



**U.S. Department of Housing and Urban Development**

Grant Management Office

General Section to HUD's Fiscal Year 2017 Notice[s] of Funding Availability for Discretionary Programs  
(General Section)

FR-6100-N-01

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## U.S. Department of Housing and Urban Development

<b>Program Office:</b>	Grant Management Office
<b>Funding Opportunity Title:</b>	General Section to HUD's Fiscal Year 2017 Notice[s] of Funding Availability for Discretionary Programs (General Section)
<b>Announcement Type:</b>	Initial
<b>Funding Opportunity Number:</b>	FR-6100-N-01
<b>Primary CFDA Number:</b>	14.506
<b>Due Date for Applications:</b>	N/A

### Summary of Changes to General Section: 2016 to 2017.

1. HUD has added a definition of Assessment of Fair Housing (AFH) to reflect the new regulations, and revised several Fair Housing (FH) related requirements throughout the document.
2. HUD has dropped priority points for NOFA Priorities (formerly Policy Priorities).
3. We have kept bonus points (renamed "preference points") for two place-based initiatives, Promise Zones (PZ) and Preferred Sustainability Status (PSS) Communities but narrowed the scope of the PSS preference to include applicants working with 2011 grantees only.
4. HUD worked to incorporate plain English more thoroughly.
5. HUD added additional guidance regarding agency review of past performance and certain recipients' responsibility to report violations in FAPIIS in accordance with 2 CFR part 200 Appendix XII.

### I. Overview and Agency Contacts

The General Section HUD publishes each Fiscal Year contains requirements for all of HUD's competitive grant programs. Applicants must meet all applicable requirements of the General Section and the Program NOFA requirements to be considered for funding. The General Section is published on Grants.gov and HUD's Funds Available webpage.

This FY 2017 General Section contains six (6) sections:

- I. Overview and Agency Contacts
- II. Sample NOFA Table of Contents
- III. NOFA Forecast
- IV. Definitions
- V. Rules and Regulations Applicable to NOFAs
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- VI. NOFA Guidance for Applicants
  - A. Obtaining an Application.
  - B. Submitting an Application.
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Questions regarding this notice should be directed to the Office of Strategic Planning and Management, Grants Management & Oversight Division (GMO), via email at AskGMO@hud.gov  
The most significant change in the FY 2017 General Section is the elimination of Policy Priority points.

## II. Sample NOFA Table of Contents

All FY 2017 NOFAs, except the Continuum of Care (CoC) NOFA, will follow a standardized format and order of content. The format and structure will be the same, but each Program NOFA will have a unique title, funding opportunity number, text and instructions that are specific to the program.

Sample NOFA Table of Contents:

[Funding Opportunity Title]

[Funding Opportunity Number]

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HUD publishes a NOFA Forecast on the Grants.gov [Search Grants](#) webpage. The forecast is updated regularly. On the search page, select Department of Housing and Urban Development and Opportunity Status = Forecasted.

### **IV. Definitions**

**Analysis of Impediments to Fair Housing Choice (AI)** is a review of impediments or barriers that affect the rights related to fair housing choice, and pertains to program participants in jurisdictions operating under a current Consolidated Plan and public housing agencies operating under a PHA Plan.

**Assessment of Fair Housing (AFH)** is the analysis undertaken pursuant to 24 CFR 5.154. AFH includes an analysis of fair housing data, an assessment of fair housing issues and contributing factors, the prioritization of contributing factors, and the identification of fair housing goals. It is conducted and submitted to HUD using the Assessment Tool. Entities obligated to prepare and submit an AFH are: (1) Jurisdictions and Insular Areas that are required to submit Consolidated Plans for the following programs: (i) The Community Development Block Grant (CDBG) program (see 24 CFR part 570, subparts D and I); (ii) The Emergency Solutions Grants (ESG) program (see 24 CFR part 576); (iii) The HOME Investment Partnerships (HOME) program (see 24 CFR part 92); and (iv) The Housing Opportunities for Persons With AIDS (HOPWA) program (see 24 CFR part 574); and (2) Public housing agencies (PHAs) receiving assistance under sections 8 or 9 of the United States Housing Act of 1937 (42 U.S.C. 1437f or 42 U.S.C.1437g).

**Authorized Organization Representative (AOR)** is the person authorized by the E-Biz point of contact in the System for Award Management to submit applications on behalf of the organization. The AOR is listed in item 21 on the SF-424.

**Catalog of Federal Domestic Assistance (CFDA)** is a directory of the various Federal programs, projects, services and activities that offer financial and non financial assistance and benefits to the American public. **CFDA Number** is the unique number assigned to each program, project, service or activity listed in the Catalog of Federal Domestic Assistance (CFDA).

**Consolidated Plan** is a document developed by states and local jurisdictions, which they complete by engaging in a participatory process to assess their affordable housing and community development needs and market conditions, and to make data-driven, place-based investment decisions with funding from formula grant programs. (See 24 CFR 91 for more information about the Consolidated Plan and related Annual Action Plan.)

**Contract** means a legal instrument by which a non-Federal entity purchases property or services needed to carry out the project or program under a Federal award. The term as used with respect to awards, subawards, and cooperative agreements subject to 2 CFR part 200 does not include a legal instrument, even if the

non-Federal entity considers it a contract, when the substance of the transaction meets the definition of a Federal award or subaward. (See 2 CFR 200.22 and 200.92.)

**Contractor** means an entity that receives a contract.

**DUNS Number** is the nine-digit identification number assigned to a business or organization by Dun & Bradstreet and provides a means of identifying business entities on a location-specific basis. Requests for a DUNS number can be made by visiting the Online DUNS Request Portal.

**Federal Awardee Performance and Integrity Information System (FAPIIS)** is a database that has been established to track contractor misconduct and performance.

**Grants.gov** is the website that serves as the Federal government's central portal for searching for and applying for grants throughout the Federal government.

**Non-Federal Entity** means a state, local government, Indian tribe, institution of higher education (IHE), or non-profit organization that carries out a Federal award as a recipient or subrecipient.

**Pass-through Entity** means a non-Federal entity that provides a subaward to a subrecipient to carry out part of a Federal program.

**Point of Contact (POC)** is the person who may be contacted with questions about the application submitted by the AOR. The point of contact is listed in item 8F on the SF-424.

**Preferred Sustainability Status Communities (PSS)** for the purposes of HUD's FY2017 funding competitions, are communities that have received PSS under HUD's FY2011 Sustainable Communities Regional Planning Grant Program and/or HUD's FY2011 Community Challenge Planning Grant Program. [Click here](#) for list.

**Promise Zones** are federally-designated, high-poverty urban, rural and tribal communities where the Federal government will partner with and invest in communities to accomplish these goals: create jobs, leverage private investment, increase economic activity, expand educational opportunities, and reduce violent crime.

**Promotores/Promotoras** are Spanish-speaking Community Health Workers who work in their communities to reduce barriers to health services and make health care systems more responsive.

**Recipient** means a non-Federal entity that receives an award directly from HUD to carry out an activity under a HUD program.

**Section 3 Business Concern** means a business concern (1) that is 51 percent or more owned by Section 3 residents; or (2) of which at least 30 percent of permanent, full-time employees are currently Section 3 residents, or were Section 3 Residents within three years of the date of first employment with the business concern; or (3) that provides evidence of a commitment to subcontract over 25 percent of the dollar award of all subcontracts to be awarded to business concerns that meet the qualifications in this definition.

**Section 3 Residents** means: 1) Public housing residents; or 2) Low and very-low income persons, as defined in 24 CFR 135.5, who live in the metropolitan area or non-metropolitan county where a HUD-assisted project for housing or community development is located.

**Standard Form 424 (SF-424)** is the Application for Federal Assistance Programs required by discretionary grant programs.

**Subaward** means an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

**Subrecipient** means a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a HUD program; but does not include an individual that is a beneficiary of such program. A

subrecipient may also receive other Federal awards directly from a Federal awarding agency (including HUD).

**System for Award Management (SAM)**, located at the website [sam.gov](http://sam.gov), is the official U.S. Government system that consolidated the capabilities of Central Contractor Registry (CCR), Excluded Parties List System (EPLS) and the Online Representations and Certifications Application (ORCA). Registration with [Sam.gov](http://sam.gov) is required for submission of applications via [grants.gov](http://grants.gov).

## V. Rules and Regulations Applicable to NOFAs

### A. Rules that affect applicants' ability to apply.

Applicants must comply with these rules to submit an application.

**1. SAM Registration Requirement.** Before your organization can apply for a Federal award, your organization must have a valid registration active at [sam.gov](http://sam.gov). SAM registration includes maintaining current information and providing a valid DUNS number. [Grants.gov](http://grants.gov) will not accept applications from organizations without a valid, active SAM registration.

**2. Requirement to Register with Grants.gov.** Individuals who plan to submit grant applications on behalf of an organization must register at [Grants.gov](http://Grants.gov) and be approved to submit applications on behalf of the organization by the EBiz Point of Contact in SAM in order to submit an application.

Registration at these two sites is a multi-step process and can take up to four (4) weeks or longer to complete if data issues must be resolved. Applicants without a valid registration cannot submit an application through [Grants.gov](http://Grants.gov). Complete registration instructions and guidance are provided on the [Grants.gov](http://Grants.gov) website.

### B. Rules that affect applicants' eligibility to receive an award from HUD.

Evidence of the adverse circumstances described below or failure to meet requirements listed below may prevent an award from being granted to otherwise successful applicants.

**1. Resolution of Civil Rights Matters.** Outstanding civil rights matters must be resolved before the application deadline. Applicants who after review are confirmed to have civil rights matters unresolved at the application deadline will be deemed ineligible; the application will receive no further review, will not be rated and ranked, and will not receive funding.

a. Applicants having any of the charges, cause determinations, lawsuits, or letters of findings referenced in subparagraphs (1) – (5) that have not been resolved to HUD's satisfaction before or on the application deadline date are ineligible for funding. Such matters include:

(1) Charges from HUD concerning a systemic violation of the Fair Housing Act or receipt of a cause determination from a substantially equivalent state or local fair housing agency concerning a systemic violation of a substantially equivalent state or local fair housing law proscribing discrimination because of race, color, religion, sex, national origin, disability or familial status;

(2) Status as a defendant in a Fair Housing Act lawsuit filed by the Department of Justice alleging a pattern or practice of discrimination or denial of rights to a group of persons raising an issue of general public importance under 42 U.S.C. 3614(a);

(3) Status as a defendant in any other lawsuit filed or joined by the Department of Justice, or in which the Department of Justice has intervened, or filed an amicus brief or statement of interest, alleging a pattern or practice or systemic violation of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Section 109 of the Housing and Community Development Act of 1974, the Americans with Disabilities Act or a claim under the False Claims Act related to fair housing, non-discrimination, or civil rights generally including an alleged failure to affirmatively further fair housing;

(4) Receipt of a letter of findings identifying systemic non-compliance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Section 109 of the Housing and Community

Development Act of 1974; or the Americans with Disabilities Act; or

(5) Receipt of a cause determination from a substantially equivalent state or local fair housing agency concerning a systemic violation of provisions of a state or local law prohibiting discrimination in housing based on sexual orientation, gender identity, or lawful source of income.

b. HUD will determine if actions to resolve the charge, cause determination, lawsuit, or letter of findings taken before the application deadline date will resolve the matter. Examples of actions that may be sufficient to resolve the matter include, but are not limited to:

- (1) Current compliance with a voluntary compliance agreement signed by all the parties;
- (2) Current compliance with a HUD-approved conciliation agreement signed by all the parties;
- (3) Current compliance with a conciliation agreement signed by all the parties and approved by the state governmental or local administrative agency with jurisdiction over the matter;
- (4) Current compliance with a consent order or consent decree;
- (5) Current compliance with a final judicial ruling or administrative ruling or decision; or
- (6) Dismissal of charges.

**2. Outstanding Delinquent Federal Debts.** It is HUD policy, consistent with the purposes and intent of 31 U.S.C. 3720B and 28 U.S.C. 3201(e), that applicants with outstanding delinquent Federal debt will not be eligible to receive an award of funds, unless:

- a. A negotiated repayment schedule is established and the repayment schedule is not delinquent, or
- b. Other arrangements satisfactory to HUD are made before the award of funds by HUD.

If satisfactory arrangements cannot be completed within 90 days of notification of selection, HUD will not make an award of funds to the applicant, and instead will offer the award to another eligible applicant, as outlined in the Program NOFA. HUD may act earlier than the 90 days to ensure, in HUD's determination, that the funds can be obligated in a timely manner. Applicants selected for funding, or awarded funds, must report any changes in status of current agreements covering Federal debt. HUD may withhold funding, terminate an award, or seek other remedies from a recipient if a previously agreed-upon payment schedule has not been followed or a new agreement with the Federal agency to which the debt is owed has not been signed.

**3. Debarments and/or Suspensions.** Under 2 CFR part 2424, no award of Federal funds may be made to debarred or suspended applicants, or those proposed to be debarred or suspended from doing business with the Federal government.

**4. Pre-selection Review of Performance.** If your organization has delinquent federal debt or is excluded from doing business with the Federal Government, the organization may be ineligible for an award. In addition, before making a Federal award, HUD reviews information available through any OMB-designated repositories of government-wide eligibility qualification or financial integrity information, such as Federal Awardee Performance and Integrity Information System (FAPIIS), and the "Do Not Pay" website. HUD may consider other public sources such as newspapers, Inspector General or Government Accountability Office reports or findings, or other complaints that have been proven to have merit. Applicants may review and comment on any information in FAPIIS through SAM. HUD reserves the right to:

- a. Deny funding, or with a renewal or continuing award, consider suspension or termination of an award immediately for cause,
- b. Require the removal of any key individual from association with management or implementation of the award, and
- c. Make provisions or revisions regarding the method of payment or financial reporting requirements.



**5. Sufficiency of Financial Management System.** HUD will not award or disburse funds to applicants that do not have a financial management system that meets Federal standards as described at 2 CFR 200.302. HUD may arrange for a survey of financial management systems for applicants selected for award who have not previously received Federal financial assistance, where HUD Program officials have reason to question whether a financial management system meets Federal standards, or for applicants considered high risk based on past performance or financial management findings.

**6. Mandatory Disclosure Requirement.** Recipients or applicants must disclose in writing to the awarding program office at HUD, all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award within ten days after learning of the violation. Recipients that have received a Federal award including the term and condition outlined in Appendix XII to Part 200—Award Term and Condition for Recipient Integrity and Performance Matters are required to report certain civil, criminal, or administrative proceedings to SAM. Failure to make required disclosures can result in any of the remedies described in §200.338 Remedies for noncompliance, including suspension or debarment. (See also 2 CFR part 180, 31 U.S.C. 3321, and 41 U.S.C. 2313.)

**7. False Statement.** A false statement in an application is grounds for denial or termination of an award and possible punishment, as provided in 18 U.S.C. 1001.

**8. English Language Requirement.** Applications must be submitted in English and funding requests must be made in U.S. dollars. Applications using another currency will be converted to U.S. dollars as of the application receipt date.

### **C. Rules that affect applicants selected for award.**

**1. Compliance with Non-discrimination and Related Requirements.** Unless otherwise specified, these non-discrimination and equal opportunity authorities and other requirements apply to all Program NOFAs. Read the corresponding requirements in each Program NOFA carefully as there are variations in requirements among HUD's programs.

a. Compliance with Fair Housing and Civil Rights Laws. Except for federally recognized Indian tribes and their instrumentalities, recipients and their prospective subrecipients must comply with all applicable fair housing and civil rights requirements in 24 CFR 5.105(a), including, but not limited to, the Fair Housing Act; Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act; and Title II and Title III of the Americans with Disabilities Act of 1990(ADA).

(1) Recipients of HUD funds, and their prospective sub-recipients, who are conducting programs or activities in a state or local jurisdiction that has passed a law prohibiting discrimination in housing based upon sexual orientation or gender identity, or a law prohibiting discrimination in housing based on lawful source of income, must comply with the law(s) of the state or locality in which the program activities are conducted.

(2) Federally recognized Indian tribe or Tribally Designated Housing Entity (TDHE) applicants must comply with the non-discrimination provisions enumerated in the applicable program regulations. Each Program NOFA will specify the applicable civil rights requirements for Indian tribes or TDHEs when listed as eligible applicants under the Program NOFA.

b. Affirmatively Furthering Fair Housing. Section 808(e)(5) of the Fair Housing Act requires HUD to affirmatively further the purposes of the Fair Housing Act in its housing and urban development programs. HUD requires recipients of funds, including those awarded and announced under HUD's FY 2017 Program NOFAs not specifically exempted, to take meaningful actions that affirmatively further fair housing.

(1) Unless otherwise specified in the Program NOFA, an applicant must discuss how it will carry out the proposed activities in a manner that affirmatively furthers fair housing in compliance with Section 808(e)(5) of the Fair Housing Act. If the applicant operates in a jurisdiction with an accepted AFH, the proposed activities should be consistent with the AFH's fair housing goals and with fair housing strategies specified in any applicable Consolidated Plan or Public Housing Agency Plan.

(2) Federally recognized Indian tribes are not subject to the requirement to affirmatively further fair housing in their use of certain HUD funds. Other tribal entities may also be exempt. Refer to the Program NOFAs for more information on exemptions.

c. Economic Opportunities for Low- and Very Low-income Persons (Section 3). Certain programs require recipients of assistance to comply with Section 3 of the Housing and Urban Development Act of 1968 (Section 3), 12 U.S.C. 1701u (Economic Opportunities for Low- and Very Low-Income Persons in Connection with Assisted Projects), and the HUD regulations at 24 CFR part 135. The regulations at 24 CFR part 135 implementing Section 3 ensure, to the greatest extent feasible, that training, employment, contracting and other economic opportunities be directed to low- and very low-income persons, especially recipients of government assistance for housing, and to businesses that provide economic opportunities to low-and very low-income persons where a proposed project is located.

To implement 24 CFR 135.9(a) of the Department's Section 3 rules, program NOFAs where Section 3 applies include information regarding how Section 3 activities will be considered in rating the application, the evaluation criteria utilized, and the rating points assigned. (See 24 CFR 135.9(a).) Applicants subject to this requirement must describe their plans to train and employ Section 3 residents and contract with Section 3 businesses that prioritize Section 3. By submission of an application for programs covered by Section 3, applicants certify compliance with Section 3 requirements.

Section 3 fund recipients must comply with 24 CFR part 135. HUD encourages recipients to search the national Section 3 Business Registry to find local businesses that prioritize hiring Section 3 residents.

d. Improving Access to Services for Persons with Limited English Proficiency (LEP). Executive Order (E.O.) 13166 seeks to improve access to federally assisted programs and activities for individuals who, because of national origin, have LEP. Recipients of HUD funds shall take reasonable steps to ensure meaningful access to their programs and activities to LEP individuals. As an aid to recipients, HUD published Final Guidance to Federal Financial Assistance Recipients: Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (LEP Guidance) in the Federal Register on January 22, 2007 (72 FR 2732). LEP guidance and LEP information is available on HUD's website.

e. Accessible Technology. Section 508 of the Rehabilitation Act (Section 508) requires HUD to ensure, when developing, procuring, maintaining, or using electronic and information technology (EIT), that the EIT allows persons with disabilities to access and use information and data comparably to those without disabilities unless an undue burden would result to the Federal agency. HUD encourages its recipients to adopt the goals and objectives of Section 508 by ensuring comparable access whenever EIT is used. Recipients must also comply with Section 504 of the Rehabilitation Act and, where applicable, the ADA. These statutes also require effective communication with individuals with disabilities and prohibit EIT-imposed barriers to access information, programs, and activities by persons with disabilities. ([See Information on accessible technology.](#))

f. Equal Access Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity. The Equal Access Rule requires that a determination of eligibility for housing that is assisted by HUD or subject to a mortgage insured by the Federal Housing Administration (FHA) shall be made in accordance with the eligibility requirements provided for such program by HUD, and such housing shall be made available without regard to actual or perceived sexual orientation, gender identity or marital status. In addition, the rule prohibits owners or administrators of HUD-assisted or FHA insured housing, approved lenders in an FHA mortgage insurance program, or any other recipient or subrecipient of HUD funds from inquiring about the sexual orientation or gender identity of an applicant for or occupant of HUD-Assisted or insured housing. Thus, HUD recipients and subrecipients must comply with 24 CFR 5.105(a)(2) when determining eligibility for housing assisted by HUD or insured by FHA and may not inquire about sexual orientation or gender identity to make such determinations. HUD's definitions of sexual orientation and gender identity are at 24 CFR 5.100. HUD's definition of family is at 24 CFR 5.403. (See other regulatory changes made through HUD's Equal Access Rule at 77 FR 5662 Feb. 3, 2012.) HUD's Equal Access Rule does not apply to the

Department's Native American housing programs.

**2. Equal Participation of Faith-Based Organizations in HUD Programs and Activities.** Consistent with Executive Order (E.O.) 13279, "Equal Protection of the Laws for Faith-Based and Community Organizations," as amended by E.O. 13559, "Fundamental Principles and Policy-making Criteria for Partnerships with Faith-Based and Other Neighborhood Organizations," faith-based organizations are eligible to participate in HUD's programs and activities on the same basis as any other organization.

HUD's regulations on the equal participation of faith-based organizations are at 24 CFR 5.109. On April 4, 2016, HUD amended 24 CFR 5.109 consistent with E.O. 13559. (See 81 FR 19355). These regulations apply to all HUD programs and activities, including all of HUD's Native American Programs, except as may be otherwise provided in the respective program regulations, or unless inconsistent with the respective program authorizing statute. These regulations provide, among other things, that a faith-based organization that participates in a HUD-funded program or activity retains its independence, and may continue to carry out its mission provided that it does not use direct Federal financial assistance to support or engage in any explicitly religious activities; an organization that engages in explicitly religious activities must separate those activities, in time or location, from activities supported by direct Federal financial assistance and participation must be voluntary; a faith-based organization that carries out programs or activities with direct Federal financial assistance from HUD must provide beneficiaries and prospective beneficiaries with a written notice of certain protections; beneficiaries and prospective beneficiaries may object to the religious character of an organization, upon which the organization must undertake reasonable efforts to identify and refer the beneficiary or prospective beneficiary to an alternative provider; and an organization that receives Federal financial assistance under a HUD program or activity may not discriminate against a beneficiary or prospective beneficiary on the basis of religion, religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice. (See 24 CFR 5.109).

**3. OMB Administrative Requirements and Cost Principles.** Unless excepted under HUD regulations (24 CFR chapters I through IX), the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards set forth in 2 CFR 200 apply to Federal awards made by HUD.

**4. Reporting.** HUD requires recipients to submit performance and financial reports under OMB guidance and program instructions.

a. Reporting Requirements and Frequency of Reporting. The Program NOFA and award agreement will specify the reporting requirements, including content, method of data collection, and reporting frequency. Applicants should be aware that if the total Federal share of your Federal award may include more than \$ 500,000 over the period of performance, you may be subject to post award reporting requirements reflected in Appendix XII to Part 200--Award Term and Condition for Recipient Integrity and Performance Matters.

b. Race, Ethnicity and Other Data Reporting. HUD requires recipients that provide HUD-funded program benefits to individuals or families to report data on the race, color, religion, sex, national origin, age, handicap (disability), and family characteristics of persons and households who are applicants for, participants in, or beneficiaries or potential beneficiaries of HUD programs in order to carry out the Department's responsibilities under the Fair Housing Act, Executive Order 11063, Title VI of the Civil Rights Act of 1964, and Section 562 of the Housing and Community Development Act of 1987. Program NOFAs may specify the data collection and reporting requirements. Many programs use the Race and Ethnic Data U.S. Department of Housing OMB Approval No. 2535-0113 Reporting Form HUD-27061.

c. Performance Reporting. All HUD funded programs require recipients to submit, not less than annually, a report documenting achievement of outcomes under the purpose of the program and the work plan in the award agreement.

**5. Participation in a HUD-Sponsored Program Evaluation.** As a condition of receiving financial assistance under a Program NOFA, all recipients must cooperate with all HUD staff, contractors, or designated recipients performing research or evaluation studies funded by HUD. By submitting an application, applicants agree to this requirement.

**6. Environmental Requirements.** Recipients and their contractors under a HUD-funded program that assists in physical development activities or property acquisition, are prohibited from acquiring, rehabilitating, converting, demolishing, leasing, repairing, or constructing property, or committing or expending HUD or other funds for these types of program activities, until one of the following has occurred:

- a. HUD completes an environmental review under 24 CFR 50; or
  - b. For programs subject to 24 CFR 58, HUD approves a recipient's Request for Release of Funds following a responsible entity's completion of an environmental review (Form HUD-7015.15).
- Applicants must consult the Program NOFA to determine the procedures for, timing of, and any modifications or exclusions from environmental review under a particular program.

**7. Real Property Acquisition and Relocation.** Except as otherwise provided by Federal statute, programs or projects assisted with HUD grant funds are subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA)(42 U.S.C. 4601-4655), and the government-wide implementing regulations issued by the Federal Highway Administration at 49 CFR 24. The URA applies to acquisitions of real property for Federal or federally-assisted programs or projects and relocation of persons from real property as a direct result of acquisition, rehabilitation, or demolition for Federal or federally-assisted programs or projects.

Real property acquisition that satisfies the requirements of 49 CFR 24.101(b)(1) through (5) is not subject to the requirements of 49 CFR 24, subpart B. These acquisitions, commonly referred to as "voluntary acquisitions," include those conducted without the threat or use of eminent domain. Records demonstrating compliance with these requirements must be maintained by the recipient. The URA's relocation requirements remain applicable to any tenant displaced by an acquisition that meets the requirements of 49 CFR 24.101(b) (1) through (5).

The relocation requirements of the URA, and its implementing regulations at 49 CFR 24, cover any person who moves from real property or moves personal property from real property as a direct result of acquisition, rehabilitation, or demolition for a program or project receiving HUD assistance. While there are no URA statutory provisions for "temporary relocation," the URA regulations recognize there are circumstances where a person will not be permanently displaced but may need to be moved from a project for a short period. Under the URA regulation any tenant temporarily relocated for a period beyond one year must be contacted by the displacing agency and offered URA permanent relocation assistance. (See Appendix A to 49 CFR 24.2(a)(9)(ii)(D).) Some HUD program regulations provide additional protections for temporarily relocated tenants. Before planning their project, applicants must review the regulations for the programs for which they are applying. The URA does not apply to displacements resulting from the demolition or disposition of public housing covered by Section 18 of the United States Housing Act of 1937. Individual Program NOFAs may have additional relocation guidance and requirements.

Applicants should visit HUD's Real Estate Acquisition and Relocation website for additional resources and guidance related to real property acquisition and relocation for HUD-funded programs and projects.

**8. Eminent Domain.** Section 407 of Div.K, Title IV of the Consolidated Appropriations Act, 2016 (Public Law 114-113) prohibits the use of funds to support any Federal, state, or local project that seeks to use the power of eminent domain, unless eminent domain is employed only for a public use. Public use shall not be construed to include economic development that primarily benefits private entities. Use of funds for mass transit, railroad, airport, seaport, or highway projects, and utility projects which benefit or serve the general public (including energy-related, communication-related, water-related, and waste water-related infrastructure), other structures designated for use by the general public or with other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfields, as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Pub. L. 107-118), will be a public use for Section 407 purposes. Applicants for FY 2017 assistance under the programs governed by this General Section may be subject to this restriction if it is incorporated in HUD's FY 2017 appropriation.

A notice will be published if this provision no longer applies following passage of HUD's FY 2017 appropriation.

**9. Procurement of Recovered Materials.** State agencies and agencies of a political subdivision of a state using assistance under a Program NOFA for procurement, and any person contracting with such an agency regarding work performed under an assisted contract, must comply with the requirements of Section 6002 of the Solid Waste Disposal Act. Under Section 6002, and accompanying Environmental Protection Agency rules (40 CFR 247), these agencies and persons must procure items that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired in the preceding fiscal year exceeded \$10,000; must procure solid waste management services in a manner that maximizes energy and resource recovery; and must have established an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines. (See Section 6002 text and requirements.)

**10. Ensuring the Participation of Small and Minority Businesses, and Women-Owned Businesses, and Labor Surplus Area Firms.** Under 2 CFR 200.321, recipients, their sub-recipients and contractors must take all steps to assure that small and minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

**11. Drug-Free Workplace.** Recipients and subrecipients awarded funds are subject to 2 CFR 2429, which implements the Drug-Free Workplace Act of 1988, as amended, (41 U.S.C. 701, et seq.), and requires recipients and subrecipients to provide a drug-free workplace. Recipients and subrecipients must:

- a. Publish a statement notifying employees that it is unlawful to manufacture, distribute, dispense, possess, or use a controlled substance in the applicant's workplace and such activities are prohibited;
- b. Establish an ongoing drug-free awareness program;
- c. Notify HUD and other Federal agencies providing funding in writing within 10 calendar days after receiving notice from an employee of a drug abuse conviction;
- d. Require that each employee engaged in the performance of the federally funded award be given a copy of the drug-free workplace statement; and
- e. Identify to the agency making the award all known workplaces under the award.

**12. Safeguarding Resident/Client Files.** In maintaining resident and client files, recipients will comply with the Privacy Act of 1974 (Privacy Act), HUD's accompanying regulations, and state and local laws concerning disclosing individuals' records. Recipients must comply with the Privacy Act in the design, development, or operation of any system of records on individuals and take reasonable measures to ensure that resident and client files are safeguarded, including when reviewing, printing, or copying client files.

**13. Compliance with the Federal Funding Accountability and Transparency Act of 2006 (Pub. L.109-282) (Transparency Act), as amended.** Recipients of HUD's financial assistance must report certain subawards in the Federal Subaward Reporting System (FSRS) or its successor system for all prime awards on the FSRS website. Recipients of financial assistance from HUD may also be required to report executive compensation information both for the prime award and subaward recipients, including awards made as pass-through awards or awards to contractors.

**14. Physical Accessibility.** For all HUD-funded activities:

- a. Meetings must be held and services provided in facilities that are physically accessible to persons with disabilities. Where physical accessibility is not achievable, successful applicants must give priority to alternative methods of product or information delivery that offer programs and activities to qualified individuals with disabilities in the most integrated setting appropriate under HUD's implementing regulations for Section 504 of the Rehabilitation Act of 1973 (See 24 CFR 8, subpart C.); and,
- b. All notices of and communications during all training sessions and public meetings will be provided in a

manner that is effective for persons with hearing, visual, and other communication-related disabilities or provide other means of accommodation for persons with disabilities consistent with Section 504 of the Rehabilitation Act and HUD's Section 504 regulations, and Titles II or III of the ADA and implementing regulations. Recipients must provide appropriate auxiliary aids and services necessary to ensure effective communication, which includes ensuring that information is provided in appropriate accessible formats as needed, e.g., Braille, audio, large type, assistive listening devices, and sign language interpreters, accessible websites and other electronic communications. (See 24 CFR 8.6; 28 CFR 35.160, 36.303.)

**15. Conducting Business in Accordance with Ethical Standards/Code of Conduct.** Before entering into an agreement with HUD, applicants selected for award must ensure an up-to-date copy of the organization's code of conduct, dated and signed by the Executive Director, Chair, or equivalent official, of the governing body of the organization has been submitted to HUD.

a. Codes of conduct must prohibit real and apparent conflicts of interest that may arise among officers, employees, or agents; prohibit the solicitation and acceptance of gifts or gratuities over minimal value by officers, employees, or agents for their personal benefit; and outline administrative and disciplinary actions available to remedy violations of such standards. (See 2 CFR 200.112 and 2 CFR 200.318.)

b. If the recipient has a parent, affiliate, or subsidiary organization, whether non-profit or for-profit, the recipient must also maintain written standards of conduct covering organizational conflicts of interest. "Organizational conflicts of interest" means that because of relationships with a parent, affiliate, or subsidiary organization, the recipient is unable, or appears to be unable, to be impartial in administering the award or serving as a pass-through-entity.

**16. Prohibition Against Lobbying Activities.** Applicants are subject to Section 319 of Public Law 101-121, 31 U.S.C. 1352, (the Byrd Amendment) and 24 CFR part 87, which prohibit recipients of Federal contracts, grants, or loans from using appropriated funds for lobbying the executive or legislative branches of the Federal government for a specific contract, grant, loan, or cooperative agreement. In addition, applicants must disclose, using Standard Form LLL (SFLLL), "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, or congressional staff regarding specific grants or contracts. Federally-recognized Indian tribes and Tribally Designated Housing Entities (TDHEs) established by federally-recognized Indian tribes through the exercise of the tribe's sovereign power are excluded from coverage of the Byrd Amendment, but State-recognized Indian tribes and TDHEs established only under state law will comply with this requirement. Applicants must submit the SFLLL if they have used or intend to use non-Federal funds for lobbying activities in connection with a covered Federal action.

**17. Consistency with the Consolidated Plan and Analysis of Impediments to Fair Housing Choice (AI) or Assessment of Fair Housing (AFH).** Certain competitive programs require applications to contain a certification of consistency with a HUD-approved Consolidated Plan. This certification means that the proposed activities, including the location(s), are consistent with the jurisdiction's Consolidated Plan. The Consolidated Plan also includes the jurisdiction's certification to affirmatively further fair housing, which means, among other requirements, that the jurisdiction has conducted an AI or has an accepted AFH. HUD will not fund applications that do not include certifications of consistency with the Consolidated Plan when submission is required under the Program NOFA. Please refer to the Program NOFAs for detailed guidance on compliance with this requirement.

#### **D. Rules that affect how HUD evaluates applications**

**1. Standard Rating Factors Used to Evaluate Applications.** HUD established five (5) standard award funding factors for most FY 2017 Program NOFAs. HUD may modify the five factors for a specific funding opportunity to reflect statutory and regulatory limitations or program needs.

Factor 1: Capacity of the Applicant and Relevant Organizational Staff

Factor 2: Need/Extent of the Problem

Factor 3: Soundness of Approach

Factor 4: Leveraging Resources

Factor 5: Achieving Results and Program Evaluation

Detailed instructions for responding to each of the five rating factors and the maximum points HUD will award for each are provided in the Program NOFA. Applicants should carefully read the factors for award described in the Program NOFA. When providing information to HUD in response to Rating Factor 1, do not submit Social Security numbers on any documents.

Each NOFA awards up to 100 points for the standard rating factors. Participating programs may award up to 2 preference points. See subsection D.2, immediately following, for additional information.

**2. Preference Points.** Applicants should review the Program NOFA to determine the availability of Preferred Sustainability Status (PSS) or Promise Zone preference points. Applications are eligible for a maximum of 2 points and will not receive credit in both preference categories.

a. Preferred Sustainability Status Preference Points. HUD will award 2 preference points to applicants working with communities that have received PSS under HUD's FY2011 Sustainable Communities Regional Planning Grant Program and/or HUD's FY2011 Community Challenge Planning Grant Program, hereafter referred to as the PSS Communities. For a list of Points of Contact for 2017 eligible communities [click here](#).

Applicants submitting a [Certification of Consistency with Sustainable Communities Planning and Implementation \(HUD-2995\)](#) signed by the Designated PSS Community Point of Contact, will receive 2 preference points as described above. PSS information and additional guidance regarding PSS eligibility is available [here](#).

b. Promise Zone Preference Points. Under the Administration's Promise Zone (PZ) Initiative, HUD, the Department of Education, the Department of Justice, and the Department of Agriculture are collaborating to ensure that Federal resources support efforts to turn around 20 of the highest poverty communities across the country. As part of the PZ Initiative, applicants serving the urban, rural and tribal communities designated as Promise Zones may receive preference for funding. Applicants should review the Program NOFA to determine the availability of Promise Zone preference points. Applications are eligible for a maximum of 2 preference points in addition to the standard 100 points in a program NOFA.

Applicants submitting a [Certification of Consistency with Promise Zone Goals and Implementation \(HUD-50153\)](#), signed by the authorized official for the designated Promise Zone, will receive 2 preference points as described above. [Click here \(PZ\)](#) for information about Promise Zones and lead organizations.

**3. Past Performance.** In evaluating applications for funding, HUD will take into account an applicant's past performance in managing funds. Items HUD may consider include, but are not limited to:

- a. The ability to account for funds appropriately;
- b. Timely use of funds received from HUD;
- c. Timely submission and quality of reports submitted to HUD;
- d. Meeting program requirements;
- e. Meeting performance targets as established in the grant agreement;
- f. The applicant's organizational capacity, including staffing structures and capabilities;
- g. Time-lines for completion of activities and receipt of promised matching or leveraged funds; and
- h. The number of persons to be served or targeted for assistance.

HUD may deduct points from the rating score or establish threshold levels as specified under the Factors for Award in the Program NOFAs. Each Program NOFA will specify how past performance will be rated or otherwise used in the determination of award amounts. Whenever possible, HUD will obtain past performance information from staff with the greatest knowledge and understanding of each applicant's performance. If this evaluation results in an adverse finding related to integrity or performance, HUD reserves the right to take any of the remedies provided in Section V.B.4, Pre-selection Review of

Performance, above.

**4. Evidence-Based Decision-Making.** HUD will give funding priority to those who demonstrate effective use of evidence in identifying needs to be addressed and selecting the practices, strategies or remedies proposed in the application, where practicable. All recipients must cooperate in HUD-funded research and evaluation studies.

**5. Environmental Justice.** HUD may consider environmental justice in evaluating applications. Under E.O. 12898, each Federal agency is directed to identify and address disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. [Click here](#) to view E.O. 12898. Program NOFAs will specify how environmental justice will be evaluated, where applicable.

**6. Conflict of Interest of Consultants or Technical Experts Assisting HUD.** Consultants and technical experts who assist HUD in rating and ranking applications for funding under published FY 2017 Program NOFAs are subject to 18 U.S.C. 208, the Federal criminal conflict-of-interest statute, and the Standards of Ethical Conduct for Employees of the Executive Branch regulation published at 5 CFR 2635. As a result, consultants and technical experts who have assisted or plan to assist applicants with preparing applications for FY 2017 Program NOFAs may not serve on a selection panel and may not serve as a technical advisor to HUD. Anyone involved in rating and ranking FY 2017 Program NOFA applications, including departmental staff, experts, and consultants, must avoid conflicts of interest or the appearance of such conflicts. These individuals must also disclose to HUD's Office of General Counsel Ethics Law Division the following information, if applicable:

- a. How the selection or non-selection of any applicant under a FY 2017 Program NOFA will affect the individual's financial interests, as provided in 18 U.S.C. 208, or
- b. How the application process involves a party with whom the individual has a covered relationship under 5 CFR 2635.502.

The consultant or technical expert assisting HUD must disclose this information before participating in any matter regarding an FY 2017 program NOFA. Applicants with questions regarding these provisions or concerning a conflict of interest should call the Office of General Counsel Ethics Law Division, at (202) 708-3815 (this is not a toll-free number). The phone number above may also be reached by individuals who are deaf or hard of hearing, or with speech disabilities, through the Federal Relay Service's Text Telephone(TTY) service at 1-800-877-8339.

## VI. NOFA Guidance for Applicants

### A. Obtaining an Application.

**1. Obtaining an Electronic Application.** Applicants must download both the Application Instruction and the Application Package from [Grants.gov](https://www.grants.gov). To ensure they are using the correct Application Package and Application Instructions, applicants must verify that the CFDA Number and CFDA Description, on the first page of the Application Package, and the Opportunity Title and the Funding Opportunity Number match the Program and NOFA to which they are applying.

Instructions for downloading, completing, submitting, and tracking grant application packages are available at Grants.gov. Applicants submitting more than one application under a funding opportunity must submit a separate application package for each application.

The Application Package contains the Adobe forms created by Grants.gov. The Application Instruction download contains official copies of the General Section and Program NOFA, and forms necessary for a complete application. The Application Instruction download may include Microsoft Word, Microsoft Excel and additional Adobe Portable Document Format documents.

**Please Note:** These instructions for obtaining and submitting an application are not applicable to Continuum



of Care (CoC) applicants. CoC applicants will find instructions in the CoC NOFA for submitting applications through HUD's e-snaps system, as required by the CoC competition.

**2. Obtaining a Waiver of the Electronic Submission Requirement.** Under 24 CFR 5.1005, applicants demonstrating good cause may request a waiver from the requirement for electronic submission. Lack of SAM registration or valid DUNS will not be deemed good cause. Applicants seeking a waiver of the electronic grant submission requirements must submit a written request, following the instructions provided in Section IV.A. of each Program NOFA. Waivers will not be granted if the request is not received at least 15 days before the application deadline or if the applicant does not demonstrate good cause.

**3. Obtaining a Paper Application.** To obtain a paper application, an applicant must first obtain a waiver to the electronic submission requirement. (See subsection A.2, immediately above.) Instructions on obtaining a paper application will be included with the waiver authorization.

## **B. Submitting an Application.**

**1. Electronic Application Submissions.** The application deadline for receipt of applications via [Grants.gov](https://www.grants.gov) is 11:59:59 p.m. Eastern Time on the date identified in the published Program NOFA. Only applications received by Grants.gov by the deadline will be considered timely submissions eligible for consideration. (For paper applications submitted under a waiver of electronic application see paragraph B.4 below.) Applications received after the deadline will be deemed ineligible for further consideration, will not be reviewed and will not receive funding.

“Received by Grants.gov” means the applicant received a confirmation of receipt and an application tracking number from Grants.gov. Grants.gov assigns an application tracking number and date- and time-stamps each application upon successful receipt by the Grants.gov system. A submission attempt that does not result in confirmation of receipt and an application tracking number is not considered received by Grants.gov.

Applications received by Grants.gov must be validated by Grants.gov in order to be received by HUD. “Validated by Grants.gov” means the application has been accepted and was not rejected with errors. Applicants can track their application’s status by logging into Grants.gov, selecting “Applicants” from the top navigation, and selecting “Track my application” from the drop-down list. If the status is “rejected with errors”, applicants should correct the error(s) and resubmit the application before the 24-hour grace period ends. Applications in “rejected with errors” status after the 24-hour grace period expires will not be received by HUD. Visit Grants.gov for a complete description of processing steps after submitting an application. HUD recommends that applicants submit applications at least 48 hours before the deadline and during regular business hours. Submitting an application less than 48 hours before the deadline may not allow enough time to correct errors or overcome other problems.

HUD may extend the application deadline for any program if Grants.gov is offline or not available to applicants for at least 24 hours immediately prior to the deadline date, or the system is down for 24 hours or longer and impacts the ability of applicants to cure a submission deficiency within the grace period.

HUD may also extend the application deadline upon request if there is a presidentially-declared disaster in the applicant’s area.

In the event of either of these events, HUD will post a notice on its website that establishes the new, extended deadline for the affected applicants. HUD will also include the fact of the extension in the program’s Notice of Funding Awards that is required to be published in the Federal Register.

In determining whether to grant a request for an extension based on a presidentially-declared disaster, HUD will consider the totality of the circumstances including the date of an applicant’s extension request (how closely it followed the basis for the extension), whether other applicants in the geographic area are similarly affected by the disaster, and how quickly power or services are restored to enable the applicant to submit its application.

**Please Note:** Busy servers, slow processing, or large file sizes are not valid circumstances to extend the

deadline dates or the grace period.

**2. Grace Period.** Applicants have a 24-hour grace period to submit a corrected application when both of the following exist:

- The application is received by Grants.gov before the deadline; **and**
- The application is **rejected with errors**.

Please contact the Grants.gov Customer Support Center for assistance. The grace period ends at 11:59:59 p.m. Eastern Time, 24 hours after the deadline date published in the Program NOFA. The date and time stamp on the Grants.gov system will determine the application submission time. Any application received during the grace period that does not meet the two criteria above will not be considered for funding.

**3. Amending a Validated Application.** Before the submission deadline, applicants who amend an application validated by Grants.gov must resubmit a complete, revised application containing the new or changed material. Grants.gov will then need to validate the revised application submission. If HUD receives an original and a revised application for a single proposal, HUD will evaluate the last submission received by Grants.gov before the deadline.

**4. Paper Application Submissions.** If HUD waives the electronic submission requirement, the notification of waiver will include the submission deadline date and time, and instructions on how many copies of the paper application must be submitted, and how and where to submit them. Paper applications received without a waiver approved by the Program Office by the submission deadline date will not be considered. There is no grace period for paper applications.

**5. Intergovernmental Review.** E.O. 12372, Intergovernmental Review of Federal Programs, was issued to foster intergovernmental partnership and strengthen federalism by relying on state and local processes for the coordination and review of Federal financial assistance and direct development. The E.O. allows states to designate an entity to perform a state review function; however, not all participate and not all programs require this review. Each Program NOFA will state if the program is subject to the E.O.

[Click here](#) to determine if your state has designated a State Point of Contact (SPOC). States not listed on the website have chosen not to participate in the intergovernmental review process and, therefore, do not have a SPOC.

Applicants with a SPOC are advised to contact the SPOC to see if it is interested in reviewing applications before they are submitted to HUD. Allow ample time for this review when developing and submitting your application. Applicants without a SPOC can submit their application directly to HUD using Grants.gov. HUD implementing regulations are published at 24 CFR 52.

**6. Application Certifications and Assurances.** Applicants signing and submitting the application SF-424 cover page affirm that the certifications and assurances associated with the application are material representations of the facts upon which HUD will rely when making an award to the applicant. If it is later determined that the signatory to the application submission knowingly made a false certification or assurance, or did not have the authority to make a legally binding commitment for the applicant, the applicant may be subject to criminal prosecution. HUD may terminate the award or pursue other available remedies. Each applicant is responsible for including the correct certifications and assurances with its application submission, including those applicable to all applicants, those applicable only to federally-recognized Indian tribes, and those applicable to applicants other than federally-recognized Indian tribes.

**7. Corrections to Deficient Applications.** Except as provided by the electronic submission grace period described in this notice, HUD may not consider any information that applicants may want to provide after the application deadline. (See 24 CFR 4, subpart B.) HUD may not seek or consider clarification of application items or responses that improve the substantive quality of an application or which correct deficiencies which are in whole or part of a rating factor, including items that impact preference

points. HUD may contact the applicant to clarify other items in its application. In order not to unreasonably exclude applications from being rated and ranked where there are curable deficiencies, HUD will uniformly notify applicants of each technical deficiency. A technical deficiency is an error or oversight which, if corrected, would not alter, in a positive or negative fashion, the review and rating of the application. Examples of curable (correctable) technical deficiencies include inconsistencies in the funding request, failure to submit the proper certifications, failure to submit an otherwise sufficient application under the correct CFDA or FON in grants.gov, and failure to submit an application that contains a signature by an official able to make a legally binding commitment on behalf of the applicant. These examples are non-exhaustive.

When HUD identifies a curable technical deficiency, HUD will notify both the authorized representative in item 21 of the SF-424 and the person in item 8F of the SF-424 describing the technical deficiency. Both email notifications will be sent from HUD with confirmation of delivery receipt requested. The email notifications are the official notification of the need to cure a technical deficiency. Each applicant must provide accurate email addresses for receipt of these notifications and must monitor their email accounts to determine whether a deficiency notification has been received. The applicant must carefully review the request for cure of a technical deficiency and must provide the response in accordance with the instructions contained in the deficiency notification.

Applicants must email corrections of technical deficiencies to [applicationsupport@hud.gov](mailto:applicationsupport@hud.gov) within the time limits specified in the notification. The time allowed to correct deficiencies will not exceed 14 calendar days or be less than 48 hours from the date of the email notification. The start of the cure period will be the date stamp on the email HUD sends to the applicant. If the deficiency cure deadline date falls on a Saturday, Sunday, Federal holiday, or other day when HUD's Headquarters offices in Washington, DC, are closed, then the applicant's correction must be received on the next business day that HUD Headquarters offices in Washington, DC are open.

When submitting documents or information to cure a technical deficiency, the subject line of the email sent to [applicationsupport](mailto:applicationsupport@hud.gov) must state: "Technical Cure" and include the Grants.gov application tracking number (e.g., Subject: Technical Cure - GRANT123456). If this information is not included, HUD cannot match the response with the application under review and the application may be rejected due to the deficiency.

Corrections to a paper application should be sent to the address stated in the notification of deficiency. Paper applications with incorrect DUNS number submitted under a waiver may correct the DUNS number as a technical deficiency. Applicants that fail to correct the deficiency and submit a DUNS number associated with an active SAM registration on the submission deadline date will be ineligible for funding.

Applicants for Continuum of Care program funds must submit documents or information to cure technical deficiencies as directed in the program NOFA.

**8. Authoritative Versions of HUD NOFAs.** The General Section and Program NOFAs posted on [Grants.gov](https://www.grants.gov) and, in the case of the CoC Program NOFA, the CoC Program NOFA posted on HUD Exchange are the official documents HUD uses to solicit applications. Applicants are advised to compare their application submission with the requirements in the General Section and Program NOFA. If there is a discrepancy between the General Section or Program NOFA posted on [Grants.gov](https://www.grants.gov) and other information provided in any other copy or version or supporting documentation, the General Section and Program NOFA located on [Grants.gov](https://www.grants.gov) prevail. If discrepancies are found, please notify HUD immediately by calling or emailing the program contact listed in the Program NOFA. Individuals with hearing, or speech impairments, may use the Federal Relay Service's Text Telephone (TTY) service at 1-800-877-8339. HUD will post any corrections or changes to a Program NOFA or to this General Section on [Grants.gov](https://www.grants.gov). Applicants must enroll an email address at the application download page to receive e-mail alerts from Grants.gov when funding opportunities are changed.

**9. Faxes.** HUD grant programs do not accept faxed applications or supporting documents.

**C. Technical Assistance Resources.**

**1. Grants.gov** offers Customer Support 24 hours a day, seven days per week, except Federal holidays. Customer support for applicants is available by telephone at 1-800-518-GRANTS. Persons who are deaf or hard of hearing, or who have speech disabilities, may contact customer support through the Federal Relay Service's Text Telephone(TTY) service at 1-800-877-8339.

**2. HUD's [Website](#).**

[NOFA ;Webcasts](#). NOFA webcasts provide information to help potential applicants better understand threshold, program and application submission requirements. [Click here](#) for the NOFA webcast schedule or archived webcasts.

HUD's [Freedom of Information Act \(FOIA\) Page](#) summarizes the highest scoring applications from previous grant competitions.

**3. Web Resources**

[Affirmatively Furthering Fair Housing](#)

[Do Not Pay](#)

[DUNS Request](#)

[Environmental Justice](#)

[EPA ;Section 6002 requirements](#)

[Federal Awardee ;Performance and Integrity Information System](#)

[Federal ;Subaward ;Reporting System \(FSRS\)](#)

[Grants.gov](#)

[Grants.gov ;Support](#)

[Healthy Homes Strategic Plan](#)

[Healthy Housing Reference Manual](#)

[HUD's ;FOIA ;page](#)

[HUD ;Funds Available](#)

[HUD ;Strategic Plan](#)

[Limited English Proficiency](#)

[NOFA ;webcasts](#)

[Preferred Sustainability Status](#)

[Promise Zones](#)

[Section 3 Business Registry](#)

[State Point of Contact \(SPOC\) list](#)

[System for Award Management \(SAM\)](#)

[Uniform Relocation Act information](#)

**D. Other Guidance and Notifications.**

**1. Selection and Notification of Award.** Following the evaluation process, HUD will notify successful applicants they have been selected for award and unsuccessful applicants they have not been selected for award. Notifications will be sent by email to the person listed as the [AOR](#) in item 21 of the SF-424.

**2. Negotiation.** After HUD has rated and ranked all applications and made selections, some HUD programs

may negotiate specific terms of the funding agreement and budget with selected applicants. If HUD and a selected applicant do not successfully conclude negotiations in a timely manner, or a selected applicant fails to provide requested information, an award will not be made to that applicant. In this case, HUD may select another eligible applicant. Consult the program NOFA for specific details.

**3. Adjustments to Funding.** To ensure the fair distribution of funds and enable the purposes or requirements of a specific program to be met, HUD reserves the right to fund less than the amount requested in an application.

a. HUD will fund no portion of an application that:

(1) Is not eligible for funding under applicable statutory or regulatory requirements;

(2) Does not meet the requirements of this notice; or

(3) Duplicates other funded programs or activities from prior year awards or other selected applicants.

b. If funds are available after funding the highest-ranking application, HUD may fund all or part of another eligible fundable application. If an applicant turns down an award offer, or if HUD and an applicant do not successfully complete grant negotiations, HUD may make an offer of funding to another eligible application.

c. If funds remain after all selections have been made, remaining funds may be made available within the current FY for other competitions within the program area, or be held for future competitions, or be used as otherwise provided by authorizing statute or appropriation.

d. If, after announcement of awards made under the FY 2017 NOFA, additional funds become available either through the FY 2017 appropriations, a supplemental appropriation, other appropriations or recapture of funds, HUD may use the additional funds to provide additional funding to an applicant awarded less than the requested amount of funds to make the full award, and/or to fund additional applicants that were eligible to receive an award but for which there were no funds available.

e. A Program NOFA may have other requirements. Please review the Program NOFA carefully.

**4. Performance and Compliance Actions of Funding Recipients.** As part of HUD's ongoing award management and oversight, HUD will evaluate the performance and compliance of each recipient. HUD expects recipients to fulfill performance goals stated in their application. HUD will measure and address the performance and compliance actions of recipients under the standards and sanctions of the respective program.

**5. Funding Errors.** If HUD commits an error that when corrected would cause selection of an applicant during the funding round of a Program NOFA, HUD may select that applicant for funding, subject to the availability of funds.

**6. Debriefing.** For a period of at least 120 days, beginning 30 days after the awards for a Program NOFA are publicly announced, HUD will provide to a requesting applicant a debriefing related to its application. A request for debriefing must be made in writing or by email by the authorized official whose signature appears on the SF-424 or by his or her successor in office, and be submitted to the person, organization, or email address identified as the contact under the section entitled Agency Contact(s) in the Program NOFA. Information provided during a debriefing may include the final score the applicant received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied.

**7. Agency Contact(s).** Questions regarding this notice are to be directed to the Office of Strategic Planning and Management, Grants Management & Oversight Division, Department of Housing and Urban Development, 451 7th Street, SW, Room 3156, Washington, DC 20410-3000, telephone number (202) 708-0667. This is not a toll-free number. Persons with hearing or speech impairments may access this number via TTY by calling the Federal Relay Service at 1-800-877-8339.

**8. Paperwork Reduction Act Statement.** The information collection requirements in this notice have been

approved by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). Under the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person does not have to respond to, a collection of information unless the collection displays a valid OMB control number. Each Program NOFA will identify its applicable OMB control number.

**9. Environmental Impact.** A Finding of No Significant Impact (FONSI) regarding the environment for this notice is available for public inspection on HUD's Funds Available page. If applicable, program NOFAs will include similar information. Program NOFAs will publish applicable environmental requirements in Section VI.B of the Program NOFA.

**10. Federalism.** E.O. 13132 prohibits, to the extent practicable and permitted by law, an agency from promulgating policies that have federalism implications and either impose substantial direct compliance costs on state and local governments and are not required by statute, or preempt state law, unless the relevant requirements of Section 6 of the E.O. are met. This notice does not have federalism implications and does not impose substantial direct compliance costs on state and local governments or preempt state law within the meaning of the executive order.

**11. Section 102 of the HUD Reform Act.** Section 102 of the Department of Housing and Urban Development Reform Act of 1989 (HUD Reform Act) (42 U.S.C. 3545) and regulations at 24 CFR 4, subpart A, 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 a notice implementing Section 102 (57 FR 1942), including the following:

a. Documentation, Public Access, and Disclosure Requirements. HUD will ensure that documentation and other information regarding each application submitted under a FY 2017 NOFA will state the rationale for approval or denial. The application and related documentation, including any letters of support, will be available for public inspection for a 5-year period beginning not less than 30 days after the award as provided under the FOIA and HUD's implementing regulations at 24 CFR 15.

b. "Applicant/Recipient Disclosure/Update Report" (HUD-2880). All applicant disclosure reports (HUD-2880) submitted with applications will be available to the public for five (5) years. Updated reports (later submissions of form HUD-2880 containing updated disclosures) will be available with the initial applicant disclosure reports for at least three (3) years. All disclosure and update reports will be provided under the FOIA and HUD's implementing regulations. HUD has posted an instructional video about HUD-2880 on [HUD's website](#) for applicants/recipients.

c. Publication of Recipients of Funding. HUD publishes a Federal Register Notice notifying the public of all funding decisions made by HUD including (1) assistance subject to Section 102(a) of the HUD Reform Act and (2) assistance provided through grants or cooperative agreements on a discretionary (non-formula, non-demand) non competitive basis.(See 24 CFR part 4.)

**12. Section 103 of the HUD Reform Act.** Under Section 103 of the HUD Reform Act, codified at 24 CFR 4, subpart B, HUD's employees reviewing applications and making funding decisions are prohibited from providing advance information to any person (other than an authorized HUD employee) concerning funding decisions or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance must confine their inquiries to the areas HUD's employees may answer under 24 CFR part 4. This prohibition is lifted after award announcements are made.

Applicants with ethics-related questions may contact HUD's Ethics Law Division at 202-708-3815 (this is not a toll-free number). Persons with speech or hearing impairments may access this number via TTY by calling the Federal Relay Service at 1-800-877-8339.

**13. Digital Signatures and Recordkeeping.** HUD is increasing electronic recordkeeping where feasible.

a. HUD plans to use digital signatures on grant award and modification documents to expedite awards and modification.

b. HUD will manage email records in an electronic format. Grantees need not print emails and file them if their email system and procedures meet records management and litigation requirements (e.g., identifying, retrieving, and retaining the records for as long as they are needed).