I.(e)(1)(i)(B) of this NOFA, above, \$150,000 of the \$300,000 available under the EOI national component is set aside for Fair Housing web site projects.

(2) National program applications will receive a preference of up to ten additional points if they:

(i) Demonstrate cooperation with real estate industry organizations (up to five points); and/or

(ii) Provide for the dissemination of educational information and technical assistance to support compliance with the housing adaptability and accessibility guidelines contained in the Fair Housing Amendments Act of 1988 (up to five points).

(C) Regional, local and community-based programs.

(1) Activities eligible to be funded as regional, local and community-based programs include any of the activities, to be implemented on a regional, local or community-based level, listed in paragraph I.(f)(1)(ii)(A) above, of this NOFA. As stated at I.(e)(1)(ii)(B) of this NOFA, above, \$500,000 of the \$1,000,000 available under the EOI regional, local, and community-based component is set aside for projects to reduce community tensions. For applications proposing projects to reduce community tensions, similar activities may be undertaken where designed to address settlement of lawsuits, implementation of regional housing counseling programs, or similar local efforts.

(2) For the purposes of this NOFA, activities that are "local" in scope are activities that are limited to a single unit of general local government, meaning a city, town, township, county, parish, village, or other general purpose political subdivision of a State.

Activities that are "regional" in scope are activities that cover adjoining States or two or more units of general local government within a State. Activities that are "community-based" in scope are those which are focused on particular neighborhoods within a unit of general local government. Community-based programs include school, church and community presentations, conferences, or other educational activities.

(iii) *Additional requirements.* The following requirements are applicable to all applications under the EOI:

(A) All projects must address or have relevance to housing discrimination based on race, color, religion, sex, handicap, familial status, or national origin.

(B) Projects must be eighteen months in duration. National projects have an award cap of \$150,000. Regional, local and community-based projects have an award cap of \$100,000. Applications which request FHIP funding in excess of the award cap will be deemed ineligible.

(C) Projects aimed solely or primarily at research or dependent upon such data gathering, including but not limited to surveys and questionnaires, will not be eligible under this NOFA.

(D) All proposals must contain a description of how the activities or the final products of the projects can be used by other agencies and organizations and what modifications, if any, would be necessary for that purpose.

(E) *Coordination of activities.* Each non-governmental applicant for funding under the Education and Outreach Initiative regional, local and community-based component that is located within the jurisdiction of a State or local enforcement agency or agencies administering a fair housing law that has been certified by the Department under 24 CFR part 115 as being a substantially equivalent fair housing law must provide, with its application, documentation (such as letters between the two organizations) that it has consulted with the agency or agencies to coordinate activities to be funded under the Education and Outreach Initiative. This coordination will ensure that the activities of one group will minimize duplication and fragmentation of activities of the other. Failure to submit the documentation required by this section will be treated as a technical deficiency in accordance with section IV., below, of this NOFA.

(F) Every application must include as one of its activities a procedure for referring persons with fair housing complaints to State or local agencies administering substantially equivalent

laws, private attorneys, HUD or the Department of Justice for further enforcement processing.

(2) Private Enforcement Initiative (PEI)

(i) *Eligible applicants.* Organizations that are eligible to receive FY 1997 funding assistance under the PEI are:

(A) Qualified fair housing enforcement organizations.

(B) Fair housing enforcement organizations with at least one year of experience in complaint intake, complaint investigation, testing for fair housing violations, and enforcement of meritorious claims.

(ii) *Eligible activities.* Applications are solicited for project proposals as described in this NOFA. Applications may designate up to 5% of requested funds to conduct education and outreach to promote awareness of the services provided by the project, but such promotion must be necessary for the successful implementation of the project.

(A) Project applications must include more than one type of activity, and may include, but are not limited to, the following:

(1) Conducting complaint intake of allegations of housing discrimination;

(2) Conducting testing, evaluating testing results or providing other investigative support for administrative and judicial enforcement of fair housing laws;

(3) Conducting investigations of individual and systemic housing discrimination for further enforcement processing by HUD or State or local agencies which administer laws that are substantially equivalent to the Fair Housing Act, or for referral to private attorneys or the Department of Justice;

(4) Building the capacity to investigate, through testing and other investigative methods, housing discrimination complaints covering all protected classes;

(5) Conducting mediations or other voluntary resolutions of allegations of fair housing discrimination;

(6) Providing funds for the costs and expenses of litigating fair housing cases, including expert witness fees.

(iii) *Additional requirements.* (A) Testers in testing activities funded with PEI funds must not have prior felony convictions or convictions of crimes involving fraud or perjury, and they must receive training or be experienced in testing procedures and techniques. Testers and the organizations conducting tests, and the employees and agents of these organizations may not:

(1) Have an economic interest in the outcome of the test, without prejudice to the right of any person or entity to

recover damages for any cognizable injury;

(2) Be a relative of any party in a case;

(3) Have had any employment or other affiliation, within one year, with the person or organization to be tested; or

(4) Be a licensed competitor of the person or organization to be tested in the listing, rental, sale, or financing of real estate.

(B) Multi-year projects must be for 24 months in duration, with an award cap of \$350,000. Successful projects will receive incremental funding during the life of the award subject to periodic performance reviews. Applications which request FHIP funding in excess of the award cap will be deemed ineligible.

(C) Projects aimed solely or primarily at research or dependent upon such data-gathering, including but not limited to surveys and questionnaires unrelated to existing or planned fair housing enforcement programs, will not be eligible for funding under this NOFA.

(D) In accordance with 24 CFR 125.104(f), no recipient of assistance under the PEI may use any funds provided by the Department for the payment of expenses in connection with litigation against the United States.

(E) Recipients of funds under the PEI shall be required to record, in a case tracking log (or Fair Housing Enforcement Log) to be supplied by HUD, information appropriate to the funded project relating to the number of complaints of possible discrimination received; the protected basis of these complaints; the issue, test type, and number of tests utilized in the investigation of each allegation; the respondent type and testing results; the time for case processing, including administrative or judicial proceedings; the cost of testing activities and case processing; to whom the case was referred; and the resolution and type of relief sought and received. The recipient must agree to make this log available to HUD.

(F) All proposals must certify that the applicant will not solicit funds from or seek to provide fair housing educational or other services or products for compensation, directly or indirectly, to any person or organization which has been the subject of testing by the applicant during the 12 month period following the test. This requirement does not preclude settlements based on investigative findings.

(3) Fair Housing Organizations Initiative (FHOI)

Applications may be submitted for funding under the Continued

Development of Existing Organizations component of the FHOI.

(i) *Eligible applicants.* Eligible applicants for funding under this component of the FHOI are:

(A) Qualified fair housing enforcement organizations;

(B) Fair housing enforcement organizations;

(C) Nonprofit groups organizing to build their capacity to provide fair housing enforcement; and

(D) Organizations serving persons with disabilities. As stated in section I.(e)(3)(i), above, under the FHOI, \$1,350,000 has been set aside to increase enforcement activities for persons with disabilities. Those funds are available for two categories of applicants:

(1) Disability advocacy groups. Organizations that traditionally have provided for the civil rights of persons with disabilities may apply. This would include organizations such as Independent Living Centers, and cross-disability legal services groups. Because of limited resources and the wide need for appropriate protections, organizations considered for funding must be experienced in providing services to persons with a broad range of disabilities, including physical, cognitive, and psychiatric/mental disabilities. Organizations must demonstrate actual involvement of persons with disabilities throughout their activities, including on staff and board levels.

In addition, applicants for funding allocated to organizations that serve persons with disabilities must meet the following requirements;

(i) Be organized as a private, tax-exempt, non-profit, charitable organization;

(ii) Be established with a primary purpose to assist persons with disabilities in exercising or protecting their fair housing and/or other civil rights (persons with disabilities need not be the only class served by the organization and fair housing and/or civil rights protection need not be the only activity of the organization).

(2) Fair Housing/Disability Advocacy Joint Partnership Teams. Eligible applicants listed in section I.(f)(3)(i)(A) through (D), above, of this NOFA may submit applications which demonstrate a partnership project that involves both an established fair housing enforcement group and a disability advocacy group as defined in section I.(f)(3)(i)(D)(1) of this NOFA. This may be done in cases where the disability advocacy group either lacks the capacity for, or interest in, providing all aspects of enforcement activity. Joint partnerships will,

depending upon the division of roles, enable the disability advocacy group to develop expertise and experience in providing enforcement activities, while sensitizing and educating the QFHO E's or FHO-E's to issues related to the provision of services to persons with disabilities. A joint partnership application would only be submitted by a single organization, but the application would demonstrate a cooperative undertaking with substantive involvement in fair housing education and enforcement by the two kinds of organizations involved in the partnership project.

The Department encourages applications under this set-aside that creatively address the need to provide fair housing services using existing resources in the most efficient and productive manner. Partnership agreements should clearly delineate the roles of each organization to develop the capacity of each organization to undertake fair housing enforcement activities with respect to rights and responsibilities for persons protected on the basis of handicap.

(ii) *Eligible activities.* Applications are solicited for project proposals as described in this NOFA. Applications may designate up to 5% of requested funds to conduct education and outreach to promote awareness of the services provided by the project, but such promotion must be necessary for the successful implementation of the project. Eligible activities for funding under this purpose of the FHOI are any activities listed as eligible under the PEI in section I.(f)(2)(ii), and any activities to increase enforcement activities for organizations serving persons with disabilities, as described in section I.(f)(3)(i)(D), above, of this NOFA and carried out as eighteen-month projects.

(iii) *Additional Requirements.* The following requirements apply to activities funded under the Continued Development of Existing Organizations purpose of the FHOI:

(A) Operating budget limitation. Funding provided under this purpose of the FHOI may not exceed more than 50 percent of the operating budget of the recipient organization for any one year. For purposes of the limitation in this paragraph, *operating budget* means the applicant's total planned budget expenditures from all sources, including the value of in-kind and monetary contributions, in the 18 months for which funding is sought.

(B) Term of grant. Projects are eighteen months in duration, with an award cap of \$200,000. Applications which request FHIP funding in excess of the award cap will be deemed ineligible.

(C) Testers in testing activities funded with FHIP funds must not have prior felony convictions or convictions of crimes involving fraud or perjury, and they must receive training or be experienced in testing procedures and techniques. Testers and the organizations conducting tests, and the employees and agents of these organizations may not:

(1) Have an economic interest in the outcome of the test, without prejudice to the right of any person or entity to recover damages for any cognizable injury;

(2) Be a relative of any party in a case;

(3) Have had any employment or other affiliation, within one year, with the person or organization to be tested; or

(4) Be a licensed competitor of the person or organization to be tested in the listing, rental, sale, or financing of real estate.

(D) Projects to be aimed solely or primarily at research or dependent upon such data-gathering, including but not limited to surveys and questionnaires will not be eligible for funding under this NOFA.

(E) Each applicant under the continued development of existing organizations component of the FHOI must submit an operating budget that describes the applicant's total planned expenditures from all sources, including the value of in-kind and monetary contributions, in the 18 months for which funding is sought. This operating budget will be used for the purposes of determining the extent of the 50% funding limitation on operating expenses.

(F) All proposals for testing under the FHOI must certify that the applicant will not solicit funds from or seek to provide fair housing educational or other services or products for compensation, directly or indirectly, to any person or organization which has been the subject of testing by the applicant during a 12 month period following the test. This does not preclude settlement based on investigative findings.

(G) Recipients of funds under the FHOI shall be required to record, in a case tracking log (or Fair Housing Enforcement Log) to be supplied by HUD, information appropriate to the funded project relating to the number of complaints of discrimination received; the protected basis of these complaints; the issue, test type and number of tests

utilized in the investigation of each allegation; the respondent type and testing results; the time of case processing, including administrative or judicial proceedings; the cost of testing activities and case processing; and to whom referred, resolution, and type of relief provided. The recipient must agree to make this log available to HUD.

*(g) Selection Criteria/Rating Factors*

*(1) Selection Criteria for Rating Applications for Assistance*

The following five selection criteria apply to each of the initiatives covered by this NOFA and account for 100 points available for award. In addition to the preference points indicated in section I.(f)(1)(ii)(B)(2) for applications under the EOI national component, all projects proposed in applications will be rated on the basis of the following criteria for selection:

(i) *Need.* (20 points) This criterion will be judged on the basis of the applicant's submissions in response to paragraphs III.(1) and III.(2) of this NOFA under the heading "Checklist of Application Submission Requirements." The applicant must demonstrate that it is serving areas with significant fair housing problems. HUD will consider the extent to which the application clearly delineates a fair housing need or needs in the project area(s) that can be resolved through the proposed FHIP funded activities of the organization. The applicant must demonstrate how these needs were identified and how the activities proposed will address these needs. HUD will also consider the extent to which the applicant demonstrates a familiarity with the efforts of government agencies, fair housing organizations, community-based organizations, housing industry groups, and other entities in the community which are engaged in or have an impact on fair housing education/enforcement in the communities to be served.

(ii) *Quality of project and related activities that the applicant proposes to carry out under the grant.* (25 points) This criterion will be judged on the basis of the applicant's submissions in response to paragraph III.(3), III.(4) and III.(5) of this NOFA under the heading "Checklist of Application Submission Requirements." HUD will consider:

(A) The extent to which the applicant's proposal outlines a clear and easy to understand project, that can be successfully carried out within the grant period.

(B) The extent to which the applicant explains the benefits that successful completion of the project will produce

to enhance fair housing and the indicators by which these benefits are to be measured. In addition to immediate benefits, the applicant must also describe the expected long-term viability of project results.

(C) The extent to which an applicant's PEI or FHOI enforcement activities proposal furthers the objective of funding full service and broad-based fair housing enforcement projects that address protected classes under the Fair Housing Act.

(iii) *Outreach and Project Support.* (10 points) This criterion will be judged on the basis of the applicant's submission in response to paragraph III.(6) and III.(7) of this NOFA under the heading "Checklist of Application Submission Requirements." This factor has two subfactors:

(A) The extent to which the application demonstrates the ability of the applicant to disseminate or utilize FHIP or existing fair housing materials in locations served by the proposed project. Applications must demonstrate how the project will promote awareness of the services provided by the project (5 points). In rating this subfactor, HUD will evaluate:

(1) The extent to which the proposed activities will reach persons throughout the region to be served and will identify and use existing fair housing materials; and

(2) The extent to which the application will promote awareness of the services provided by the proposed activities.

(B) The extent to which the application demonstrates the commitment of funds and other in-kind resources to the project (5 points). In rating this subfactor, HUD will consider:

(1) Estimate of the public or private resources that may be available to assist the proposed activities; and

(2) The extent to which resources have been firmly committed for the proposed project. This includes the reasonableness of applicant's documented efforts to secure support and the quality of applicant's plan for securing additional funds to support the activities during the period of the project.

(iv) *Management Capability.* (35 points) This criterion will be judged on the basis of the applicant's submission in response to paragraph III.(8) III.(9) and III.(10) under the heading "Checklist of Application Submission Requirements." This factor has two subfactors:

(A) The extent to which the applicant demonstrates that the proposed management approach will enable the applicant to successfully carry out the

proposed activities (10 points); In rating this subfactor, HUD will consider:

(1) Appropriateness, completeness, clarity, and specificity of the tasks proposed in the Statement of Work to implement the project. This includes such considerations as regions to be served, clientele to be served, specific protected class focus, and type and scope of deliverables.

(2) Whether the budget includes necessary costs for the proposed activities and reasonableness of the costs for the proposed activities, including level of expertise proposed for various tasks.

(3) Extent to which the applicant demonstrates capability in handling financial resources with adequate financial control procedures and accounting procedures. In addition, considerations will include findings identified in their most recent audit, internal consistency in the application of numeric quantities, accuracy of mathematical calculations and other available information on financial management capability.

(B) The extent to which the applicant demonstrates the capacity to carry out satisfactorily the proposed activities in a timely fashion (25 points); HUD will consider:

(1) Experience of the applicant organization that is relevant to the proposed project.

(2) The applicant's management and performance under past and current FHIP or other civil rights projects. Where the applicant has managed several projects, special consideration will be given to past performances in those projects which are most relevant to the proposed project. Under this factor, HUD will consider, in particular, progress reviews and closeout assessments on current and past FHIP grants awarded to the applicant organization.

(3) The qualifications of the Project Director, key project staff and any sub-contractors, consultants, and subrecipients which are firmly committed to the project. If most key personnel are not identified, the applicant must demonstrate how it proposes to carry out activities in the interim while vacancies are being filled. For any significant personnel, including subcontractors, not yet hired or selected, how appropriate are the qualifications to be considered in the selection.

(4) The reasonableness of timelines for implementation, procedures for monitoring and assessing results and adequacy of the Statement of Work for assuring that the project is completed in a timely and effective manner.

(v) *Place-based*. The Secretary's Representative will evaluate and rate applications from their respective Regions under the selection criteria at section I.(g)(1)(i), "Need," and section I.(g)(1)(ii), "Quality of project and related activities that the applicant proposes to carry out under the grant." This participation by the Secretary's Representatives will take advantage of their unique knowledge of circumstances within their regions, and will promote "place-based" considerations in the selection of applicants. HUD will award up to 5 points under each of these selection criteria, up to a total of 10 points, on the basis of the evaluation by the Secretary's Representatives.

#### (2) Selection Process

The selection process is structured to achieve the objectives set forth in section I.(c) of this NOFA. Awards will generally be made in rank order, except that the additional procedures described below will be followed to make awards out of rank order to achieve this goal.

Each application for funding will be evaluated competitively. Upon receipt, the applications will be sorted into seven categories: PEI; EOI-National/Web-site; EOI-National/Other; EOI-Regional, local and community-based/reduction of community tensions; EOI-Regional, local and community-based/other; FHOI-Continued Development of Existing Organizations/Organizations Serving Persons with Disabilities; and FHOI-Continued Development of Existing Organizations/Other. Then, in each category, they will be awarded points and assigned a score based on the Selection Criteria for Rating Applications for Assistance identified in section I.(g)(1) of this NOFA. The final decision rests with the Assistant Secretary for Fair Housing and Equal Opportunity or designee. After eligible applications are evaluated against the factors for award and assigned a score, they will be organized by rank order. Awards for each category listed above will be funded in rank order until all available funds have been obligated, or until there are no acceptable applications, with the exception described in section I.(g)(2)(i), immediately below, which is designed to achieve geographic distribution of awards and to achieve full service and broad-based fair housing enforcement projects.

(i) *Achieving geographic distribution of awards*. The Assistant Secretary, or designee, will have the discretion to make awards out of rank order and fund or not fund applications in order to provide broader geographic

representation in accordance with the following procedure. For the PEI funding category only, the highest ranking application from each of the ten HUD broad regions, as described in the application kit, will be funded first. Following the selection of the highest ranking application under the PEI in each region, the remaining awards under the PEI and all awards made under the other Initiatives and components within each category will be funded in rank order, except as follows: only the highest ranking application under any non-national Initiative or component for activities to be conducted in a Metropolitan Statistical Area (MSA), as defined by the Bureau of the Census, will be selected. No other application proposing activities in the same MSA under the same Initiative or component will be selected, unless there are not enough applications of sufficient quality to permit the awarding of all funds in an Initiative or component. If the selection panel determines that there are not enough applications of sufficient quality in any Initiative or component, then the next highest ranked application(s) that had previously been passed over may be funded in the same MSA.

(ii) *Achieving full service and broad based fair housing projects*. Regardless of its ranking, an application proposing enforcement activities will not be funded if it is not focused on providing full service and broad based fair housing enforcement projects that address protected classes under the Fair Housing Act.

(iii) *Tie breaking*. When there is a tie in the overall total score, the award will be made to the applicant that has the higher score under Selection Criteria (ii) of section I.(g)(1). If these applications are equal in this respect, the application that receives a total higher number of cumulative points under Selection Criteria (i) and (iv) of section I.(g)(1), above, will receive the award. If these scores are identical then the award will be made to the applicant with the lower request for FHIP funding.

#### (h) General Requirements for Applications

##### (1) Applicants Limited to a Single Award

Applicants may apply for funding for more than one project or activity under one or more Initiatives. However, applicants are limited to one award under this NOFA. If more than one eligible application is submitted by an applicant and both are within funding range, the Department will select the application which the applicant has

indicated as its preference for award should more than one application submitted be within funding range.

#### (2) Independence of Awards

Each project or activity proposed in an application must be independent and capable of being implemented without reliance on the selection of other applications submitted by the applicant or other applicants. However, this provision does not preclude an applicant from submitting a proposal which includes other organizations as subcontractors to the proposed project or activity.

#### (3) Project Starting Period

The Department has determined that all applications must propose that the project will begin no later than December 1, 1997.

#### (4) Page Limitation

Applicants will be limited to 10 pages of narrative responses for each of the five selection criteria (this does not include forms or documents which are required under each criterion). Furthermore, unrequested items including brochures, news articles, letters of support and other examples included in the application will not be considered in the evaluation process. Applicants that exceed the 10-page limit for each criterion will only have the first 10 pages evaluated for each criterion. Failure to provide narrative responses to criteria (i) through (iv) will result in an application being deemed as ineligible.

#### (i) Applicant Notification and Award Procedures

(1) *Notification.* No information will be available to applicants during the period of HUD evaluation, approximately 90 days, except for notification in writing or by telephone to those applicants that are determined to be ineligible or that have technical deficiencies in their applications that may be corrected. Selectees will be announced by HUD upon completion of the evaluation process, subject to final negotiations and award.

(2) *Negotiations.* After HUD has ranked the applications and provided notifications to applicants whose scores are within the funding range, HUD will require that applicants in this group participate in negotiations to determine the specific terms of the cooperative or grant agreement. In cases where it is not possible to conclude the necessary negotiations successfully, awards will not be made.

If an award is not made to an applicant whose application is in the initial funding threshold because of an inability to complete successful

negotiations, and if funds are available to fund any applications that may have fallen outside the initial funding threshold, HUD will select the next highest ranking applicant and proceed as described in the preceding paragraph.

(3) *Funding Instrument.* HUD expects to award a cost reimbursable or fixed-price cooperative or grant agreement to each successful applicant. HUD reserves the right, however, to use the form of assistance agreement determined to be most appropriate after negotiation with the applicant.

(4) *Reduction of Requested Grant Amounts and Special Conditions.* HUD may approve an application for an amount lower than the amount requested, fund only portions of an application, withhold funds after approval, and/or require the grantee to comply with special conditions added to the grant agreement, in accordance with 24 CFR 84.14, the requirements of this NOFA, or where:

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

(ii) The applicant has proposed an ineligible activity in an otherwise eligible project;

(iii) 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;

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

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

(5) *Performance Sanctions.* A recipient failing to comply with the procedures set forth in its grant agreement will be liable for such sanctions as may be authorized by law, including repayment of improperly used funds, termination of further participation in the FHIP, and denial of further participation in programs of the Department or of any Federal agency.

## II. Application Process

An application kit is required as the formal submission to apply for funding. The kit includes information on the Statement of Work and Budget for activities proposed by the applicant. An application may be obtained by writing the Fair Housing Information Clearinghouse, P.O. Box 9146, McLean, VA 22102, or by calling the toll free number 1-800-343-3442 (voice) or 1-800-290-1617 (TTY). To ensure a prompt response, it is suggested that requests for application kits be made by telephone.

Completed applications are to be submitted to: Maxine B. Cunningham, Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development, Room 5234, 451 Seventh Street, S.W., Washington, DC 20410.

The application due date will be specified in the application kit. Applicants submitting an application under the Private Enforcement Initiative will be given at least 50 days from today's date, until August 15, 1997, to submit their applications. Applicants submitting applications under the Education and Outreach Initiative and the Fair Housing Organizations Initiative will be given at least 60 days from today's date, until August 25, 1997, to submit their applications. Applications will be accepted if they are received on or before the application due date, or are received within 7 days after the application due date, but with a U.S. postmark or receipt from a private commercial delivery service (such as, Federal Express or DHL) that is dated on or before the application due date.

The application deadline is firm as to date. In the interest of fairness to all competing applicants, the Department will treat as ineligible for consideration any application that is received after the deadline. Applicants should take this practice into account and make early submission of their materials to avoid any risk of loss of eligibility brought about by unanticipated delays or other delivery-related problems. A transmission by facsimile machine ("FAX") will not constitute delivery.

An applicant may apply for funding for more than one project or activity, but a separate application must be submitted for each of the following categories of funding:

- (1) Private Enforcement Initiative-Multi-year projects;
- (2) Education and Outreach Initiative-National/Fair Housing Web Site on the Internet;
- (3) Education and Outreach Initiative-National/other projects;
- (4) Education and Outreach Initiative-Regional, local and community-based/reduction of community tensions;
- (5) Education and Outreach Initiative-Regional or local and community-based/other projects;
- (6) Fair Housing Organizations Initiative-Continued Development of Existing Organizations/Organizations Serving Persons with Disabilities; and
- (7) Fair Housing Organizations Initiative-Continued Development of Existing Organizations/Other Projects.

Although a separate application is required for each funding category, an application may propose more than one

type of eligible activity under each category. For example, distribution of a public service message and conduct of a seminar may be proposed in a single application for a national program under the EOI.

Applicants must submit all information required in the application kit and must include sufficient information to establish that the applicant and its application meet eligibility requirements as set forth above and that the application meets the selection criteria set forth in section I.(d), above, of this NOFA.

### III. Checklist of Application Submission Requirements

The application kit will contain a checklist of application submission requirements to complete the application process. Each application for FHIP funding must contain the following items:

- (1) A description indicating the need for FHIP funding in support of the proposed project. This must include a discussion of how these needs were identified, including reference to studies or other information and relevant demographic data relating to the nature and extent of discriminatory housing practices in the location(s) where the applicant proposes to undertake activities.
- (2) A description of how the proposed activities relate to efforts by other entities in the community that are engaged in or have an impact on fair housing education/enforcement in the communities to be served.
- (3) A description of the activities proposed for funding in the general location where the applicant proposes to undertake activities.
- (4) A description of the fair housing benefits that successful completion of the project will produce, and the indicators by which these benefits are to be measured.
- (5) A description of the degree to which the project will be of continuing use in addressing housing discrimination after funded activities have been completed;
- (6) A description of the activities proposed that will disseminate or utilize FHIP or existing fair housing materials in the project area(s) served. This description must include a discussion of procedures used to promote awareness of the services provided by the proposed project;
- (7) An estimate of other public or private resources that will be used to assist the proposed activities.
- (8) A budget—which must include a set-aside of \$3,000 for 18 month projects and \$6,000 for 24 month projects to be

used for travel and associated costs for training sponsored or approved by the Department—and a Statement of Work which includes a timeline for the implementation of the proposed activities, consisting of a description of the specific activities to be conducted with FHIP funds, the geographic areas to be served by the activities, any reports to be produced in connection with the activities, and a schedule for the implementation and completion of the activities.

(9) A description of the applicant's experience in formulating or carrying out programs to prevent or eliminate discriminatory housing practices or in implementing other civil rights programs, the experience and qualifications of existing personnel identified for key positions, or a description of the qualifications of new staff to be hired, and the experience of subcontractors/consultants.

(10) A description of the procedures to be used by the applicant for monitoring the progress of the proposed activities and the applicant's planned or implemented financial control procedures that will demonstrate the applicant's capability in managing financial resources.

(11) HUD Form 2880, Applicant Disclosures;

(12) A listing of any current or pending grants or contracts, or other business or financial relationships or agreements, to provide training, education, and/or self-testing services between the applicant and any entity or organization of entities involved in the sale, rental, advertising, or provision of brokerage, or lending services for housing. The listing must include the name and address of the entity or organization; a brief description of the services being performed or for which negotiations are pending; the dates for performance of the services; and the amount of the contract or grant. This listing must be updated during the grant negotiation period, at the end of the grant term, and for grants that will run for more than twelve months, at the end of each year of the multi-year project.

(13) The applicant must submit a certification and disclosure in accordance with the requirements of section 319 of the Department of the Interior Appropriations Act (Pub. L. 101-121, approved October 23, 1989), as implemented in HUD's interim final rule at 24 CFR part 87, published in the **Federal Register** on February 26, 1990 (55 FR 6736). This statute generally prohibits recipients and subrecipients of Federal contracts, grants, cooperative agreements and loans from using appropriated funds for lobbying the

Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant, or loan. If warranted, the applicant should include the Disclosure of Lobbying Activities form (SF-LLL).

(14) Prior to award execution, successful applicants must submit a certification that they will comply with the certification requirements contained in the application kit.

(15) Each applicant applying as a qualified fair housing enforcement organization or fair housing enforcement organization must have available upon request documentation which demonstrates that the applicant meets all of the requirements of a qualified fair housing enforcement organization (QFHO-E) or fair housing enforcement organization (FHO-E), as defined under the heading *Definitions*, in section I.(d), above, of this NOFA.

### IV. Corrections to Deficient Applications

Applicants will not be disqualified from being considered for funding because of technical deficiencies in their application submission, e.g., an omission of information such as regulatory/program certifications, or incomplete signatory requirements for application submission.

HUD will notify an applicant in writing of any technical deficiencies in the application. The applicant must submit corrections within 14 calendar days from the date of HUD's letter notifying the applicant of any technical deficiency.

The 14-day correction period pertains only to non-substantive, technical deficiencies or errors. Technical deficiencies relate to items that:

1. Are not necessary for HUD review under selection criteria/ranking factors; and
2. Would not improve the substantive quality of the proposal.

### V. Other Matters

#### *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. 1352 (the Byrd Amendment), which prohibits applicants from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant, or loan. Applicants are required to certify, using the certification found at Appendix A to 24 CFR part 87, that they will not, and have not, used appropriated funds for

any prohibited lobbying activities. In addition, applicants must disclose, using Standard Form LLL, "Disclosure of Lobbying Activities," any funds, other than federally appropriated funds, that will be or have been used to influence federal employees, members of Congress, and congressional staff regarding specific grants or contracts.

#### *Environmental Impact*

In accordance with 40 CFR 1508.4 of the regulations of the Council on Environmental Quality and 24 CFR 50.19(c)(3) of the HUD regulations, the policies and procedures contained in this notice provide for assistance in promoting or enforcing fair housing and therefore, are categorically excluded from the requirements of the National Environmental Policy Act, except for extraordinary circumstances, and no FONSI is required.

#### *Executive Order 12612, Federalism*

The General Counsel has determined, as the Designated Official for HUD under section 6(a) of Executive Order 12612, Federalism, that the policies contained in this Notice will not have federalism implications and, thus, are not subject to review under the Order. The promotion of fair housing policies is a recognized goal of general benefit without direct implications on the relationship between the national government and the states or on the distribution of power and responsibilities among various levels of government.

#### *Drug-Free Workplace Certification*

The Drug-Free Workplace Act of 1988 requires grantees of Federal agencies to certify that they will provide drug-free workplaces. Thus, each applicant must certify that it will comply with drug-free workplace requirements in accordance with 24 CFR part 24, subpart F.

#### *Accountability in the Provision of HUD Assistance*

Section 102 of the Department of Housing and Urban Development

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

#### **Documentation and Public Access Requirements**

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

#### **Disclosures**

HUD will make available to the public for five years all applicant disclosure reports (HUD Form 2880) submitted in connection with this NOFA. Update reports (also Form 2880) will be made available along with the applicant disclosure reports, but in no case for a period less than three years. All reports—both applicant disclosures and updates—will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15.

#### *Section 103 HUD Reform Act*

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

Applicants or employees who have ethics related questions should contact the HUD Office of Ethics (202) 708-3815. (This is not a toll-free number.) A telecommunications device for persons with speech and hearing impairments is available at 1-800-877-8339. For HUD employees who have specific program questions, such as whether particular subject matter can be discussed with persons outside HUD, the employee should contact the appropriate Field Office Counsel, or Headquarters counsel for the program to which the question pertains.

The program components of FHIP are described in the Catalog of Federal Domestic Assistance at 14.409, Education and Outreach Initiative; 14.410, Private Enforcement Initiative; and 14.413, Fair Housing Organizations Initiative.

**Authority:** 42 U.S.C. 3601-3619; 42 U.S.C. 3616 note.

Dated: June 20, 1997.

**Susan M. Forward,**

*Deputy Assistant Secretary for Enforcement and Investigations.*

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