

Highlights from the HUD Federal Register

December 29, 2008

Following is a summary of the information contained in the HUD Federal register. All applicants should read the full document which can be located at:

<http://www.hudhre.info/documents/FY2009GeneralNOFA.pdf> as well as review the April 22, 2009 debriefing slides which can be viewed at:

http://www.hudhre.info/documents/CoCDebriefBroadcastSlides_2008.pdf

SUMMARY

1. NOFA's will be released as approved for publication and not as one SuperNOFA
2. All applicants must have a DUNS number and have registered and updated or renewed their Central Contractor Registration (CCR) number (<http://www.ccr.gov>)
3. If an application changes the ebusiness point of contact in the CCR registration, it should make sure that the new ebusiness point of contact has also granted permission to the person submitting the application to the Authorized Organization Representative (AOR). The AOR must be able to enter into a legally binding agreement on behalf of the organizational entity.
4. HUD communicates the Continuum of Care information via its listserv to which folks can subscribe at the www.hudhre.info website:
<http://www.hud.gov/subscribe/signup.cfm?listname=Homeless%20Assistance%20Program&list=HOMELESS-ASST-L>
5. OMB Circular A-110 (Uniform Administrative Requirements for Grants and Agreements with institutions of higher learning, hospitals and other nonprofit organizations – specifies the conditions may be used for cost-sharing or matching and provides that federal funds shall not be accepted as cost sharing or matching, except where authorized by federal statute. HUD's implementation can be found at 24CFR part 84
6. **Threshold Requirements for Applicants:**
 - Must meet all statutory and regulatory requirements applicable to the program or programs for which they are seeking funding
 - Must have a DUNS number and a current CCR
 - Must comply with all applicable fair housing and civil rights requirements in 24CFR 1000.12. **Note:** *if you have been charged with an ongoing systemic violation of the fair housing act, are a defendant in a Department of Justice Fair Housing Suit alleging a pattern of discrimination or have received a letter of findings identifying ongoing systemic noncompliance and this has not been resolved to HUD's satisfaction before the application deadline, you will be ineligible to apply*
 - Must develop and maintain a written code of conduct which prohibits real and apparent conflicts of interest that may arise among officers, employees, or agents; prohibits the acceptance or solicitation of gifts, and outlines the disciplinary actions available to remedy the situation in accordance with 24CFR parts 84 or 85. All applicants must submit their code of conduct. Check <http://www.hud.gov/offices/adm/grants/codeofconduct/cconduct.cfm> to see if yours is listed. If it has not changed, you do not need to re-submit. Go to page 79551 of the Federal Register for the process of submission.
 - Must not have an outstanding federal debt

- HUD may arrange for a pre-award survey of the applicant's financial management system if the recommended applicant has no prior federal support
- May undergo a name check review to reveal if any key individual has been convicted or is presently facing criminal charges which may reflect on the organization's management or financial integrity
- False statements in an application is grounds for denial or termination of an award
- Are prohibited from lobbying the executive or legislative branches of the federal government in connection with a specific contract, grant or loan
- No award may be made to applicants that are currently debarred or suspended
- Must provide a certificate of consistency with the consolidated plan (this year the CoC must do this not individual applicants)

7. Applicants must comply with:

- Civil Rights Law
- Affirmatively furthering fair housing
- Economic opportunities for low and very low-income persons
- Ensuring the participation of small businesses, small disadvantaged businesses, and women owned businesses
- Uniform Relocation Assistance and Real Property Acquisition Properties Act of 1970
- Executive Order 13166 "Improving Access to Services for Persons with Limited English Proficiency"
- Executive Order 13279 "Equal protection of the laws for faith-based and community organizations"
- Accessible Technology: Section 508 of the Rehabilitation Act
- Procurement of Recovered Materials
- Participation in HUD sponsored program evaluation
- Executive Order 13202 "Preservation of open competition and government neutrality towards government contractors' labor relations on federal and federally funded construction projects"
- Salary limitations for consultants
- OMB circulars and governmentwide regulations applicable to financial assistance programs
- Environmental requirements
- Conflicts of Interest: consultants or experts helping HUD rank applicants may not serve as a technical adviser to HUD
- Drug-free workplaces – applicants are required to provide a drug-free workplace which includes:
 - a) Publish a statement notifying employees that it is unlawful to manufacture, dispense, distribute, possess or use a controlled substance in the applicant's workplace and that such activities are prohibited
 - b) Establish an on-going drug-free awareness program to inform employees about: the dangers of drug abuse in the workplace, applicant's policy of maintaining a drug-free workplace, any available drug counseling rehabilitation, or employee maintenance programs, and the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace
 - c) Notify the federal agency in writing within 10 calendar days after receiving

notice from an employee of a drug abuse conviction or otherwise receiving actual notice of a drug abuse conviction (see 79554 for details of what needs to be included in the federal notification)

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 the actions that will be taken within 30 calendar days of receiving notice of any drug abuse conviction (see 79554 for specific actions)

- Safeguarding resident/client files
- Compliance with the Federal Funding Accountability and Transparency Act of 2006 – requires the establishment of a central website that makes information available to the public regarding entities receiving federal financial assistance. HUD is placing the awardees of 2009 competitive grants on a central federal website and grantees will be required to report their subaward data

8. Key Terms:

- **Applicant Organization:** An entity that is identified as the legal applicant and which HUD will hold accountable to fulfill the requirements of the award
- **Authorized Organization Representative (AOR):** The applicant organization must grant permission for a person to become an AOR and submit an application on behalf of the organization
- **eBusiness Point of Contact:** is identified during the CCR process and must grant authority to the AOR
- **Marketing Partner ID Number (MPIN):** Identified during the CCR process and is a nine character password used to access other systems

9. **E-SNAPS:** will be used as the electronic submission system for CoC

10. How to Complete the Selected Grant Applications:

- Ensure you have the correct application downloaded
- Mandatory fields on applications will have a yellow background in the fields
- Complete the SF -424 fields first
- Submit the required forms, i.e., third party letters, certifications
- Submit word and zip files as requested (limit file names to less than 32 characters)

11. Use Form HUD-96011 for any faxes and send to 800-HUD-1010

12. Factors used to evaluate and rate applications (general not CoC specific)

- HUD will award two bonus points for each application that includes a valid HUD Form HUD-2990 that validates that the proposed activities/projects in the application are consistent with the strategic plan for an empowerment zone (EZ), or the USDA tax incentive utilization plan for an urban or rural renewal community (RC), or the strategic plan for an enterprise community designated in round II by USDA (EC-II) – Funding announcements will indicate if these bonus points are available
- **5 Standard Rating Factors:**
 1. Capacity of the applicant and relevant organizational staff
 2. Need/Extent of the Problem
 3. Soundness of Approach
 4. Leveraging Resources
 5. Achieving results and program evaluation (Logic Model 10 points)

In FY 2009, HUD is establishing standardized points for evaluating logic models to ensure that they link program operations (mission, need, intervention, projected results, and actual results) and program accountability (measurement tool, data source, and frequency of data collection and reporting). HUD encourages organizations to use the logic model to evaluate effectiveness. HUD has added an additional column to the eLogic Model so that the grantee can input results achieved in the reporting period as well as year to date. ***Go the Federal Register 79583 and 79584 to see how Logic Models will be assessed.***

Note: Continuum of Care's have only two factors that receive points: 1) Need and 2) Continuum of care

- Past performance
- Timely use of funds

13. HUD's Strategic Framework & demonstrate results: Applications will be rated based on how well they tie proposed outcomes to HUD's policy priorities and annual goals and objectives (see 79572 for more details).

- Increase homeownership opportunities
- Promote decent affordable housing
- Strengthen communities
- Ensure equal opportunity housing
- Embrace high standards of ethics, management, and accountability
- Promote participation of faith based and other community organizations

14. HUD's Policy Priorities: HUD encourages applicants to undertake specific activities that will assist the Department in implementing its policy goals (see 79573 for more details):

- Improving the knowledge of homeowners, homebuyers, and renters to be aware of discriminatory practices in real estate and lending their rights and increase financial literacy to prevent foreclosure to address the needs of households facing foreclosure
- Providing credit counseling and education for families and individuals
- Homebuying information for new homeowners
- Rental housing options – including how to design informational literature for persons with disabilities and understanding how to market to people with disabilities
- Encouraging accessible design features

15. Visitability in new construction and substantial rehabilitation: Visitability features allow a person with mobility impairments access into a home, even if such features are not required by accessibility standards (see 79573 for more details)

16. Universal design: Universal design is the design of products and environments to be usable by all people to the greatest extent possible, without the need for adaptation or specialized design.

17. Provide full and equal access to grassroots, faith-based and other community organizations is HUD Program implementation.
- **Grassroots organizations:** headquartered in the local community, has a social services budget of \$300,000 or less (does not include salaries and expenses nor directly related to the provision of social services), has six or fewer full-time employees
 - Participation of minority-serving organizations
18. **Ending chronic homelessness:** Definition of chronically homeless: unaccompanied individual with a disabling condition who has been continuously homeless for a year or more or has experienced four or more episodes of homelessness over the last 3 years. A disabling condition is defined as: a diagnosable substance abuse disorder, serious mental illness, developmental disability, or chronic physical illness or disability, including the co-occurrence of two or more of these conditions.
19. **Activities to address chronic homelessness:**
- Creation of affordable housing units, supportive housing, and group homes
 - Establishment of a set-aside of units of affordable housing for the chronically homeless
 - Establishment of substance abuse treatment programs targeted to the homeless population
 - Establishment of job training programs that will provide opportunities for self sufficiency
 - Establishment of counseling programs that assist homeless persons in finding housing, managing finances, managing anger and building interpersonal relationships
 - Provision of supportive services such as health care assistance that will permit homeless individuals to become productive members of society; and
 - Provision of service coordinators or one stop assistance centers that will ensure that chronically homeless persons have access to housing assistance and a variety of social services
20. **Promote Energy Star and Green Star development (see 79575 for more details)**
21. **Promote assistance to veterans** – identify specific services that are targeted at Veterans
22. **Return on Investment Statements:** HUD intends to propose return on investment (ROI) statements for each of its competitive grant programs. HUD will either offer incentive funding for applicants wishing to participate in developing an ROI as part of their grant program or HUD will publish proposed ROI for public comment.
23. **Reporting Principles:** In FY2009, grantees must adhere to the following reporting Principles (see 79578):
- An evaluation process will be part of the ongoing management of the HUD funded award

- Comparisons will be made between projected and actual numbers for outputs and outcomes
- Deviations from projected outputs and outcomes will be documented and explained as part of required reporting
- Data will be analyzed to determine the relationship between of outputs to outcomes to determine which outputs produce which outcomes and which are most effective

24. Race and Ethnic data report: All grantees are required to submit Form HUD-27061, Race and Ethnic Data Reporting Form.

25. HUD-IRS Memorandum of Understanding: HUD is making available on its website information on IRS asset building resources and applicants are encouraged to visit the website and distribute the information.