

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4412-N-01]

Notice of Funding Availability Rental Assistance for Non-Elderly Persons with Disabilities in Support of Designated Housing Plans Fiscal Year 1999

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

ACTION: Notice of funding availability (NOFA).

SUMMARY: *Purpose of the Program.* The purpose of the rental voucher funding being made available under this NOFA is to enable non-elderly families with disabilities to rent affordable private housing. The rental vouchers will assist public housing agencies (PHAs) in providing sufficient alternative resources to meet the housing needs of those non-elderly disabled families who would have been housed by the PHA if occupancy in a designated public housing project/building (or portion thereof) were not restricted to elderly households, and assist PHAs who wish to continue to designate their buildings as "mixed elderly and disabled buildings" but can demonstrate a need for alternative resources for non-elderly disabled families.

Available Funds. Approximately \$20 million in one-year budget authority for approximately 4,200 Section 8 rental vouchers.

Eligible Applicants. Public housing agencies (PHAs), Indian Housing Authorities, Indian tribes and their tribally designated housing entities are not eligible.

Application Deadline. June 30, 1999.
Match. None.

Additional Information

If you are interested in applying for funding under this program, please read the balance of this NOFA which will provide you with detailed information regarding the submission of an application, Section 8 program requirements, the application selection process to be used by HUD in selecting applications for funding, and other valuable information relative to a PHA's application submission and participation in the program covered by this NOFA.

Application Due Date and Application Submission

Delivered Applications. The application deadline for delivered applications under this NOFA is June 30, 1999, 6:00 p.m. local HUD Field

Office HUB or local HUD Field Office Program Center time, with a copy submitted concurrently to the Office of Public Housing, Special Application Center (SAC).

This application deadline is firm as to date and hour. In the interest of fairness to all competing PHAs, HUD will not consider any application that is received after the application 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. HUD will not accept, at any time during the NOFA competition, application materials sent via facsimile (FAX) transmission.

Mailed Applications. Applications will be considered timely filed if postmarked before midnight on the application due date and received by the local HUD Field Office HUB or local HUD Field Office Program Center within ten (10) days of that date.

Applications Sent By Overnight Delivery. Overnight delivery items will be considered timely filed if received before or on the application due date by the local HUD Field Office HUB or local HUD Field Office Program Center, or upon submission of documentary evidence that they were placed in transit with the overnight delivery service by no later than the specified application due date.

Official Place of Application Receipt. The original and a copy of the application should be submitted to the local HUD Field Office HUB, Attention: Director, Office of Public Housing, or to the local HUD Field Office Program Center, Attention: Program Center Coordinator. The local HUD Field Office is the official place of receipt for all applications in response to this NOFA. For ease of reference, the term "local HUD Field Office" will be used throughout this NOFA to mean the local HUD Field Office HUB and local HUD Field Office Program Center.

Two copies of the application must also be submitted concurrently to the Office of Public Housing, Special Applications Center, Room 2401, 77 West Jackson Boulevard, Chicago, IL 60604, (tel. 312-886-9754).

Application Kit, Further Information and Technical Assistance

For Application Kit. An application kit is not available and is not necessary for submitting an application in response to this NOFA.

For Further Information. For answers to your questions, you have two options. You may contact the Local HUD Field Office, or you may contact George C.

Hendrickson, Housing Program Specialist, Room 4216, Office of Public and Assisted Housing Delivery, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410; telephone (202) 708-1872, ext. 4064. (This is not a toll-free number.) Persons with hearing or speech impairments may access this number via TTY (text telephone) by calling the Federal Information Relay Service at 1-800-877-8339 (this is a toll-free number).

For Technical Assistance. Prior to the application due date, George C. Hendrickson of HUD's Headquarters staff (at the address and telephone number indicated above) will be available to provide general guidance and technical assistance about this NOFA. Current law does not permit HUD staff to assist in preparing the application. Following selection, but prior to award, HUD staff will be available to assist in clarifying or confirming information that is a prerequisite to the offer of an award by HUD.

I. Authority, Purpose, Amount Allocated, and Eligibility

(A) *Authority.* Authority for the approximately \$20 million in one-year budget authority for Section 8 rental vouchers for non-elderly disabled families in support of designated housing plans to designate public housing for occupancy by elderly families only, disabled families only, or elderly families and disabled families only is found in the Departments of Veteran Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (Pub. L. 105-276, approved October 21, 1998), hereinafter referred to as the 1999 Appropriations Act. The 1999 Appropriations Act also allows the Secretary to transfer any unobligated funds for this purpose to assist non-elderly disabled families to the extent they are not needed to fund approvable applications related to designated housing plans during FY 1999. Accordingly, any funding remaining unobligated under this NOFA will first be used to fund any approvable applications under NOFA FR-4413, Rental Assistance for Non-Elderly Persons With Disabilities Related to Certain Types of Section 8 Project-Based Developments and Section 202, 221(d)(3) and 236 Developments, for which there are insufficient funds. Thereafter, any funds still remaining unobligated under this NOFA shall be used to fund any approvable applications under NOFA FR-4415, Mainstream Housing Opportunities For

Persons With Disabilities, for which there are insufficient funds.

(B) *Purpose.* The purpose of the Section 8 rental voucher funding being made available under this NOFA is to *provide housing assistance to non-elderly disabled families who would have been housed by a PHA if occupancy in the designated public housing project/building (or portion thereof) were not restricted to elderly households, and assist PHAs that wish to continue to designate their projects/buildings (or portions thereof) as "mixed elderly and disabled buildings" and can demonstrate a need for alternative housing resources for non-elderly disabled families* that is consistent with the jurisdiction's Consolidated Plan and the low-income housing needs of the jurisdiction.

In prior fiscal years HUD provided funding for rental vouchers and certificates for designated housing plans. In FY 1999, however, HUD will be providing rental vouchers only. This is due to provisions in the Quality Housing and Work Responsibility Act of 1998 that call for the merging of the Section 8 rental voucher and certificate programs into a rental voucher program. HUD intends to publish an interim rule in the spring of FY 1999 to implement the new rental voucher program. Since successful applicants for the FY 1999 funding available under this NOFA will not be funded until after the implementation of the interim rule, rental vouchers only are being provided in FY 1999.

(C) *Amount Allocated.* This NOFA announces the availability of approximately \$20 million in one-year budget authority which will provide assistance to approximately 4,200 non-elderly disabled families. *A PHA may apply for only the number of units needed to house those non-elderly disabled families that otherwise would have been housed if not for the designation of a project/building (or portion thereof) for occupancy by the elderly only. The size of the units applied for must bear a direct relationship to the size of the units designated. PHAs are limited to applying for no more than 200 units.* An eligible PHA may apply for a maximum of 200 rental vouchers.

In the event approvable applications are received for more than the approximately \$20 million announced as available under this NOFA, funds will be transferred from the approximately \$20 million available under NOFA FR-4413, to the extent funds remain unobligated after funding all approvable applications under that NOFA. This latter NOFA provides

Section 8 rental vouchers for non-elderly disabled families not receiving housing assistance in certain Section 8 project-based developments and certain section 202, section 221(d)(3) and section 236 developments.

(D) *Eligible Applicants.* A PHA established pursuant to State law may apply for funding under this NOFA. A regional (multi-county) or State PHA is eligible to apply for funding. Indian Housing Authorities, Indian tribes and their tribally designated housing entities are no longer eligible for new increments of Section 8 funding.

Some PHAs currently administering the Section 8 rental voucher and certificate programs have, at the time of publication of this NOFA, major program management findings from Inspector General audits, HUD management reviews, or independent public accountant (IPA) audits that are open and unresolved or other significant program compliance problems. HUD will not accept applications for additional funding from these PHAs as contract administrators if, on the application due date, the findings are not closed to HUD's satisfaction. If the PHA wants to apply for funding under this NOFA, the PHA must submit an application that designates another housing agency, nonprofit agency, or contractor, that is acceptable to HUD. The PHA's application must include an agreement by the other housing agency, nonprofit agency, or contractor to administer the new funding increment on behalf of the PHA, and a statement that outlines the steps the PHA is taking to resolve the program findings. Immediately after the publication of this NOFA, the local HUD Field Office will notify, in writing, those PHAs that are not eligible to apply without such an agreement. The PHA may appeal the decision, if HUD has mistakenly classified the PHA as having outstanding management or compliance problems. Any appeal must be accompanied by conclusive evidence of HUD's error and must be received prior to the application deadline.

(E) *Eligible Participants.* Only non-elderly disabled families that are income eligible under 24 CFR 982.201(b) and who live in public housing that has been designated for occupancy by the elderly, or non-elderly disabled families who are on the PHA's public housing waiting list, may receive a rental voucher awarded in conjunction with an approved designated housing allocation plan. Such families need not be listed on the PHA's Section 8 waiting list in order to be offered and receive a Section 8 rental voucher. These families may be admitted to the Section 8

program as a special admission (24 CFR 982.203).

II. Program Requirements and Definitions

(A) *Program Requirements.* (1) *Compliance with Fair Housing and Civil Rights Laws.* All applicants must comply with all fair housing and civil rights laws, statutes, regulations, and executive orders as enumerated in 24 CFR 5.105(a). If an applicant: (a) has been charged with a systemic violation of the Fair Housing Act by the Secretary alleging ongoing discrimination; (b) is the defendant in a Fair Housing Act lawsuit filed by the Department of Justice alleging an ongoing pattern or practice of discrimination; or (c) has received a letter of noncompliance findings under Title VI of the Civil Rights Act, section 504 of the Rehabilitation Act of 1973, or section 109 of the Housing and Community Development Act, the applicant's application will not be evaluated under this NOFA if, prior to the application deadline, the charge, lawsuit, or letter of findings has not been resolved to the satisfaction of the Department. HUD's decision regarding whether a charge, lawsuit, or a letter of findings has been satisfactorily resolved will be based upon whether appropriate actions have been taken necessary to address allegations of ongoing discrimination in the policies or practices involved in the charge, lawsuit, or letter of findings.

(2) *Additional Nondiscrimination Requirements.* Applicants must comply with the Americans with Disabilities Act, and Title IX of the Education Amendments Act of 1972. In addition to compliance with the civil rights requirements listed at 24 CFR 5.105, each successful applicant must comply with the nondiscrimination in employment requirements of Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e *et seq.*), the Equal Pay Act (29 U.S.C. 206(d)), the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 *et seq.*), and Titles I and V of the Americans with Disabilities Act (42 U.S.C. 12101 *et seq.*).

(3) *Affirmatively Furthering Fair Housing.* Each successful applicant will have a duty to affirmatively further fair housing. Applicants will be required to identify the specific steps that they will take to:

(a) Address the elimination of impediments to fair housing that were identified in the jurisdiction's Analysis of Impediments (AI) to Fair Housing Choice;

(b) Remedy discrimination in housing; or

(c) Promote fair housing rights and fair housing choice. Further, applicants have a duty to carry out the specific activities cited in their responses to address affirmatively furthering fair housing under this NOFA.

(4) *Certifications and Assurances.* Each applicant is required to submit signed copies of Assurances and Certifications. The standard Assurances and Certifications are on form HUD-52515, Funding Application, which includes the Equal Opportunity Certification, Certification Regarding Lobbying, and Certification Regarding Drug-Free Workplace Requirements.

(5) *Rental Voucher Assistance Requirements.*

(a) *Section 8 Regulations.* PHAs must administer the Section 8 rental vouchers received under this NOFA in accordance with HUD regulations and requirements governing the Section 8 rental voucher program.

(b) *Section 8 Admission Requirements.* Section 8 assistance must be provided to eligible applicants in conformity with regulations and requirements governing the Section 8 rental voucher program and the PHA's administrative plan.

(c) *Turnover.* When a rental voucher under this NOFA becomes available for reissue (e.g., the family initially selected for the program drops out of the program or is unsuccessful in the search for a unit), the rental assistance may be used only for another individual or family eligible for assistance under this NOFA, subject to appropriations for renewal funding, from the date the rental assistance is placed under an annual contributions contract (ACC).

(d) *PHA Responsibilities.* In addition to PHA responsibilities under the Section 8 rental voucher program and HUD regulations concerning nondiscrimination based on disability (24 CFR 8.28) and to affirmatively further fair housing, PHAs that receive rental voucher funding shall:

(i) Where requested by an individual, assist program participants to gain access to supportive services available within the community, but not require eligible applicants or participants to accept supportive services as a condition of participation or continued occupancy in the program.

(ii) Identify public and private funding sources to assist participants with disabilities in covering the costs of structural alterations and other accessibility features that are needed as accommodations for their disabilities.

(iii) Not deny persons who qualify for rental assistance under this program other housing opportunities, or otherwise restrict access to PHA

programs to eligible applicants who choose not to participate.

(iv) Provide Section 8 search assistance.

(v) In accordance with regulatory guidance, provide higher rent to owners necessary for the provision of accessible units and structural modifications for persons with disabilities.

(vi) Provide technical assistance to owners for making reasonable accommodations or making units accessible to persons with disabilities.

(B) *Definitions.* (1) *Designated Housing Plan.* A HUD-approved allocation plan required of PHAs seeking to designate a project/building (or portion thereof) for occupancy by elderly families only, disabled families only, or elderly and disabled families only. See section 10(a) of the Housing Opportunity Extension Act of 1996, Public Law 104-120, as explained in Notice PIH 97-12(HA), Requirements for Designation of Public Housing Projects. Section 10(a) amended Section 7 of the United States Housing Act of 1937.

(2) *Elderly Family.* A family whose head of household, spouse, or sole member is 62 years or older.

(3) *Non-elderly Disabled Family.* A family who is not elderly, and whose head, spouse, or sole member is a person with disabilities. The term "non-elderly disabled family" may include two or more such persons with disabilities living together, and one or more such persons with disabilities living with one or more persons who are determined essential to the care and well-being of the person or persons with disabilities (live-in aides).

(4) *Person with disabilities.* A person who—

(a) Has a disability as defined in section 223 of the Social Security Act (42 U.S.C. 423), or

(b) Is determined to have a physical, mental or emotional impairment that:

(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, or

(c) Has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(5)).

The term "person with disabilities" does not exclude persons who have the disease of acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome (HIV).

Note: While the above definition of a "person with disabilities" is to be used for purposes of determining a family's eligibility for a Section 8 rental voucher under this NOFA, the definition of a person with disabilities contained in section 504 of the Rehabilitation Act of 1973 and its implementing regulations must be used for purposes of meeting the requirements of Fair Housing laws, including providing reasonable accommodations.

(5) *Section 8 search assistance.*

Assistance to increase access by program participants to housing units in a variety of neighborhoods (including areas with low poverty concentrations) and to locate and obtain units suited to their needs.

III. Application Selection Process

After the local HUD Field Office has screened PHA applications and disapproved any applications found unacceptable for further processing, it will review all acceptable applications (exclusive of the Designated Housing Plan portion of the application—which is reviewed by the Special Application Center) to ensure that they are technically adequate and responsive to the requirements of the NOFA. The local HUD Field Office will send to the Grants Management Center, Attention: Michael Diggs, Director, 501 School Street, SW, Suite 800, Washington, DC 20024, (tel. 202-358-0273), the following information on each application that is found technically adequate and responsive:

- (1) Name and address of the PHA;
- (2) Date and time of the local HUD Field Office's receipt of the PHA's application;
- (3) Local HUD Field Office contact person and telephone number;
- (4) The number of rental vouchers in the PHA application, and the minimum number of rental vouchers acceptable to the PHA; and
- (5) A completed fund reservation worksheet, indicating the number of Section 8 rental vouchers requested in the PHA application and recommended for approval by the local HUD Field Office, and the corresponding one-year budget authority.

The Special Application Center will send to the Grants Management Center the following information on each designated housing plan submitted in conjunction with this NOFA:

- (1) A copy of the letter to the PHA approving or disapproving its designated housing plan.
- (2) Special Application Center contact person and telephone number.

The Grants Management Center will fund on a first-come, first-served basis all approvable applications from PHAs

that are recommended for funding by the local HUD Field Offices and that the Special Application Center advises has an approved designated housing allocation plan, based upon the date and time the application is received in the local HUD Field Office. As PHAs are selected, the cost of funding the applications will be subtracted from the funds available. In the event approvable applications are received for more than the approximately \$20 million announced as available under this NOFA, funds will be transferred from the approximately \$20 million available under NOFA FR-4413 for non-elderly disabled families not receiving housing assistance in certain Section 8 project-based developments, or certain section 202, section 221(d)(3) or section 236 developments, to the extent funds are not needed for approvable applications under that NOFA. Applications will be funded for the total number of units requested by the PHA and approved by the Grants Management Center in accordance with this NOFA. When remaining budget authority is insufficient to fund the last selected PHA application in full, however, the Grants Management Center will fund that application to the extent of the funding available, unless the PHA's application indicates it will only accept a higher number of units. In that event, the next selected application shall be one that has indicated a willingness to accept the lesser amount of funding for units available.

IV. Application Submission Requirements

(A) *Form HUD-52515*. All PHAs must complete and submit form HUD-52515, Funding Application, for the Section 8 rental voucher program (dated January 1996). This form includes all necessary certifications for Fair Housing, Drug Free Workplace and Lobbying Activities. An application must include the information in Section (C), Average Monthly Adjusted Income, of form HUD-52515 in order for HUD to calculate the amount of Section 8 budget authority necessary to fund the requested number of units. The bedroom size and number of requested units must bear a direct relationship to the bedroom size and number of units designated in the PHA's allocation plan that will no longer be available for the future admission of non-elderly disabled families. Copies of form HUD-52515 may be obtained from the local HUD Field Office, or may be downloaded from the HUD Home Page site on the Internet's world wide web (<http://www.hud.gov>).

(B) *Letter of Intent and Narrative*. All the items in this section must be included in the application submitted to the local HUD Field Office. The PHA must state in its cover letter to the application whether it will accept a reduction in the number of rental vouchers, and the minimum number of rental vouchers it will accept, since the funding is limited and HUD may only have enough funds to approve a smaller amount than the number of rental vouchers requested. The maximum number of rental vouchers that a PHA may apply for under this NOFA is limited to 200.

(C) *Approvable Designated Housing Plan*. The application must include an approvable plan to designate housing in accordance with section 10(a) of the Housing Opportunities Extension Act of 1996, Public Law 104-120, as explained in Notice PIH 97-12 (HA), Requirements for Designation of Public Housing Projects.

(D) *Designated Housing Plan Previously Approved*. Any PHA wishing to rely on a designated housing plan previously approved by HUD that did not require Section 8 rental vouchers or certificates for non-elderly disabled families or that now requires more Section 8 rental vouchers than previously justified, will require the PHA to submit the information required in paragraphs (A) and (B) above, a copy of the previously HUD-approved designated housing plan, and updated needs data supporting the need now for Section 8 rental vouchers not previously deemed necessary as an alternative housing resource. The updated needs data should indicate why the PHA does not have the appropriate resources to carry out the previously approved plan, identifying the number of Section 8 rental vouchers needed for non-elderly disabled families, and addressing the housing needs in its consolidated plan.

Conversely, any PHA wishing to rely on a designated housing plan previously approved by HUD, contingent upon the PHA's future submission of an application for Section 8 rental certificates or vouchers as an alternative housing resource for non-elderly disabled families, will need to submit the information required by paragraphs (A) and (B) above, but need only submit the HUD-approval letter for the designated housing plan in lieu of the plan itself (updated needs data also unnecessary).

Note: *Notice of Repeal of Local Government Comment Requirements*. Local government comments that HUD was previously required to obtain from the unit of general local government on PHA applications for Section 8 rental assistance

under Section 213(c) of the Housing and Community Development Act of 1974 are no longer required. Section 551 of the Quality Housing and Work Responsibility Act of 1998 (Pub. L. 105-276, 112 Stat. 2461, approved October 21, 1998) (QHWRA) repealed the provisions of Section 213(c) of the Housing and Community Development Act of 1974. Although section 503 of QHWRA establishes an effective date of October 1, 1999, for its provisions unless otherwise specifically provided, section 503 also permits any QHWRA provision or amendment to be implemented by notice, unless otherwise specifically provided. Accordingly, HUD's Notice of Initial Guidance on the QHWRA, published on February 18, 1999 (64 FR 8192), provided the notice of immediate implementation of section 551 of QHWRA, as permitted by section 503 of QHWRA.

V. Corrections to Deficient Applications

(A) *Acceptable Applications*. To be eligible for processing, an application must be received by the local HUD Field Office no later than the date and time specified in this NOFA. The local HUD Field Office will initially screen all applications and notify PHAs of technical deficiencies (exclusive of the designated housing plan) by letter. The Special Applications Center will review the designated housing plan portion of the application and advise the PHA by letter as to approval/disapproval of the plan.

If an application has technical deficiencies, the PHA will have 14 calendar days from the date of the issuance of the local HUD Field Office's notification letter to submit and the local HUD Field Office receive the missing or corrected information before the application can be considered for further processing by HUD. Curable technical deficiencies relate only to items that do not improve the substantive quality of the application.

Information received by the local HUD Field Office after 3 p.m. local HUD Field Office time on the 14th calendar day of the correction period will not be accepted and the application will be rejected as incomplete.

(B) *Unacceptable Applications*. (1) After the 14-calendar day technical deficiency correction period, the local HUD Field Office will disapprove all PHA applications that it determines are not acceptable for processing. The local HUD Field Office's notification of rejection letter must state the basis for the decision.

(2) Applications from PHAs for Section 8 rental assistance that fall into any of the following categories will not be processed:

(a) Applications from PHAs that do not meet the requirements of Section

II(A)(1) of this NOFA, Compliance With Fair Housing and Civil Rights Laws.

(b) The PHA has serious unaddressed, outstanding Inspector General audit findings, HUD management review findings, or independent public accountant (IPA) findings for its rental voucher or rental certificate programs; or the PHA has failed to achieve a lease-up rate of 90 percent of units in its HUD-approved budget for the PHA fiscal year prior to application for funding in each of its rental voucher and certificate programs (excluding the impact of the three-month statutory delay requirement effective in FY 1997 and 1998 for the reissuance of rental vouchers or certificates). The only exception to this category is if the PHA has been identified under the policy established in Section I.(D) of this NOFA and the PHA makes application with a designated contract administrator.

(c) The PHA is involved in litigation and HUD determines that the litigation may seriously impede the ability of the PHA to administer the rental vouchers.

(d) A PHA's application that does not comply with the requirements of 24 CFR 982.102 and this NOFA after the expiration of the 14-calendar day technical deficiency correction period will be rejected from processing.

(e) The PHA's application was submitted after the application due date.

VI. Findings and Certifications

(A) *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 2577–0169. 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.

(B) *Environmental Impact.* In accordance with 24 CFR 50.19(b)(11) of the HUD regulations, tenant-based activities assisted under this program are categorically excluded from the requirements of the National Environmental Policy Act and are not subject to environmental review under the related laws and authorities. In accordance with 24 CFR 50.19(c)(5), the approval for issuance of this NOFA is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

(C) *Catalog of Federal Domestic Assistance Numbers.* The Federal

Domestic Assistance number for this program is 14.857.

(D) *Federalism Impact.* The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, *Federalism*, has determined that the policies contained in this NOFA will not have substantial direct effects on States or their political subdivisions, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government. As a result, the notice is not subject to review under the Order. This notice is a funding notice and does not substantially alter the established roles of HUD, the States, and local governments, including PHAs.

(E) *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 regulations in 24 CFR part 4, subpart A 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. HUD will comply with the documentation, public access, and disclosure requirements of section 102 with regard to the assistance awarded under this NOFA, as follows:

(1) *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 5-year period beginning not less than 30 days after the award of the assistance. Material will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. In addition, HUD will include the recipients of assistance pursuant to this NOFA in its **Federal Register** notice of all recipients of HUD assistance awarded on a competitive basis.

(2) *Disclosures.* HUD will make available to the public for 5 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 3 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.

(F) *Section 103 HUD Reform Act.* HUD will comply with section 103 of the Department of Housing and Urban Development Reform Act of 1989 and HUD's implementing regulations in subpart B of 24 CFR part 4 with regard to the funding competition announced today. These requirements 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 section 103 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 section 103 and subpart B of 24 CFR part 4.

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

(G) *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) and to the provisions of the Lobbying Disclosure Act of 1995 (Pub. L. 104–65; approved 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 certification and the SF–LLL are included in the application.

The Lobbying Disclosure Act of 1995 (Pub. L. 104-65; approved December 19, 1995), which repealed section 112 of the HUD Reform Act, requires all persons and entities who lobby covered

executive or legislative branch officials to register with the Secretary of the Senate and the Clerk of the House of Representatives and file reports concerning their lobbying activities.

Dated: March 2, 1999.

Harold Lucas,

Assistant Secretary for Public and Indian Housing.

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