




U.S. Department of Housing and Urban Development


Public and Indian Housing

Community Development Block Grant (ICDBG) Program for Indian Tribes and Alaska Native Villages

FR-5800-N-10



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Date

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U.S. Department of Housing and Urban Development

Program Office: Public and Indian Housing
Funding Opportunity Title: Community Development Block Grant (ICDBG) Program for Indian Tribes and Alaska Native Villages
Announcement Type: Initial
Funding Opportunity Number: FR-5800-N-10
Primary CFDA Number: 14.862
Due Date for Applications: July 29, 2014

Today's posting provides information and instructions for the FY2014 ICDBG program. It announces the availability of approximately \$70,000,000. This Notice is comprised of both the Notice of HUD's Fiscal Year (FY) 2014 Notice of Funding Availability (NOFA), Policy Requirements and General Section (General Section) to HUD's FY2014 NOFAs for Discretionary Programs posted on www.Grants.gov and this program section to the NOFA. Funds that are carried over from previous fiscal years or are recaptured may also be used for grant awards under this NOFA. HUD's IDBG Program is authorized by Title I of the Housing and Community Development Act of 1974, and the ICDBG program regulations at 24 CFR Part 1003. In addition to the application requirements set forth in this document, applicants must also comply with applicable requirements established in the **General Section**.

Additional Overview Information:

1. Incorporation of the General Section. HUD publishes a General Section each fiscal year that contains *mandatory requirements* for all applicants to HUD's competitive grant programs including this NOFA. Applicants must meet all of the requirements of the General Section in addition to the requirements of this NOFA to be considered and to receive funding. The full title of the General Section is General Section for Fiscal Year 2014 Discretionary Programs. It can be found on Grants.gov and on HUD's Funds Available webpage at http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/grants/fundsavail.

2. OMB Approval Number(s): 2577-0191

1. Available Funds. The total approximate amount of funding available for the ICDBG program is \$70,000,000, less up to \$3,960,000, retained to fund Imminent Threat grants. Funds that are carried over from previous fiscal years or recaptured may also be used for grant awards under this NOFA. Applicants for funding should carefully review the requirements described in this NOFA and the FY2014 **General Section**. Unless otherwise stated in this NOFA, the requirements of the **General Section** apply.

a. Category One. Approximately \$56,040,000 is available for all ICDBG-eligible activities identified in the ICDBG regulation at 24 CFR Part 1003.

b. Category Two. Approximately \$10,000,000 is available for grants for mold remediation and prevention in and on housing units owned or operated by tribes and tribally designated housing entities (TDHE) or previously assisted with HUD funding.

2. Eligible Applicants. Eligible applicants are Indian tribes or tribal organizations on behalf of Indian tribes as further described at 24 CFR 1003.5. Specific information on eligibility is located in Section III.A. of this NOFA.

3. Number of Applications. Eligible applicants may submit one application for both categories of funding within the same application. Applications for Category One-eligible projects may be submitted for each area within the jurisdiction of an entity eligible under 24 CFR 1003. Category One applications may include more than one project, but cannot exceed the grant ceilings for a Category One project listed in Section II. Tribal organizations applying on behalf of multiple tribes may combine ceiling amounts for a Category One project if the project will be utilized by members of all such respective tribes. Several tribes may submit individual applications for one combined activity if the project will be utilized by members of all such respective tribes. Category Two funds may only be used to remediate and prevent mold.

I. Funding Opportunity Description.

A. Program Description and Requirements.

General. All grant funds awarded in accordance with this NOFA are subject to the requirements of 24 CFR Part 1003.

The purpose of the ICDBG program is the development of viable Indian and Alaska Native communities, including the creation of decent housing, suitable living environments, and economic opportunities primarily for persons with low- and moderate- incomes as defined in 24 CFR 1003.4. The Office of Native American Programs (ONAP) in HUD's Office of Public and Indian Housing administers the program.

1. Single Purpose Grants. Projects funded by the ICDBG program must meet the primary objective, defined at 24 CFR 1003.2, to principally benefit low- and moderate-income persons. Consistent with this objective, not less than 70 percent of the expenditures of each Single Purpose grant shall be for activities that meet the regulatory criteria at 24 CFR 1003.208 for:

- a. Area Benefit Activities;
- b. Limited Clientele Activities;
- c. Housing Activities; or
- d. Job Creation or Retention Activities.

Category Two projects must meet the primary objective for housing projects at 24 CFR 1003.208(c).

2. Imminent Threat Grants. ICDBG Imminent Threat (IT) grants are intended to alleviate or remove threats to health or safety that require an immediate solution as described at 24 CFR Part 1003, subpart E. These grants fund projects that: (1) can be completed within 12 months of grant award and (2) provide a solution to problems of an urgent nature that were not evident at the time of the ICDBG Single Purpose funding grant cycle or require immediate action. You do not have to submit a request for IT funds by the deadline established in this NOFA. If funds for IT grants are provided and the following criteria are met, the request may be funded until the amount set aside for this purpose is expended. The initial request, which should be submitted to the Area ONAP for your region, should include the following documentation:

- a. Independent verification from a third party (e.g., Indian Health Service, Bureau of Indian Affairs) of the existence, immediacy, and urgency of the threat;
- b. The threat must not be recurring in nature, i.e., it must represent a unique and unusual circumstance that has been clearly identified by the tribe or village;
- c. The threat must affect or impact an entire service area and not solely an individual family or household;
- d. Preliminary budget information (if the request is approved you will be asked to provide a detailed budget);
- e. Evidence of capacity to implement and complete grant within 12 months of grant award (unless there is good cause for not being able to do so); and
- f. It must be established that funds are not available from other tribal or federal sources to address the problem. The tribe or village must verify that federal or local agencies that would normally provide assistance for such improvements have no funds available by providing a written statement to that effect.
- g. The tribe or village must also verify in the form of a tribal council resolution (or equivalent) that it has no available funds, including unobligated Indian Housing Block Grant funds, for this purpose.

If, in response to a request for assistance, an Area ONAP issues you a letter to proceed under the authority of 24 CFR 1003.401(a), you may undertake temporary and permanent repairs to control the immediate threat, and only if the activities do not alter environmental conditions. Reimbursement of such costs is dependent upon HUD approval of the IT application as explained below.

Your IT application must then be submitted to your Area ONAP and must include:

- Form SF424_Application_for_Federal_Assistance;
- A brief description of the project;
- Form HUD4123_Cost_Summary; and
- Form HUD4125_Implementation_Schedule.

Only if and when your Area ONAP approves your IT application will a grant agreement be executed.

3. Definitions Used in this NOFA

1. **Adopt.** To approve by formal tribal resolution.
2. **Document.** To supply supporting written information and/or data in the application that satisfies the NOFA requirement. Documentation should clearly and concisely support your response to the rating factor.
3. **Entity Other than Tribe.** Entities other than the tribe must have the following characteristics: (a) must be legally distinct from the tribal government; (b) their assets and liabilities cannot be considered to be assets and liabilities of the tribal government; (c) claims against such entities cannot be made against the tribal government; and (d) must have governing boards, boards of directors, or groups or individuals similar in function and responsibility to such boards which are separate from the tribe's general council, tribal council, or business council, as applicable.
4. **Firm Commitment.** A letter of commitment from a partner by which an applicant's partner agrees to perform an activity specified in the application, demonstrates the financial capacity to deliver the resources necessary to carry out the activity, and commits the resources to the activity, either in cash or through in-kind contributions.
5. **Homeownership Assistance Programs.** Tribes may apply for assistance to provide direct homeownership assistance to low- and moderate-income households to: (a) subsidize interest rates and mortgage principal amounts for low- and moderate-income homebuyers; (b) finance the acquisition by low- and moderate-income homebuyers of housing that is occupied by the homebuyers; (c) acquire guarantees for mortgage financing obtained by low- and moderate-income homebuyers from private lenders (except that ICDBG funds may not be used to guarantee such mortgage financing directly, and grantees may not provide such guarantees directly); (d) provide up to 50 percent of any down payment required from a low- and moderate-income homebuyer; or (e) pay reasonable closing costs (normally associated with the purchase of a home) incurred by a low- and moderate-income homebuyer.
6. **Leveraged Resources.** Leveraged resources are resources that you will use in conjunction with ICDBG funds to achieve the objectives of the project. See Rating Factor 4 for documentation requirements for leveraged resources.
7. **Low- and Moderate-Income Beneficiary.** This means a family, household, or individual whose income does not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger households or families.
8. **Microenterprise Programs.** Microenterprises are defined as commercial entities with five or fewer employees, including the owner. Microenterprise program activities may entail the following assistance to eligible businesses: (a) providing credit, including, but not limited to, grants, loans, loan guarantees, and other forms of financial support for the establishment, stabilization, and expansion of microenterprises; (b) providing technical assistance, advice, and business support services to owners of

microenterprises and persons developing microenterprises; and (c) providing general support, including, but not limited to, peer support programs, counseling, child care, transportation, and other similar services to owners of microenterprises and persons developing microenterprises.

9. Mold Remediation and Prevention: For purposes of this NOFA:

- a. Mold is visible growth of fungi on surfaces of units/residential buildings or their exterior;
- b. Mold remediation includes long term solutions to a mold problem within units/residential buildings or on their exterior, including for example, eliminating mold that has grown on such surfaces and addressing the source of the moisture entering or being dispersed within the units/residential buildings and;
- c. Mold prevention includes action taken when mold within or on the exterior of units/residential buildings is present in minute amounts, to significantly reduce the likelihood of mold occurring or significantly growing, including for example, adjustments to building components, occupant sources, or operations that reduce the production of moisture that is dispersed within the units/residential buildings, that reduce the likelihood and amount of condensation, or that reduce the trapping of moisture within building cavities of the units/residential buildings.

10. New Applicant. An applicant that has either never received an ICDBG or an applicant whose prior grants have been closed for more than 12 months prior to the application deadline date. This definition applies to the entity that is submitting the application.

11. Operations and Maintenance (O&M) for Public Facilities and Improvements. There are items of expense related to the operation of the physical plant that must be addressed in an O&M plan. These items include daily or other periodic maintenance activities, repairs such as replacing broken windows, capital improvements or replacement reserves for repairs such as replacing the roof, fire and liability insurance (may not be applicable to most types of infrastructure projects such as water and sewer lines), and security (may not be applicable to many types of infrastructure projects such as roads). (Please note that while it is possible that the service provider may, in its agreement with a tribe, commit itself to cover certain or all facility O&M costs, these costs do not include the program service provision costs related to the delivery of services (social, health, recreational, educational, or other) that may be provided in a facility).

12. Outcomes. The ultimate impact you hope to achieve with the proposed project. Outcomes should be quantifiable measures or indicators and identified in terms of the change in the community, people's lives, health, economic status, etc.

13. Outputs. Outputs are the direct products of a program's activities. They are usually measured in terms of the volume of work accomplished, such as the number of low-income households served, number of units constructed or rehabilitated, number of units in which mold has been remediated or prevented, linear feet of curbs and gutters installed, or number of jobs created or retained. Outputs should be clear enough to

allow HUD to monitor and assess your proposed project's progress if funded.

14. Project Cost. The total cost to implement the project. Project costs may be covered by both ICDBG and non-ICDBG funds and resources.

15. Standard Housing/Standard Condition. Housing that meets the housing quality standards (HQS) adopted by the applicant (or tribe in the case of new construction projects). The HQS adopted by the applicant must be at least as stringent as the Section 8 HQS contained in 24 CFR 982.401 (Section 8 Tenant-Based Assistance: Housing Choice Voucher program) unless the Area ONAP approves less stringent standards based on a determination that local conditions make the use of Section 8 HQS infeasible. At least 30 days before the application deadline, you should submit a request for the approval of standards less stringent than Section 8 HQS to your Area ONAP. The adopted standards must provide for (a) a safe house, in physically sound condition with all systems performing their intended design functions; (b) a livable home environment and an energy efficient building and systems that incorporate energy conservation measures; and (c) adequate space and privacy for all intended household members.

16. Statement. When a written statement is requested for any threshold, program requirement, or rating factor, the applicant must address in writing the specific item cited.

17. Tribally owned or operated housing. For purposes of Category Two funding, "tribally owned or operated housing" means housing that is currently owned or operated by an Indian tribe or TDHE, or was previously assisted with HUD funding.

18. Tribe. The word tribe means an Indian tribe, band, group or nation, including Alaska Indians, Aleuts, Eskimos, Alaska Native Villages, Alaska Native Claims Settlement Act (ANCSA) Village Corporations, and ANCSA Regional Corporations.

B. Authority.

The authority for this program is Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) and the program regulations in 24 CFR Part 1003. HUD's authority for making funding available under this NOFA is the Consolidated Appropriations Act, 2014, Public Law 113-76, approved January 17, 2014.

II. Award Information.

A. Available Funds.

HUD is making available through this NOFA **\$70,000,000** for Community Development Block Grant (ICDBG) Program for Indian Tribes and Alaska Native Villages.

Additional funds may become available for award under this NOFA as a result of HUD's efforts to recapture unused funds, use carryover funds, or because of the availability of additional appropriated funds. Use of these funds will be subject to statutory constraints. All awards are subject to the applicable funding restrictions described in the General Section and to those contained in this NOFA.

The FY 2014 appropriation for the ICDBG program is \$70,000,000, less up to \$3,960,000, retained to fund Imminent Threat grants, for a total of \$66,040,000 available for Single Purpose grants under this NOFA. Of the amount appropriated for Single Purpose grants, \$10,000,000 is available for grants for mold remediation and prevention in tribally owned or operated housing. Funds that are carried over from previous fiscal years or are recaptured may also be used for Category One grant awards under this NOFA. The grant ceiling for imminent threat requests for FY2014 is \$450,000 (\$900,000 for Presidentially-declared disasters). This ceiling has been established pursuant to the provisions of 24 CFR 1003.400(c).

1. Allocations to Area ONAPs. The requirements for allocating funds to Area ONAPs responsible for program administration are found at 24 CFR 1003.101. Note that HUD is using data from the U.S. Census' American Community Survey to prepare these allocations in accordance with the requirement in 24 CFR 1003.101(a)(2) that HUD allocate funds based on the most recent data compiled and published by the United States Bureau of the Census. Also, the needs data of State-recognized tribes that are not eligible to apply for ICDBG funding is not being included in the calculations. For a more detailed explanation about the data used please see: <http://www.huduser.org/portal/icdbg/home.html index.php>.

The allocations for FY2014 for Category One grants are as follows:

Eastern/Woodlands:	\$4,441,622
Southern Plains:	\$13,343,479
Northern Plains:	\$8,580,551
Southwest:	\$19,867,953
Northwest:	\$3,029,710
Alaska:	\$6,955,906
Total	\$56,219,222

2. Grant Ceilings. The authority to establish grant ceilings is found at 24 CFR 1003.100(b)(1). Applications for Category One grants may not exceed the following levels.

Area ONAP	Population	Ceiling
Eastern Woodlands	ALL	\$600,000
Southern Plains	ALL	\$800,000
Northern Plains	6,001+	\$1,100,000
	0-6,000	\$900,000
Southwest	50,001+	\$5,500,000
	10,501-50,000	\$2,750,000

	7,501-10,500	\$2,200,000
	6,001-7,500	\$1,100,000
	1,501-6,000	\$825,000
	0-1,500	\$605,000
Northwest	ALL	\$500,000
Alaska	ALL	\$600,000

For the Southwest Area and Northern Plains ONAP jurisdictions, the population used to determine ceiling amounts is the Native American population that resides on a reservation or Rancheria.

Applicants from the Southwest or the Northern Plains ONAP jurisdictions should contact those offices before submitting an application if they are unsure of the population level to use to determine the ceiling amount. The Southwest or Northern Plains Area ONAP, as appropriate, must approve any corrections or revisions to Native American population data before an application is submitted.

Grant ceilings for Category Two grants are set at \$400,000 for all applicants nationwide.

If the funding requested for an application exceeds the ceiling in either category or both categories of funding, that category or both categories will not be rated.

3. Housing Rehabilitation Cost Limits. Grant funds spent on Category One housing rehabilitation projects and Category Two grants for mold remediation and prevention must fall within the following per-unit limits for each Area ONAP jurisdiction. An applicant's budget must demonstrate that these cost limits will not be exceeded. If both categories of funding are awarded, the per unit cap may not exceed the per unit dollar amounts listed below.

Eastern/Woodlands:	\$35,000
Southern Plains:	\$35,000
Northern Plains:	\$50,000
Southwest:	\$65,000
Northwest:	\$50,000
Alaska:	\$75,000

4. Compliance with Regulations, Guidelines, and Requirements

1. Applicants awarded a grant under this NOFA are required to comply with the statutes, regulations, guidelines, and other requirements with respect to the acceptance and use of federal funds for this federally assisted program.
2. By accepting a grant, the chief executive officer or other official of the applicant approved by HUD:

a. Consents to assume the status of a responsible federal official under the National Environmental Policy Act of 1969 insofar as the provisions of the Act apply to the applicant's proposed program pursuant to 24 CFR 1003.605. Applicants should be mindful to estimate any potential adverse environmental or health effects of the proposed ICDBG-funded activities on areas with a high concentration of Native Americans and low- and very low-income persons.

b. Is authorized and consents on behalf of the applicant and him/herself to accept the jurisdiction of the federal courts for the purpose of enforcement of his/her responsibilities as such an official.

Note: Applicants for whom HUD has approved a claim of lack of capacity to accept the responsibilities of the federal government for purposes of complying with the environmental review requirements of 24 CFR Part 58, pursuant to 24 CFR 1003.605, are not subject to the provision of paragraph II.E2. For such applicants that are awarded a grant under this NOFA, see section VI.B.1.a. of this NOFA.

3. Indian Preference. HUD has determined that the ICDBG program is subject to Section 7(b) of the Indian Self-Determination and Assistance Act (25 U.S.C. 450e(b)). The provisions and requirements for implementing this section are in 24 CFR 1003.510.

4. Anti-discrimination provisions. Under HUD's regulations at 24 CFR 1003.601, HUD waived the requirement that grantees comply with the anti-discrimination provisions in Section 109 of the CDBG statute except with respect to age, sex, religion, or against an otherwise qualified disabled individual in the use of ICDBG grant funds. Section 109 requires compliance with Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975 also (HUD's regulations for Section 109 are in 24 CFR part 6). HUD's regulations at 24 CFR part 8 include accessibility standards for housing and non-housing facilities constructed or rehabilitated with Federal financial assistance, including ICDBG. You must comply also with the Indian Civil Rights Act in your use of ICDBG.

5. Economic Opportunities for Low-and Very Low-Income Persons (Section 3).

Section 3 requirements under 24 CFR Part 135 apply to the ICDBG program but, as stated in §135.3(c), the procedures and requirements of Part 135 apply to the maximum extent consistent with, but not in derogation of, preferences for the benefit of Indians under §7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)). Grantees are required to submit an annual report on employment, training, contracting and other economic opportunities consistent with the Section 3 regulatory reporting requirements.

6. Affirmatively Furthering Fair Housing. Applicants under this NOFA do not have a submission requirement related to HUD's obligation to affirmatively further fair housing under Section 808(e) of the Fair Housing Act as described in the General Section, because Section 106(a)(1) of the Housing and Community Development Act exempts grants to Indian tribes from the obligation to affirmatively further fair housing under Section 106(d)(5) of the Act.

B. Number of Awards.

HUD expects to make approximately 100 awards from the funds available under this NOFA.

C. Maximum Award Information.

Estimated Total Funding: \$70,000,000
Minimum Award Amount: \$0 Per Project Period
Maximum Award Amount: \$0 Per Project Period

D. Period of Performance.

The period of performance for any grant awarded under this NOFA must be included in the Implementation Schedule, form HUD4125, approved by HUD. For FY2014, HUD must obligate the funds no later than September 30, 2016, and the grantee's Implementation Schedule cannot exceed September 30, 2021. Any funds not drawn down as of September 30, 2021, will be cancelled. HUD reserves the right, however, to require an earlier expenditure deadline under an ICDBG grant agreement. If the grantee does not make substantial progress toward meeting its implementation schedule, HUD reserves the right to recapture the funds

Estimated Project Start Date: 09/30/2014
Estimated Project End Date: 09/30/2021
Other

Additional Information on Project Periods

Project periods are based on the HUD-approved implementation plans.

E. Type of Funding Instrument.

Funding Instrument Type: Grant

F. Supplementation.

Not Applicable

III. Eligibility Information.

A. Eligible Applicants.

Eligible applicants under this NOFA include:

- Native American tribal governments (Federally recognized)
- Native American tribal organizations (other than Federally recognized tribal governments)
- Others (see text field entitled "Additional Information on Eligibility" for clarification)

Additional Information on Eligibility:

Eligible applicants are Indian tribes or tribal organizations on behalf of Indian tribes. An applicant must be eligible as an Indian tribe (or as a tribal organization), as required by 24 CFR 1003.5, by the application deadline date.

Tribal organizations are permitted to submit applications under 24 CFR 1003.5(b) on behalf of eligible tribes when one or more eligible tribe(s) authorize the organization to do so under concurring resolutions. The tribal organization must itself be eligible under Title I of the Indian Self-Determination and Education Assistance Act. The Bureau of Indian Affairs (BIA) or the Indian Health Service (IHS), as appropriate, must make a determination of such eligibility. This determination must be provided to the Area ONAP by the application deadline. If a tribe or tribal organization claims that it is a successor to an eligible entity, the Area ONAP must review the documentation to determine whether it is in fact the successor entity. If your organization has already submitted this information to the Area ONAP you need not submit it again. An application submitted by a tribal organization on behalf of a specific tribe will not be accepted if the tribe itself submits an application for the same funding round.

On January 29, 2014, the BIA published a Federal Register notice entitled, "Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs" (79 FR 4748). This notice provides a listing of Indian Tribal Entities in Alaska found to be Indian tribes as the term is defined and used in 25 CFR Part 83. Additionally, pursuant to Title I of the Indian Self-Determination and Education Assistance Act, ANCSA Village Corporations and Regional Corporations are also considered tribes and therefore eligible applicants for the ICDBG program.

Due to the unique structure of tribal entities eligible to submit ICDBG applications in Alaska, and as only one ICDBG application may be submitted for each area within the jurisdiction of an entity eligible under 24 CFR 1003.5, a tribal organization that submits an application for activities in the jurisdiction of one or more eligible tribes or villages must include a concurring resolution from each such tribe or village authorizing the submission of the application. The hierarchy for funding priority continues to be the IRA Council, the Traditional Village Council, the ANCSA Village Corporation, and the ANCSA Regional Corporation.

Any questions regarding eligibility determinations and related documentation requirements for entities in Alaska should be referred to the Alaska Area ONAP prior to the application deadline (See 24 CFR 1003.5 for a complete description of eligible applicants).

HUD does not award grants to individuals nor will HUD evaluate an application from an ineligible applicant. Additionally, if for-profit firms are eligible they are not allowed to earn a fee (i.e., make a profit from the project).

In accordance with 2 CFR 25.200, all applicants must have an active Data Universal Numbering System (DUNS) number (www.dnb.com) and have an active registration in the System for Award Management (SAM) (www.sam.gov) **before submitting an application**. Getting your DUNS number and SAM registration can take up to four weeks; therefore, you

should start this process or check your status early.

B. Cost Sharing or Matching.

Federal sources are generally not allowed to be used as cost share or match unless otherwise permitted by a program's authorizing statute.

This Program does not require an applicant to leverage resources through cost sharing or matching.

Cost sharing or matching is not required under this grant; however, applicants who leverage this grant with other funds receive points under Rating Factor 4. The greater the percentage of leveraged funds committed, the greater the number of points an applicant can receive under rating factor 4, up to a maximum of 8 points. See Section V.A. Rating Factor 4.

C. Other.

You must refer to Section III of the General Section for information on the following eligibility requirements. These requirements may, where applicable, determine whether your application is reviewed or make your application ineligible for funding:

- Resolution of civil rights matters;
- Compliance with nondiscrimination and other requirements, including but not limited to:
 - compliance with all applicable fair housing and civil rights laws;
 - affirmatively furthering fair housing;
- Delinquent Federal debts;
- Financial management systems that meet Federal standards;
- Debarment and/or suspension from doing business with the Federal Government;
- False statements;
- Do Not Pay review and compliance with the Improper Payments Elimination and Recovery Improvement Act of 2012;
- Standards of ethical conduct/code of conduct;
- Prohibition against lobbying activities; and
- Conflicts of interest.

1. HUD Threshold Requirements. Applicants for Single Purpose grants must comply with the HUD Threshold Requirements listed in the General Section, Section III. C.2 and 3 to receive an award of funds. Indian tribes and tribal organizations applying on their behalf are exempt from the affirmatively furthering fair housing requirement as stated in the General Section.

2. Program-Related Requirements

a. Outstanding ICDBG Obligation. Pursuant to 24 CFR 1003.301(a), an applicant who has an outstanding ICDBG obligation to HUD that is in arrears, or one that has not agreed to a repayment schedule will be disqualified from the competition.

b. Resolution of Civil Rights Matters. Applicants and subrecipients that are not federally

recognized Indian tribes or their instrumentalities are subject to the threshold on Resolution of Civil Rights requirements found in the General Section at Section III.C.2.b. Federally recognized Indian tribes and their instrumentalities are subject to the requirements of: Title II of the Civil Rights Act of 1968, known as the Indian Civil Rights Act; Section 109 prohibitions against discrimination based on age, sex, religion and disability; the Age Discrimination Act of 1975; and Section 504 of the Rehabilitation Act of 1973. To be eligible to apply under this NOFA, the applicant may not have any outstanding violations of these civil rights authorities by the application deadline.

3. Project-Specific Threshold Requirements. Applicants must address each component of the project-specific thresholds that are applicable to the proposed project. The thresholds are:

a. Housing Rehabilitation Project Thresholds. In accordance with 24 CFR 1003.302(a), for Category One housing rehabilitation projects, and Category Two mold remediation projects, you must adopt rehabilitation standards and rehabilitation policies as defined in Section I.A.3.15 of this NOFA before you submit an application. Do not submit your policies or standards with the application. If you propose to use ICDBG funds to rehabilitate HUD-assisted houses, you must also provide a written statement that project funds will be used to rehabilitate HUD-assisted houses only when the homebuyer's payments are current or the homebuyer is current in a repayment agreement except because of an emergency situation. For purposes of meeting this threshold, HUD-assisted houses are houses that are owned and/or managed by the tribe or TDHE. The ONAP Administrator, on a case-by-case basis, may approve exceptions to this requirement if the applicant provides adequate justification for the exception with its application. For housing rehabilitation, your application must contain information that demonstrates that each housing unit that receives ICDBG assistance will be occupied by a low- and moderate-income family at the time the assistance is provided.

b. New Housing Construction Project Thresholds.

(1) In accordance with 24 CFR 1003.302(b), new housing construction can only be implemented when necessary through a Community Based Development Organization (CBDO). Eligible CBDOs are described in 24 CFR 1003.204(c). You must provide documentation establishing that the entity implementing your new housing construction project qualifies as a CBDO.

(2) In accordance with 24 CFR 1003.302(b), you must have a current, in effect, tribal resolution adopting and identifying construction standards that at minimum meet the requirements in Section I.D.14 of this NOFA.

(3) In accordance with 24 CFR 1003.302(b), you must document that:

(a) No other housing is available in the immediate reservation area that is suitable for the households to be assisted; and

(b) No other sources, including Indian Housing Block Grants (IHBG), can meet the needs of the household(s) to be served; and

(c) Rehabilitation of the unit occupied by the household(s) to be assisted is not economically feasible; or

(d) The household(s) to be housed is currently in an overcrowded house (more than one household per house);

(e) The household to be assisted has no current residence

(4) For new housing construction, your application must contain information that shows that all households that receive ICDBG grant assistance will be of low- and moderate-income status.

c. Economic Development Project Thresholds. In accordance with 24 CFR 1003.302(c), for economic development assistance projects, you must provide a financial analysis prepared by an independent entity not affiliated with the applicant. The financial analysis must demonstrate that the project is financially feasible and the project has a reasonable chance of success. The analysis should include information about the project's market share, sales levels, growth potential, projections of revenue, project expenses, and debt service, if applicable. The analysis must also demonstrate the public benefit resulting from the ICDBG assistance. The more funds you request, the greater the public benefit you must demonstrate. The analysis must also establish that to the extent practicable, reasonable financial support will be committed from non-federal sources prior to disbursement of federal funds; any grant amount provided will not substantially reduce the amount of non-federal financial support for the activity; not more than a reasonable rate of return on investment is provided to the owner; and that grant funds used for the project will be disbursed on a pro-rata basis with amounts from other sources.

d. Land Acquisition to Support New Housing, Homeownership Assistance, Public Facilities and Improvements, and Microenterprise Projects. There are no project specific thresholds for these activities.

4. Public Services. You may not receive a Single Purpose grant solely to fund public service activities. Your application, however, may contain a public service component for up to 15 percent of the total grant, and for Category One grants, this component may be unrelated to the other project(s) in your application; For Category Two grants, public service activities may only be in support of mold prevention activities related to tribally owned or operated housing. If your application does not receive full funding, HUD will reduce the public service allocation proportionately so that it comprises no more than 15 percent of the total grant award. In making such reductions, the feasibility of the proposed project will be taken into consideration. If a proportionate reduction of the public service allocation renders the public service infeasible, the project will not be funded. A complete description of public service projects is located at 24 CFR Part 1003.201(e).

5. Eligible Activities. A complete description of activities that are eligible for ICDBG funding is identified at 24 CFR Part 1003, subpart C. Rating Factors 2 and 3 included under Section V.A. of this NOFA specify many of the activities listed as eligible under part 1003, subpart C. Those listed include new housing construction (in certain circumstances, as described in Rating Factors 2 and 3), housing rehabilitation, land acquisition to support new housing, homeownership assistance, public facilities and improvements, economic development, and microenterprise programs. However, the following eligible activities not clearly identified by the rating factors may be proposed and rated as described below.

a. Acquisition of Property. Acquisition of land or other real property may be proposed in

conjunction with Category One proposals for New Housing Construction, Housing Rehabilitation, Public Facilities and Improvements, or Economic Development. Applicants may also acquire land alone but only for future housing development. Acquisition of standard housing not in need of rehabilitation may also be proposed as a stand-alone activity but the acquired units must meet the housing standards of the HUD Section 8 program as defined in the definitions section of this NOFA. See Rating Factor 2, subfactor 2.c. and Rating Factor 3, Subfactor 4.e.

b. Assistance to Community Based Development Organizations (CBDO). Grantees may provide assistance to these organizations to undertake activities related to neighborhood revitalization, community economic development, or energy conservation. If your organization has been determined by ONAP to be a CBDO, you do not have to submit documentation of this in your application.

c. Clearance and Demolition. These activities can be proposed as part of Category One Housing Rehabilitation, New Housing Construction, Public Facilities and Improvements, Economic Development, or Land to Support New Housing but demolition of HUD-assisted housing can only be undertaken with the prior approval of HUD.

d. Comprehensive Planning. This activity is eligible under Category One, and can be proposed as part of any otherwise-eligible project to the extent allowed by the 20 percent cap on the grant for planning/administration.

e. Energy Efficiency/Green Development. Associated activities can be proposed under Housing Rehabilitation, Public Facilities and Improvements, New Housing Construction, or Economic Development depending upon the type of energy efficiency activity.

f. Lead-Based Paint Evaluation and Hazard Control. These activities can be proposed under Housing Rehabilitation and certain other projects and are required on projects described in Section IV.F, paragraph 1.

g. Non-Federal Share. ICDBG funds can be used as a match for any non-ICDBG funding to the extent allowed by such funding and the activity is eligible under 24 CFR Part 1003, subpart C.

h. Privately and Publicly Owned Commercial or Industrial Buildings (real property improvements). These activities can be proposed under Economic Development funded by Category One. Privately owned commercial rehabilitation is subject to the requirements at 24 CFR 1003.202.

i. Privately Owned Utilities. Assistance to privately owned utilities can be proposed under Public Facilities and Improvements.

j. Removal of Architectural Barriers. This includes removing barriers that restrict mobility and access for elderly and persons with disabilities. In addition, facilities funded by ICDBG or used in the administration of ICDBG funded projects or activities must be accessible to persons with disabilities in accordance with Section 504 of the Rehabilitation Act and HUD's regulations at 24 CFR Part 8. Applicants should be aware of the accessibility needs of the persons they intend to serve in ICDBG funded projects and activities, and address these needs in appropriate accessible design features or program modifications to ensure that otherwise qualified persons with disabilities may benefit from

them. This activity can be proposed under Housing Rehabilitation or Public Facilities and Improvements, depending upon the type of structure where the barrier will be removed.

k. Mold. Renovation of affected buildings, including the elimination of mold is eligible under housing rehabilitation or public facility improvement projects under Category One. Remediation and prevention of mold is eligible under Category Two as specified elsewhere in this NOFA only on tribally owned or operated units.

l. Public Services. Public services are those which are directed toward improving the community's public services and facilities, including but not limited to those concerned with employment, crime prevention, child care, health, drug abuse, education, fair housing counseling, energy conservation, welfare, homebuyer down payment assistance or recreational needs. Also see Section III.C.4. above and 24 CFR 1003.201(e).

m. Relocation. Relocation expenses are an eligible activity. See 1003.602.

6. Ineligible Activities. In general, any activity that is not authorized under the provisions of 24 CFR 1003.201 through 1003.206 is ineligible to be assisted with ICDBG funds. The regulations at 24 CFR 1003.207 govern ineligible activities and should be referred to for details. The following guidance is provided for determining the eligibility of other activities frequently associated with ICDBG projects.

a. Government Office Space. ICDBG funds cannot be used to fund the construction, renovation or mold remediation or prevention on buildings, or portions thereof, used predominantly for the general conduct of government. Those buildings include, but are not limited to, local government office buildings, courthouses, and other headquarters of government where the governing body meets regularly. Buildings that contain both governmental and non-governmental services can be assisted so long as the ICDBG funds are used only for the non-governmental sections. An example of an ineligible building is a building to house the community development division or a tribal administration building. The term "Buildings for the general conduct of government", is further defined at 24 CFR 1003.4. Your Area ONAP should be consulted for projects of this nature.

b. General Government Expenses. Except as authorized in the regulations or under OMB Circular A-87 (2 CFR Part 225), expenses required to carry out the regular responsibilities of the unit of general local government are not eligible for assistance with ICDBG funds.

c. Maintenance and Operation Expenses. In general, any expenses associated with repairing, operating, or maintaining public facilities and services are not eligible for assistance. Specific exceptions to this general rule applicable to Category One funding are operating and maintenance expenses associated with public service activities (24 CFR 1003.201(e)), office space for program staff employed in carrying out the ICDBG program (24 CFR 1003.206(a)(4)), and interim assistance (24 CFR 1003.201(f)). For example, where a public service is being assisted with ICDBG funds, the cost of operating and maintaining that portion of the facility in which the service is located is eligible as part of the public service. Examples of ineligible operating and maintenance expenses are routine and non-routine maintenance and repair of streets, parks, playgrounds, water and sewer facilities, neighborhood facilities, senior centers, centers for persons with disabilities, parking facilities, and similar public facilities, as well as staff salaries, utility costs, and similar expenses necessary for the operation of public works and facilities.

d. New Housing Construction. The construction of new permanent residential structures and any program to subsidize or finance such new construction is ineligible, unless carried out by a Community-Based Development Organization (CBDO) pursuant to 24 CFR 1003.204(a).

e. Furnishings and Personal Property. In general, the purchase of equipment, fixtures, motor vehicles, furnishings, or other personal property not an integral structural fixture is ineligible. Exceptions include when such purchases are necessary for use in grant administration (24 CFR 1003.206); necessary and appropriate for use in a project carried out by a CBDO (24 CFR 1003.204); used in providing a public service (24 CFR 1003.201(e)); or used as firefighting equipment (24 CFR 1003.201(c)(1)(ii)). However, ICDBG funds may be used to pay depreciation or use allowances (in accordance with OMB Circular A-87 (2 CFR Part 225) or A-122 (2 CFR Part 230), as applicable).

f. Construction Tools and Equipment. The purchase of construction tools and equipment is generally ineligible. However, compensation for the use of such tools and equipment through leasing, depreciation, or use allowances pursuant to OMB Circulars A-87 (2 CFR Part 225) and A-122 (2 CFR Part 230), as applicable, for an otherwise eligible activity, is eligible. Exceptions include construction tools and equipment purchased for use as part of a solid waste facility (24 CFR 1003.201(c)(1)(ii)) and construction tools only (not equipment) purchased for use in a housing rehabilitation project being administered by the recipient using the force account construction method (24 CFR 1003.202(b)(8)).

g. Income Payments. In general, assistance shall not be used for income payments for housing or any other purpose. Income payments mean a series of subsistence-type grant payments made to an individual/family for items such as food, clothing, housing (rent/mortgage), or utilities, but excludes emergency payments made over a period of up to three months to the provider of such items or services on behalf of an individual/family. Examples of ineligible income payments include the payments for income maintenance and housing allowances.

h. Job Pirating. ICDBG funds may not be used to assist directly in the relocation of any industrial or commercial plant, facility, or operation, from one area to another, if the relocation is likely to result in a significant loss of employment in the labor market area from which the relocation occurs.

IV. Application and Submission Information

A. Obtaining an Application Package.

An electronic copy of the Application Package and Application Instructions for this NOFA can be downloaded from Grants.gov at

<http://www.grants.gov/applicants/apply-for-grants.html>.

An applicant demonstrating good cause may request a waiver from the requirement for electronic submission. If you receive a waiver, your paper application must be received by HUD before the deadline of this NOFA. To request a waiver and receive a paper copy of the application materials, you should contact:

To request a waiver of the electronic application process you may contact the Area ONAP Administrator for your region. A link to these address may be found at <http://www.hud.gov/offices/pih/ih/codetalk/onap/map/nationalmap.cfm>. Waiver requests for both categories of funding must be submitted to the applicable Area ONAP Administrator in writing, using mail, e-mail, or fax and must include good cause for the waiver. Requests must be submitted no later than 7 business days prior to the application deadline date.

Applicants granted a waiver of the electronic submission requirement will receive specific mailing instructions including the number of copies to be submitted, with approval of the waiver. See the General Section, section IV.A.3., Waiver of Electronic Submission Requirements.

B. Content and Form of Application Submission.

To assure you have the correct Application Package and Application Instructions, you must check that the CFDA number, the Opportunity Title, and the Funding Opportunity Number on the first page of your Application Package match those listed in the Overview of this NOFA. Your application will only be considered for the competition indicated on your submission.

All information required to complete a valid application is included in the **General Section** and in this ICDBG NOFA. Before preparing an application, applicants should carefully review the program description, ineligible activities, program and threshold requirements, the **General Section**, and supplemental **General Section** documents. Applicants should also review each rating factor listed in Section V of this NOFA, before writing a narrative response. If you are applying for both categories of funding you must submit two narratives, one for each category. Indicate on the first page of each narrative, in the one-page summary, the category of ICDBG funds you are applying for. In addition, if you are applying for Category One funds, indicate the type of project(s) you are proposing: Economic Development, Homeownership Assistance, Housing Rehabilitation, Land Acquisition to Support New Housing, Microenterprise Programs, New Housing Construction, or Public Facilities and Improvements. This will help to ensure that the appropriate project-specific thresholds and rating subfactors will be applied. Narrative statements submitted to support your application should be individually labeled to reflect the item the narrative is responding to, e.g., Factor 1, Factor 2.

It is recommended that you limit the narrative for each category of funding to 15 pages for all factors and then, in addition, provide the necessary data such as a market analysis, pro forma, housing survey data, etc. that support the response. Applicants should not submit third party documents, such as audits, resolutions, or policies, unless specifically asked to do so. Please use separate headings for each rating factor and rating subfactor. Make sure the response is beneath the appropriate heading and keep the responses in the same order as the NOFA. Only include documentation that will clearly and concisely support your response to the rating criteria. If you are applying for both categories of funding, you do not have to submit two sets of HUD or other government forms, unless specifically requested below.

1. Content of Application, Forms, and Required Elements. The applicant must submit all of the forms required in this section, along with other data listed below.

a. Narrative to all five of the rating factors listed in Section V.A. of this NOFA, including a one page summary of the proposed project(s). If you are requesting funding in both categories you must submit two narratives and two summaries.

b. Application for Federal Assistance (SF424), which includes a Dun and Bradstreet Data Universal Numbering System (DUNS) number. Applicants must also include the nine-digit zip code (zip code plus four digits) associated with the applicant's address in box 8d of the SF424.

c. Applicant/Recipient Disclosure Update Report (form HUD2880).

d. Acknowledgement of Application Receipt (form HUD2993). This is relevant only to applicants granted a waiver of the electronic submission requirements and who are submitting a paper application.

e. Tribal resolution. If the application is being submitted by a tribal organization as defined in 24 CFR 1003.5(b), on behalf of an Indian tribe, you must submit a concurring resolution from the Indian tribe stating that the tribal organization is applying on the tribe's behalf. If two tribal organizations are applying for funds on behalf of a tribe, one for each category of funding, two tribal resolutions must be submitted.

f. Implementation Schedule. A schedule for implementing the project (form HUD4125_Implementation_Schedule). If you are requesting both categories of funds, you must include two implementation schedules - one for each category of funds. If you are proposing more than one project under Category One, you must also submit an implementation schedule for each of those projects.

g. Budget Information. If you are applying for both categories of funds you must submit two budgets (form HUD4123_Cost_Summary) including cost information for each separate project including specific activity costs, administration, planning, technical assistance and total HUD share (form HUD4123_Cost_Summary). If you are proposing more than one type of project under Category One, you must submit one budget for each project. Planning and administrative costs cannot exceed 20 percent of each grant (under Category One or Category Two). The following criteria apply to planning and administrative costs:

(1) Planning and administrative activities may be funded only in conjunction with a physical development activity.

(2) If you are submitting an application for more than one project, costs must be broken down by project. Submit one form HUD4123 for each proposed project in addition to a consolidated form HUD4123 that includes costs for all proposed projects.

(3) Do not include project costs (i.e., architectural/engineering, environmental, technical assistance, staff/overhead costs) directly related to the project but do include any funds the applicant will be contributing toward administering the grant.

(4) Indirect costs may be charged to the ICDBG program under a cost sharing plan prepared in accordance with OMB Circular A-21 (2 CFR Part 220), A-87 (2 CFR Part 225), or A-122 (2 CFR Part 230) as applicable.

h. Citizen Participation. Evidence in the form of a tribal resolution that the tribe has met the citizen participation requirements of 24 CFR 1003.604. Accordingly, the tribe must ensure that views and comments from the entire tribal community members about the use of ICDBG funds were gathered and considered prior to the submission of the application. If you are applying for both categories of funding, indicate that the community was informed about and consulted on the use of funds for both categories.

i. Map. A map showing project location, if appropriate.

j. Low-and moderate-income benefit. Your application must contain information that indicates at least 70 percent of the grant funds will be used for activities that benefit low- and moderate-income persons, in accordance with the requirements of 24 CFR 1003.208. For housing activities, including but not limited to, acquisition or rehabilitation of housing, conversion of non-residential structures and new housing construction, all households that receive ICDBG grant assistance must be of low- and moderate-income status.

k. Demographic data. If applicable, demographic information that complies with the requirements in Section V.A. Rating Factor 2 of this NOFA. The data accompanying the statement must identify the total number of persons benefiting from the project and the total number of low- and moderate-income persons benefiting from the project. To be considered, supporting documentation must include all of the following: a sample copy of a survey form; an explanation of the methods used to collect the data; and a listing of incomes by household including household size.

l. Project-Specific Thresholds. Applicants must respond to all components within the project-specific thresholds outlined in Section III.C.3, as applicable, in order to be rated.

m. Land Acquisition to Support New Housing Projects. Your application must include evidence of financial commitment and an ability to construct at least 25 percent of the housing units on the land proposed for acquisition. This evidence must consist of one (or more) of the following: a firm or conditional commitment to construct (or to finance the construction of) the units; documentation that an approvable application for the construction of these units has been submitted to a funding source or entity; or documentation that these units are specifically identified in Section 3 and Section 5 of the Indian Housing Plan (IHP) submitted by or on behalf of the applicant as an affordable housing resource with a commensurate commitment of Indian Housing Block Grant (IHBG) (also known as NAHBG) resources. If the IHP for the IHBG (also known as NAHBG) program year that coincides with the implementation of the ICDBG proposed project has not been submitted, you must provide an assurance that the IHP will specifically reference the proposed project. The IHP submission must occur within three years from the date the land is acquired and ready for development.

n. Health Care Facilities. If you propose a facility that would provide health care services funded by the Indian Health Service (IHS), you must provide a statement that the facility will meet all applicable IHS facility requirements. HUD recognizes that tribes that are contracting services from the IHS may establish other facility standards. These tribes must assure that these standards at least compare to nationally accepted minimum standards.

o. Correctional Facilities/Juvenile Detention Centers. If you propose a correctional facility or juvenile detention center that would provide correctional services to be funded by

the U.S. Department of Justice (DOJ) and/or Bureau of Indian Affairs (BIA), you must provide a statement that the facility meets all applicable BIA/DOJ standards regarding correctional operations, programs and designs.

p. Evidence of Partner Commitment. If you propose to partner with other entities/organizations to undertake your project, you must submit a letter on letterhead of the entity/organization and signed by the chief executive of the entity/organization that demonstrates that the entity/organization is willing and able to participate.

q. Code of Conduct. If your Code of Conduct (code) is not listed on HUD's website at <http://www.hud.gov/offices/adm/grants/codeofconduct/cconduct.cfm> or if the information on the website has changed, you must submit a copy of your code with your application.

r. Disclosure of Lobbying Activities (SFLLL). This form must be submitted by State-recognized Indian tribes and tribally designated housing entities established only under state law.

s. HUD_Facsimile_Transmittal_HUD96011)_Third_Party_Documentation_Facsimile_Transmittal. This form must be submitted even if the applicant is not faxing any documents through grants.gov.

t. Evidence of Mold. If you are requesting funds under Category Two you must submit evidence of mold in the housing units that you wish to remediate. This documentation must be prepared by a third party who is qualified to make such an assessment. See Section V.A.2., Rating Factor 2, for more information.

Forms for your package include the HUD standard forms outlined below:

Standard forms that must be submitted are listed with the other required information in the checklist above.

C. Application Submission Dates and Times.

Application Deadline.

Submit your application to Grants.gov unless a waiver has been issued allowing you to submit your application in paper form. Instructions on submitting your application to Grants.gov are contained within the Application Package you downloaded from Grants.gov.

The application deadline is 11:59:59 p.m. Eastern time on July 29, 2014. Applications must be received no later than the deadline. Please refer to the General Section for more information about timely receipt of applications.

Applications must be received no later than the deadline. Please refer to the General Section for more information about timely receipt of applications.

Your application must be **both received and validated** by Grants.gov. Your application is "received" when Grant.gov provides you a confirmation of receipt and an application tracking number. **If you do not see this confirmation and tracking number, your application has not been received.**

After your application has been received, your application still must be validated by Grants.gov. During this process, your application may be “validated” or “rejected with errors.” To know whether your application was rejected with errors and the reason(s) why, you must log into Grants.gov, select “Applicants” from the top navigation, and select “Track my application” from the drop-down list. If the status is “rejected with errors,” you have the option to correct the error(s) and resubmit your application before the Grace Period ends. **If your application was “rejected with errors” and you do not correct these errors, HUD will not review your application.** If your status is “validated” your application will be forwarded to HUD by Grants.gov.

Grace Period for Grant.gov Submissions: If your application is received by Grants.gov before the deadline, but is rejected with errors, you have a grace period of one day beyond the application deadline to submit a corrected application that is received and validated by Grants.gov. Any application submitted during the grace period that does not meet the criteria above will not be considered for funding. There is no grace period for paper applications. See the General Section for more information about the grace period.

If you are required to submit supporting documentation you may either scan and attach these documents to your electronic application package or submit them via fax. If supporting documents are submitted by fax, you must use the HUD-96011 Facsimile Transmittal Form as a cover page; this form is located in your Application Package. You must send any faxes to the toll-free number **800-HUD-1010**. If you cannot access the toll-free number or experience problems using that number you may use **215-825-8798** (this is not a toll-free number). If you or any other parties submitting documents for this application do not use the form HUD-96011 that came with your application as the fax cover page, the documents cannot be matched to the application. Consequently, these documents will not be considered when the application is evaluated. Additionally, if your fax machine creates a cover page, you must turn this feature off.

Amending a Validated Application: If you resubmit an application that was previously validated by Grants.gov, all documents faxed in support of the application must be faxed again using the form HUD-96011. You must fax the materials after the resubmitted application has been validated by Grants.gov. All faxed materials must be received by the applicable deadline.

D. Intergovernmental Review.

This program is not subject to Executive Order 12372, Intergovernmental Review of Federal Programs.

E. Funding Restrictions.

See Sections III.C.4 and 6 and Sections IV.B.2.g. and j. of this NOFA. Planning and administrative costs cannot exceed 20 percent of the grant (see Sections III.C.5.d. and IV.B.2.g).

F. Other Submission Requirements.

Lead Based Paint Requirements

When providing housing assistance funding for purchase, lease, support services, operation, or work that may disturb painted surfaces, of pre-1978 housing, you must comply with the lead-based paint evaluation and hazard reduction requirements of HUD's lead-based paint rules (Lead Disclosure; and Lead Safe Housing (24 CFR part 35)), and EPA's lead-based paint rules (e.g., Repair, Renovation and Painting; Pre-Renovation Education; and Lead Training and Certification (40 CFR part 745)).

See the **General Section** for specific procedures concerning the electronic application submission and timely receipt requirements. The application and instructions are available at [http:// www.grants.gov/ applicants/ apply for grants.jsp](http://www.grants.gov/applicants/apply_for_grants.jsp) . If you have difficulty processing the information, you may call the help desk line at (800) 518-GRANTS or e-mail support@grants.gov. Hearing- or speech-challenged individuals may access this number through TTY or by calling the toll-free Federal Relay Service at 800-877-8339.

NOTE: Avoid using any special characters (example: -, &, *, %, /, #) or spacing in the file names. If you need spaces in the name of your files, use the underscore (example: my_Attached_File.pdf) in naming the attachments. If you use special characters when naming their attachment files, your application will be rejected. See www.grants.gov for more information.

V. Application Review Information

A. Review Criteria.

A.1. Rating Factors.

1. **RC/EZ/EC-II.** Bonus points described in the **General Section** for projects located in RC/EZ/EC-IIs will not be awarded under this NOFA. However, applicants that submit a letter from the lead organization of a designated Promise Zone demonstrating that the proposed activities would contribute to the local strategy for revitalizing the Promise Zone will receive two bonus points as described in paragraph V.A.1. of the General Section. www.hud.gov/promisezones.

2. Rating Factors to Evaluate and Rate Applications. The factors for rating and ranking applications and the points for each factor are provided below. A maximum of 100 points may be awarded under Rating Factors 1 through 5. To be considered for funding, your application must receive a minimum of 15 points under Rating Factor 1 and an application score of at least 70 points. The following summarizes the points assigned to each rating factor and each rating subfactor and lists which rating subfactors apply to which project types.

RATING FACTOR	TITLE	POINTS	
		Category One	Category Two

		Current Grantees	New Applicants	Current Grantees	New Applicants
FACTOR 1	CAPACITY OF THE APPLICANT	33	33	33	33
<i>Subfactor 1</i>	<i>Managerial, Technical and Administrative Capability</i>	<i>14</i>	<i>30</i>	<i>14</i>	<i>33</i>
1.a.	Managerial and Technical Staff	7	8	7	10
1.b.	Implementation Plan	3	8	3	9
1.c.	Financial Management	2	7	2	7
1.d.	Procurement and Contract Management	2	7	2	7
<i>Subfactor 2</i>	<i>Past Performance</i>	<i>19</i>	<i>0</i>	<i>19</i>	<i>0</i>
2.a.	Implementation and Expenditures	7	0	7	0
2.b.	Reports	3	0	3	0
2.c.	Closeouts	3	0	3	0
2.d.	Audits	3	0	3	0
2.e.	Findings	3	0	3	0
<i>Subfactor 3</i>	<i>Unfunded Applicants</i>	<i>0</i>	<i>3</i>	<i>0</i>	<i>0</i>
FACTOR 2	NEED/EXTENT OF THE PROBLEM	16	16	17	17
<i>Subfactor 1</i>	<i>Need and Viability</i>	<i>4</i>	<i>4</i>	<i>8</i>	<i>8</i>
<i>Subfactor 2</i>	<i>Project Benefit</i>	<i>12</i>	<i>12</i>	<i>9</i>	<i>9</i>
2.a.	Public Facilities and Improvement Projects	12	12	0	

2.b.	Economic Development Projects	12	12	0	
2.c.	New Housing Construction, Housing Rehabilitation, Land Acquisition to Support New Housing and Homeownership Assistance Projects	12	12	12	12
2.d.	Microenterprise Projects	12	12	0	0
FACTOR 3	SOUNDNESS OF APPROACH	33	33	30	30
<i>Subfactor 1</i>	<i>Description of and Rationale for Proposed Project</i>	<i>10</i>	<i>10</i>	<i>8</i>	<i>8</i>
<i>Subfactor 2</i>	<i>Budget and Cost Estimates</i>	<i>9</i>	<i>9</i>	<i>8</i>	<i>8</i>
<i>Subfactor 3</i>	<i>HUD Policy Priorities</i>	<i>2</i>	<i>2</i>	<i>2</i>	<i>2</i>
<i>Subfactor 4</i>	<i>Commitment to Sustain Activities</i>	<i>12</i>	<i>12</i>	<i>12</i>	<i>12</i>
4.a.	Public Facilities and Improvement Projects	12	12	0	0
4.b.	New Housing Construction, Housing Rehabilitation and Homeownership Assistance Projects	12	12	12	12
4.c.	Economic Development Projects	12	12	0	0
4.d.	Microenterprise Programs	12	12	0	0
4.e.	Land Acquisition to Support New Housing	12	12	0	0

Factor 4	LEVERAGING RESOURCES	8	8	10	10
Factor 5	COMPREHENSIVENESS AND COORDINATION	10	10	10	10
<i>Subfactor 1</i>	<i>Coordination</i>	<i>2</i>	<i>2</i>	<i>2</i>	<i>2</i>
<i>Subfactor 2</i>	<i>Outputs and Outcomes</i>	<i>8</i>	<i>8</i>	<i>8</i>	<i>8</i>

Rating Factor 1: Capacity of the Applicant

Maximum Points: 33

This factor addresses the extent to which you have the organizational resources necessary to successfully implement the proposed activities in accordance with your implementation schedule. Past performance in administering ICDBG grants will be taken into consideration. You must address the existence or availability of these resources for the specific type of activity for which you are applying. HUD will not rate any projects further that do not receive a minimum of 15 points under this factor. Applicants for both Category One and Category Two will be rated as current grantees or new ICDBG applicants as applicable.

1. Managerial, Technical, and Administrative Capability, (14 points for current ICDBG grants in both categories of funding, 30 points for new applicants in Category One, and 33 points for new applicants in Category Two). Your application must demonstrate that you possess or can obtain managerial, technical, and/or administrative capability necessary to carry out the proposed project. It must address who will administer the project and how you plan to handle the technical aspects of executing the project in accordance with your implementation schedule. Typical documents that may be submitted include, but are not limited to, written summaries of qualifications and past experience of proposed staff, descriptions of staff responsibilities, and references or letters of endorsement from others who have worked with the proposed staff. Do not submit job descriptions or resumes. Do not submit Social Security Numbers of any personnel or consultants.

a. Managerial and Technical Staff (7 points for current applicants applying for both categories of funding, 8 points for new applicants in Category one, and 10 points for new applicants in Category Two) .

The extent to which your application describes the roles/responsibilities and the knowledge/experience of your proposed project director and key staff, including the

day-to-day program manager and, consultants in planning, managing, and implementing projects in accordance with the implementation schedule for which funding is being requested. Experience will be judged in terms of relevant, recent, and successful experience of all key staff to undertake eligible program activities. In rating this factor, HUD will consider experience pertaining to the specific activities being proposed or the specific roles and responsibilities described in the application to be relevant, experience within the last 5 years to be recent, and evidence of meeting or exceeding timetables of past projects to be successful. The more relevant, recent, and successful the experience of staffs who will work on the project, the greater the number of points you will receive for this rating factor.

(7 points for current grantees in both categories, 8 points for new applicants in Category One, and 10 points for new applicants in Category Two). The applicant adequately describes the roles/responsibilities and the knowledge/experience of its overall project director and key staff, including the day-to-day program manager and consultants in planning, managing, and implementing projects for which funding is being requested. Experience of all key staff as described in the application is relevant, recent, and successful.

(4 points for current grantees in both categories, 4 points for new applicants in Category One, and 5 points for new applicants in Category Two). The applicant adequately describes the roles/responsibilities and the knowledge/experience of its project director and staff, including the day-to-day program manager and consultants in planning, managing, and implementing projects for which funding is being requested. Experience of all key staff as described in the application is relevant, and is either recent, or successful.

(0 points for current grantees and new applicants in both categories). The applicant failed to adequately describe the roles/responsibilities and the knowledge/experience of its project director and key staff, including the day-to-day program manager, consultants, and contractors in planning, managing, and implementing projects for which funding is being requested or staff experience as described in the application is either not relevant, or is not recent, or successful.

b. Project Implementation Plan (3 points for current ICDBG grantees in both categories of funding, 8 points for new applicants in Category One, and 9 points for new applicants in Category Two).

The extent to which your project implementation plan identifies the specific tasks and timelines that you and your partner contractors and/or sub-grantees will undertake to complete your proposed project on time and within budget. The Project Implementation Schedule, form HUD4125, may serve as this required schedule, provided that it is sufficiently detailed to demonstrate that you have clearly thought out your project implementation. To receive full points in this subfactor, your application must demonstrate that contracts can and will be awarded within 180 days from the date the funds are available to the applicant.

(3 points for current ICDBG grantees in both categories, 8 points for new applicants in Category One, and 9 points for new applicants in Category Two). The applicant

submitted a detailed project implementation plan that clearly specifies both tasks and timelines.

(2 points for current ICDBG grantees in both categories and 5 points for new applicants in both categories). The applicant submitted a project implementation plan that specifies both tasks and timelines, however the plan lacks detail.

(0 points for current ICDBG grantees or new applicants in both categories). The applicant did not submit a project implementation schedule that addresses both tasks and timelines.

c. Financial Management (2 points for current ICDBG grantees in both categories of funding and 7 points for new applicants in both categories of funding). This subfactor evaluates the extent to which your application describes how your financial management systems meet the requirements of 24 CFR Part 85 and 24 CFR Part 1003. The application will also be rated on the seriousness/significance of the findings related to your financial management system identified in your current audit. If you are required to have an audit but do not have a current audit, you must submit a letter from your Independent Public Accountant (IPA) that is dated within the past 12 months stating that your financial management system complies with all applicable regulatory requirements. If you are not required to have an audit in accordance with OMB Circular A-133, you will automatically receive maximum points for this portion of the subfactor if you state this fact and provide the other information required by this subfactor. For purposes of this subfactor, a current audit is one which was due to be submitted to the Federal Audit Clearinghouse (FAC) within the 12-month period prior to the application deadline date. To be considered, the audit must be submitted to the FAC prior to the ICDBG application deadline date. Do not submit financial management and/or internal control policies and procedures or your audit with the application.

(2 points for current ICDBG grantees and 7 points for new applicants in both categories). The applicant clearly described how its financial management systems meet the regulatory requirements cited above. The applicant's current audit does not contain any serious or significant findings related to its financial management system, or if there is no current audit, the applicant submitted a letter from its IPA stating that its financial management system complies with all applicable regulatory requirements.

(1 point for current ICDBG grantees and 4 points for new applicants in both categories). The applicant's current audit does not contain any serious or significant findings related to its financial management system, or if there is no current audit, the applicant submitted a letter from its IPA stating that its financial management system complies with all applicable regulatory requirements. The applicant did not clearly describe how its financial management system meets the regulatory requirements cited above.

(0 points for current ICDBG grantees or new applicants in both categories). The applicant's current audit included serious or significant findings related to its financial management systems or, if there is no current audit, the applicant did not submit a letter from its IPA stating its financial management systems comply with all regulatory requirements. The applicant did not describe how its financial management system meets

the regulatory requirements cited above.

d. Procurement and Contract Management (2 points for current ICDBG grantees and 7 points for new applicants in both categories of funding). This subfactor evaluates the extent to which your application describes how your procurement and contract management policies and procedures will meet the requirements of 24 CFR Part 85 and 24 CFR Part 1003. The application will also be rated on the seriousness of the findings related to procurement and contract management identified in your current financial audit. If you are required to have an audit but do not have a current audit, you must submit a letter from your IPA stating that your procurement and contract management system complies with all applicable regulatory requirements. If you are not required to have an audit in accordance with OMB Circular A-133, you will automatically receive maximum points for this portion of the subfactor if you state this fact and provide the other information required by this subfactor. For purposes of this subfactor, a current audit is one which was due to be submitted to the FAC within the 12-month period prior to the application deadline date. To be considered, the audit must be submitted to the FAC prior to the ICDBG application deadline date. Do not submit procurement and contract management policies and procedures or your audit with the application.

(2 points for current ICDBG grantees and 7 points for new applicants in both categories). The applicant clearly described how its procurement and contract management policies and procedures will meet the regulatory requirements cited above. The applicant's current audit does not contain any serious or significant findings related to its procurement and contract management system, or if there is no current audit, the applicant submitted a letter from its IPA stating that its procurement and contract management system complies with all applicable regulatory requirements.

(1 point for current ICDBG grantees and 4 points for new applicants in both categories). The applicant's current audit does not contain any serious or significant findings related to its procurement or contract management system, or if there is no current audit, the applicant submitted a letter from its IPA stating that its procurement and contract management system complies with all applicable regulatory requirements. The applicant did not describe how its procurement and contract management policies and procedures meet the regulatory requirements cited above.

(0 points for current ICDBG grantees or new applicants in both categories). The applicant's current audit included serious or significant findings related to its procurement and contract management systems or if there is no current audit, the applicant did not submit a letter from its IPA stating its procurement and contract management systems comply with all regulatory requirements.

2. Past Performance (19 points for current ICDBG grantees and 0 points for new applicants in both categories of funding). HUD will evaluate your past performance in accordance with regulatory requirements for any previous and related ONAP grant programs, as specified below, for the following performance measures. Applicants are not required to respond to the subfactors related to past performance unless information is requested elsewhere in this rating factor.

a. Implementation and Expenditures (7 points for current ICDBG grantees and 0

points for new applicants in both categories of funding). For this subfactor, performance will be evaluated for all ICDBG grants that are open as of the application due date.

(7 points in both categories). The applicant has met the timeframes established in the HUD-approved implementation schedules, has met all performance goals of previous ICDBGs, and has a remaining balance in the Line of Credit Control System (LOCCS) of no more than 35 percent of total awarded amounts.

(5 points in both categories). The applicant has met the timeframes established in the HUD-approved implementation schedule, has met the majority of all performance goals of previous ICDBGs, and has a remaining balance in LOCCs of no more than 50 percent of total awarded amounts.

(3 points in both categories). The applicant has met the timeframes established in the HUD-approved implementation schedule, has met some performance goals of previous ICDBGs, and has a remaining balance in LOCCs of no more than 70 percent of total awarded amounts.

(0 points in both categories). The applicant has not met the timeframes established in the HUD-approved implementation schedules, has not met performance goals of previous ICDBGs, and has a remaining balance in LOCCs of more than 80 percent of total awarded amounts.

b. Reports (3 points for current ICDBG grantees and 0 points for new applicants in both categories of funding). Annual Status and Evaluation Reports (ASER) and Federal Financial Reports are submitted by the report submission deadlines. The ASER is due 45 days after the end of the federal fiscal year on November 15. Federal Financial Reports are due quarterly on April 30, July 30, October 30, and January 30. For this subfactor, performance will be evaluated for all ICDBGs open during the rating period.

(3 points in both categories). The applicant has submitted both the ASER and Federal Financial Reports for ICDBG programs within 15 calendar days of the report submission deadlines.

(2 points in both categories). The applicant has submitted either the Federal Financial Reports or the ASERs for ICDBG programs within 15 calendar days of the report submission deadlines.

(0 points in both categories). The applicant has submitted neither of the required reports within 15 calendar days of the report submission deadlines.

c. Close-outs (3 points for current ICDBG grantees and 0 points for new applicants in both categories of funding). The applicant has submitted close-out documents to HUD by the required deadline. Close-out documents are required for the ICDBG program within 90 days of the date it is determined that the criteria for close-out at 24 CFR 1003.508 have been met. For this subfactor, performance will be evaluated for all ICDBGs that were closed during the rating period.

(3 points in both categories). The applicant submitted close-out documents to HUD in accordance with the timeframe and criteria at 24 CFR 1003.508.

(0 points in both categories). The applicant has not submitted close-out documents to HUD as required by 24 CFR 1003.508.

d. Audits (3 points for current ICDBG grantees and 0 points for new applicants in both categories of funding). For this subfactor, HUD will review performance in the ICDBG and IHBG programs.

(3 points in both categories). The applicant has submitted annual audits to the Federal Audit Clearinghouse (FAC) for the last two audit periods in accordance with OMB Circular A-133 and its compliance supplements, and within the required timeframe (within 30 days after completion of the audit or 9 months after the fiscal year, whichever is earlier), or if the applicant received an extension of the audit submission date, its audit was received by the extended due date. If an extension was received you must submit a copy of the extension approval letter. Do not submit your audit with the application. Applicants who are not required to submit an annual audit in accordance with OMB Circular A-133 must state this in their application, and explain why not, in order to receive 3 points for this subfactor.

(0 points in both categories). The applicant did not submit annual audits to the FAC for the last two audit periods in accordance with OMB Circular A-133 and its compliance supplements. If the applicant received an extension of the audit submission date, the FAC did not receive an audit by the extended due date, and/or the applicant did not submit a copy of the extension approval letter with the application.

e. Findings (3 points for current ICDBG grantees and 0 points for new applicants in both categories of funding). The applicant has resolved ICDBG and IHBG monitoring findings and controlled audit findings by the established target date, or there are no findings in current reports. Do not submit responses to open monitoring or audit findings with the application. For this subfactor, performance will be evaluated on all open monitoring findings during the rating period.

(3 points in both categories). The applicant resolved open ICDBG and IHBG monitoring findings and controlled audit findings by the established target date. The applicant will receive 3 points if there were no open audit or ICDBG monitoring findings (current grantees only).

(0 points in both categories). The applicant has not resolved open ICDBG and IHBG monitoring findings and/or controlled audit findings by the established target date.

3. Unfunded Applicants (3 points for new applicants in Category One only). Points are provided in this subfactor to applicants who have not received ICDBG awards in recent years. It applies to the tribe, or the tribal organization on whose behalf the tribal organization is submitting the application, not the subrecipient working on the project. If a tribally designated housing entity received a grant on behalf of a tribe in recent years, points will not be provided. This subfactor does not apply to Category Two projects as Category Two funding is a new funding opportunity.

(3 points in Category One). Applicants who did not receive an ICDBG within the last three NOFA application cycles will receive 3 points.

(2 points in Category One). Applicants who did not receive an ICDBG within the last

two NOFA application cycles will receive 2 points.

(1 point in Category One). Applicants who did not receive an ICDBG within the last NOFA application cycle will receive 1 point.

Rating Factor: 2: Need/Extent of the Problem

Maximum Points: 20

Need/Extent of the Problem (16 points in Category One and 17 points in Category Two).

This factor addresses the extent to which there is a need for the proposed project to address a documented problem among the intended beneficiaries.

1. Need and Viability (4 points).

Category One (4 points).

This subfactor requests information on how and why the proposed project is critical to the viability of the cultural, social and/or economic viability of the community. A viable community is determined by the applicant but could be defined as one in which tribal members wish to continue to reside or return to live.

(4 points). Your application includes quantitative information that demonstrates that the proposed project meets an essential community development need and is critical to the viability of the community.

(2 points). Your application includes quantitative documentation but it does not demonstrate that the project meets both an essential community development need and is critical to the viability of the community.

(0 points). Your application does not include quantitative documentation that demonstrates that the proposed project meets either an essential community development need or is critical to the viability of the community.

Category Two (8 points).

Applicants for Category Two funds for mold remediation and prevention must provide third party evidence of mold in their tribally owned or operated housing units. The more concrete evidence you provide of larger amounts of mold in your units, the more points you will receive in this subfactor. The evidence must be provided by a person qualified to make such a determination. You may be able to find persons qualified to make these assessments in your area by contacting Indian Health Service, universities, or state or county health offices, for example. You may also find healthy homes professionals by searching the database of the National Environmental Health Association at www.neha.org/; [credential/HHS/](#), and click on the link for "Find a HHS Credential Holder in Your Area."

You may submit photographs in .jpeg or .jpg format if mold is clearly visible in the units. You may also submit questionnaires completed by occupants of the units in your housing inventory as evidence of the presence of mold. You need not provide third party evidence of mold in each and every unit that you propose to address but you should provide information about the age and construction of the units. It is not recommended that you

conduct an air sample on the units due to the costs of such tests and the seasonal and daily variations in the results of such tests. If residents in your tribally owned or operated housing units have been found ill due to the air quality of their units (such as asthma), please include this in your application. If your tribe/TDHE was among those that participated in HUD's assessment of mold in 2003-2005 and the issues causing the mold have not yet been resolved, please state this in your application as well.

(8 points). The application provided concrete third party evidence of the presence of mold (of more than 10 square feet) in at least 50 percent of the units in the tribe's inventory.

(4 points). The application provided concrete third party evidence of mold (of more than 10 square feet) in at least 30 percent of the tribe's inventory.

(0 points). The application provided third party evidence of mold (of more than 10 square feet) in less than 30 percent of the tribe's housing inventory or did not provide third party evidence of mold.

2. Project Benefit (12 points). Your project benefits the neediest segment of the population, in accordance with the ICDBG program's primary objective defined at 24 CFR 1003.2. The criteria for this subfactor vary according to the type of project for which you are applying.

a. Public Facilities and Improvement Projects (12 points)(Category One only).

The proposed activities benefit the neediest segment of the population, as identified below. In order to meet the requirements of this section, you must submit the most recent data available from the U.S. Census Bureau (see <http://huduser.org>) or you may submit data that are unpublished, not generally available, and not older than the latest data available from the U.S. Census Bureau. If you are submitting demographic data other than that available from the U.S. Census Bureau your application must contain a statement that all of the following criteria have been met:

- Generally available published data are substantially inaccurate or incomplete;
- Data that you submit have been collected systematically and are statistically reliable;
- Data are, to the greatest extent feasible, independently verifiable; and
- Data differentiate between reservation and BIA service area populations, when applicable.

The data accompanying the statement must identify the total number of persons benefiting from the project and the total number of low- and moderate-income persons benefiting from the project. To be considered, supporting documentation must include all of the following: a sample copy of a survey form, an explanation of the methods used to collect the data and a listing of incomes by household including household size.

Applicants proposing projects that will serve a limited clientele with incomes below 80 percent of the area median income (such as Head Start and Temporary Assistance for Needy Families) will receive the full 12 points in this subfactor and do not have to submit demographic information.

(12 points) At least 85 percent of the beneficiaries are low- and moderate-income.

(8 points) At least 75 percent but less than 85 percent of the beneficiaries are low- and moderate-income.

(4 points) At least 55 percent but less than 75 percent of the beneficiaries are low- and moderate-income.

(0 points) Less than 55 percent of the beneficiaries are low- and moderate-income.

b. Economic Development Projects (12 points)(Category One only).

The proposed activities benefit the neediest segment of the population, as identified below. For economic development projects, you may consider beneficiaries of the project as persons served by the project and/or persons employed by the project, and jobs created or retained as a result of the project. For persons served by the project, you must submit the most recent data available from the U.S. Census Bureau (see <http://huduser.org>) or you may submit data that are unpublished, not generally available, and not older than the latest data available from the U.S. Census Bureau as described in 2.a. above.

For documenting persons employed by the project, you do not need to submit a demographic data statement and corresponding documentation. However, you do need to submit information that describes the nature and number of the jobs created or retained for low- and moderate- income people. Such information includes, but is not limited to, brief descriptions of proposed job responsibilities, job titles, salaries, and the number of full-time equivalent positions. If you believe jobs will be retained as a result of the ICDBG project, include information that shows clearly and objectively that jobs will be lost without the ICDBG project. Jobs that are retained only for the period of the grant will not count under this rating factor.

(12 points) At least 85 percent of the beneficiaries are low- and moderate-income.

(8 points) At least 75 percent but less than 85 percent of the beneficiaries are low- and moderate-income.

(4 points) At least 55 percent but less than 75 percent of the beneficiaries are low- and moderate-income.

(0 points) Less than 55 percent of the beneficiaries are low- and moderate-income.

c. Category One Projects for New Housing Construction, Housing Rehabilitation, Housing Acquisition, Land Acquisition to Support New Housing, and Homeownership Assistance Projects and Category Two Projects for Mold Remediation (12 points).

The need for the housing proposed project is determined by utilizing data from the tribe's 2014 IHBG formula information. The ratio is based on the dollars allocated to a tribe under the IHBG program for need divided by the sum of the number of American Indian and Alaskan Native (AIAN) households in the following categories: annual income below 80 percent of the median; overcrowded or without kitchen or plumbing; housing cost burden greater than 50 percent of annual income, and housing shortage (number of low income AIAN households less total number of NAHASDA and Formula Current

Assisted Stock). This amount has been computed for each tribe and posted in the “Factor 2 Needs Table” that is available in the zip file with the Application Instructions for the ICDBG program at http://www.grants.gov/applicants/apply_for_grants.jsp.

(12 points) The dollar amount for the Indian tribe is \$327 - \$750 or the tribe’s total FY2014 IHBG amount was \$100,000 or less and the Needs Table indicates that the Indian tribe has American Indian and Alaskan Natives (AIAN) households experiencing income or housing problems.

(8 points) The dollar amount for the Indian tribe is \$751 - \$1,250.

(4 points) The dollar amount for the Indian tribe is \$1,251 - \$3,999.

(0 points) The dollar amount for the Indian tribe is \$4,000 or higher, or the Needs Table indicates that the Indian tribe has no AIAN households experiencing income or housing problems

d. Microenterprise Programs (12 points)(Category One Only).

A microenterprise is a business that has five or fewer employees, one or more of whom owns the enterprise. The owner(s) of the microenterprise must be low-and moderate-income and the majority of the jobs created or retained will be for low- and moderate-income persons. To evaluate need, the nature of the jobs created or retained will be evaluated. For documenting persons employed by the project, you do not need to submit a demographic data statement and corresponding documentation. However, you do need to submit information that describes the nature and number of the jobs created or retained for low- and moderate-income people. Such information includes, but is not limited to, brief descriptions of proposed job responsibilities, job titles, salaries, and the number of full-time equivalent positions. If you believe jobs will be retained as a result of the ICDBG project, include information that shows clearly and objectively that jobs will be lost without the ICDBG project. Jobs that are retained only for the period of the grant will not count under this rating factor. The owners of the microenterprises are low-and moderate-income and:

(12 points) All employees are low-and moderate-income.

(8 points) At least 75 percent but less than 100 percent of the employees are low-and moderate-income.

(4 points) At least 50 percent but less than 75 percent of the employees are low-and moderate-income.

(0 points) Less than 50 percent of the employees are low-and moderate-income.

Rating Factor 3: Soundness of Approach

Maximum Points: 33

This factor addresses the quality and anticipated effectiveness of your proposed project to enhance community viability and meet the needs you have identified in Rating Factor 2. It also examines your ability and willingness to sustain your proposed project over time. The populations that were described in Rating Factor 2 should be the same populations that will receive the primary benefit of the proposed project. For Category Two projects, the more comprehensive your mold remediation project, the more points you will

receive.

1. Description of and Rationale for Proposed Project (10 points for Category One; 8 points for Category Two).

(10 points for Category One and 8 points for Category Two). The proposed project is a feasible and cost effective approach to address the needs outlined under Rating Factor 2 of the application. The proposed project is described in detail and you indicate why you believe it will be most effective in addressing the identified need. In order for an application to receive full points under this factor, the application must demonstrate how the community's viability will be enhanced, as explained and presented in Rating Factors 2 and 5. The application includes a description of the size, type, and location of the project and a rationale for project design. If your application is for construction of housing or a public facility building or rehabilitation project, it must also include anticipated cost savings due to program design or construction methods. For land acquisition to support new housing projects, you must establish that there is a reasonable ratio between the number of net usable acres to be acquired and the number of low- and moderate-income households to benefit from the project. For Category Two projects you have included detailed plans to implement long term strategies to permanently remediate mold in your tribally owned or operated units rather than short term interventions. You are proposing to permanently address the source of moisture entering or dispersing in the homes. In addition, you have identified construction materials and techniques known to resist mold that you plan to use and the training and technical assistance you will seek to educate staff about safe methods of assessing and remediating mold. You also have developed a plan to educate occupants of the remediated units on ways to prevent mold from reoccurring. To receive the full 10 points in this subfactor you must demonstrate for both categories of funding that you will train and employ Section 3 residents and contract with Section 3 business concerns unless doing so would be inconsistent with the preference for Indians under section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450(c(b))).

(7 points in Category One and 6 points in Category Two). The proposed project is a feasible and cost-effective approach to address the needs outlined under Rating Factor 2 of the application. The project is described in detail and indicates why you believe the project will be most effective in addressing the identified need. The application includes a description of the size, type, and location of the project, as well as a rationale for project design. For land acquisition to support new housing projects, the applicant has established that there is a reasonable ratio between the number of net usable acres to be acquired and the number of low- and moderate-income households to benefit from this project. The application (for construction of housing or a public facility building or rehabilitation projects) does not include anticipated cost savings due to program design or construction methods. For Category Two projects you propose to implement long term strategies to remediate mold in your tribally owned or operated units and to address the source of moisture entering or dispersing in the homes but did not include much detail. You have identified the construction materials and techniques known to resist mold that you plan to use but have not included much detail about training and technical assistance you will seek to educate staff about safe methods of assessing and remediating mold. Plans to educate occupants of the remediated units on ways to prevent mold from

reoccurring are either not included or are vague.

(5 points in Category One and 4 points in Category Two). The proposed project is a feasible and cost-effective approach to address the needs outlined under Rating Factor 2 of the application. The project is described and you indicate why you believe the project will be most effective in addressing the identified need. The application includes a description of the size, type, and location of the project. For land acquisition to support new housing projects, the applicant has established that there is a reasonable ratio between the number of net usable acres to be acquired and the number of low- and moderate-income households to benefit from the project. The application (for construction of housing or a public facility building or rehabilitation activities) does not include anticipated cost savings due to program design or construction methods. For Category Two projects you proposed to implement long term strategies to remediate mold and address the source of moisture entering the homes but did not include much detail. You have not identified construction materials or techniques you plan to use or did not identify training or technical assistance you plan to use to educate staff about mold remediation. Nor have you developed a plan to educate occupants of the remediated units on ways to prevent mold from reoccurring.

(0 points in both categories). The proposed project is not a feasible and cost-effective approach to address the needs outlined under Rating Factor 2 of the application. The proposed project is not described in detail with an indication of why the applicant believes the project will be most effective in addressing the identified need. For land acquisition to support new housing projects, the applicant has not established that there is a reasonable ratio between the number of net usable acres to be acquired and the number of low- and moderate-income households to benefit from the project. The application (for construction of housing or a public facility building and rehabilitation activities) does not include anticipated cost savings due to program design or construction methods. For Category Two projects, the application did not include any details about plans to remediate or prevent mold from reoccurring.

2. Budget and Cost Estimates (9 points in Category One and 8 points in Category Two).

The budget is thorough and reasonable, and all costs are documented. If you are applying for both categories of funding you must submit two budgets, one for each category. In addition, if you are proposing more than one project in Category One, you must include a separate budget for each project.

(9 points in Category One and 8 points in Category Two). Cost estimates are reasonable and broken down by line item for each proposed activity, including planning and administration costs. A description of the qualifications of the person who prepared the cost estimate is provided.

(5 points in Category One and 4 points in Category Two). Cost estimates are reasonable but are not broken down by line item for each proposed activity, including planning and administration costs. A description of the qualifications of the person who prepared the cost estimate is not provided.

(0 points in both categories). Cost estimates are not provided.

3. HUD NOFA Priorities (2 points in both categories). Your application addresses the goals of “Promote Economic Development and Economic Resilience” and/or “Increase Energy Efficiency and the Health and Safety of Homes”, two of HUD’s FY2014 policy priorities, as described in Appendix A of the **General Section**

Applicants that propose projects to undertake activities to promote economic development and economic resilience will receive one policy point. Applicants that propose projects to increase energy efficiency and the health and safety of homes will also receive one policy point.

a. To receive one point under the policy priority for promoting economic development and economic resilience applicants must show how their proposed activities will (1) create jobs for low income people, and estimate the number and types of jobs; (2) create business opportunities for small and/or disadvantaged businesses; and or (3) create a flow of investment of private and other public capital into (a) a small and disadvantaged business or (b) nonprofit activities serving low income people; and/or (4) any combination of the above.

b. To receive one point under the policy priority for increasing energy efficiency and the health and safety of homes, applicants must either meet a green building standard or a renewable energy standard as described below.

1. Green Building Standard: The applicant commits to pursue a comprehensive, industry-recognized green building standard and certification for green building, such as the Enterprise Green Communities Criteria; the ICC 700 National Green Building Standard; LEED ND, LEED-H, LEED-H Midrise, LEED-NC, or one of a number of regionally-recognized green building standards such Earthcraft House, Earthcraft Multifamily, Earth Advantage New Homes, Greenpoint Rated New Home, Greenpoint Rated Existing Home (Whole House or Whole building label), or other industry-recognized green building standard in HUD’s sole discretion. Additionally, the applicant must later submit a certification of completion, and provide evidence that the green building standard has been achieved.

2. Renewable Energy Standard: The applicant certifies that the proposed project will incorporate renewable energy technologies such as on-site Solar Photovoltaic (PV) or Solar Thermal Electric, as well as Landfill Gas, Wind Energy, Biomass, Geothermal Electric, Combined Heat and Power, Municipal Solid Waste, Small Hydroelectric, Fuel Cells using Renewable Fuels) in any federally assisted property receiving funds through this NOFA.

3. Commitment to Sustain Activities (12 points in both categories of funding).

Your application demonstrates your commitment to your community’s viability by sustaining your proposed activities. The information provided is sufficient to determine that the project will proceed effectively.

The criteria for this subfactor vary according to the type of project for which you are applying.

a. Public Facilities and Improvement Projects (12 points)(Category One only).

(12 points). If a tribe or an entity other than the tribe will have operation and maintenance responsibilities for the public facilities and improvements, provide a written statement that the tribe has adopted, or the entity has developed, the operation and maintenance plan and commits the necessary funds to provide for these responsibilities. In addition, describe how the operation and maintenance plan addresses maintenance, repairs, insurance, security, and replacement reserves and include a cost breakdown for annual expenses. For public facility or community buildings, a commitment is included in the application that identifies the source of and commits the necessary operating funds for any recreation, social, or other services to be provided. In addition, letters of commitment from service providers are included that address both operating expenses and space needs. For infrastructure projects such as water lines, the operations and maintenance plan need not provide for insurance or security.

(8 points). If a tribe or an entity other than the tribe will have operation and maintenance responsibilities for the public facilities and improvements, provide a written statement that the tribe has adopted, or the entity has developed, the operation and maintenance plan and commits the necessary funds to provide for these responsibilities. In addition, a description was included that shows that the operation and maintenance plan addresses only four of the following items (maintenance, repairs, insurance, security, and replacement reserves) but a satisfactory cost breakdown for annual expenses was not included. For public facility or community buildings, a commitment is included in the application that identifies the source of and commits the necessary operating funds for any recreation, social, or other services to be provided. In addition, letters of commitment from service providers are included that address both operating expenses and space needs.

(4 points). If a tribe or an entity other than the tribe will have operation and maintenance responsibilities for the public facilities and improvements, the application includes a written statement that the tribe has adopted, or the entity has developed, the operation and maintenance plan and commits the necessary funds to provide for these responsibilities. A description of the operation and maintenance plan is included that shows that the plan addresses only three of the following items (maintenance, repairs, insurance, security, and replacement reserves). A satisfactory cost breakdown for annual expenses was not included. Letters of commitment to provide services are included but they do not address operating expenses and space needs.

(0 points). None of the above criteria is met.

b. New Housing Construction, Housing Rehabilitation, and Homeownership Assistance Projects, Housing Acquisition, and Mold Remediation Projects (12 points in both categories of funding).

(12 points in both categories). The ongoing maintenance responsibilities are described in detail for the tribe and/or the participants, as applicable. If the tribe or another entity is assuming maintenance responsibilities, then the applicant must provide a commitment to that effect.

(8 points in both categories). Maintenance responsibilities for the tribe and/or participants are described but lack detail, and the commitment regarding maintenance

responsibilities of the tribe or another entity is submitted.

(4 points in both categories). Maintenance responsibilities are mentioned but little description is provided, or the description is inadequate or inappropriate.

(0 points in both categories). None of the above criteria is met.

c. Economic Development Projects (12 points)(Category One only).

In addition to information requested in the economic development threshold requirement at Section III.C.3.c. of this NOFA, you must describe: how your project will operate; why it is needed in your market/area; and how and why the project will succeed.

(12 points). All three components have been addressed and evidence is provided that the project's chance for financial success is excellent.

(8 points). Two of the above components have been addressed and evidence is provided that the project's chance for financial success is reasonable.

(4 points). One of the above components has been addressed and evidence is provided that the project's chance for financial success is reasonable.

(0 points). None of the above components have been addressed.

d. Microenterprise Programs (12 points)(Category One only).

Your application must include a description of your microenterprise program including the types of assistance offered to microenterprise applicants and the types of entities eligible to apply for such assistance. You must describe your processes for analyzing microenterprise applicants' business plans, market studies, and financial feasibility. For credit programs, you must describe your process for determining the loan terms (i.e. interest rate, maximum loan amount, duration, loan servicing provisions) to be offered to individual microenterprise applicants.

(12 points). All of the above information or documentation applicable to the proposed project is thoroughly addressed in the application and evidence is provided that the chance for success is excellent.

(8 points). All of the above information or documentation applicable to the proposed project is addressed in the application but lacking in detail and evidence is provided that the chance for success is reasonable.

(4 points) All of the above information or documentation applicable to the proposed project is listed in the application but lacking in detail and evidence is provided that the chance for success is marginal.

(0 points). None of the above criteria is met.

e. Land Acquisition Projects to Support New Housing (12 points)(Category One only).

Applications must include the results of a preliminary investigation conducted by a qualified independent entity demonstrating that the proposed site has: suitable soil conditions for housing and related infrastructure; potable drinking water accessible for a reasonable cost; access to utilities; vehicular access; drainage; nearby social and

community services; and no known environmental problems.

(12 points). The application includes all of the above-mentioned site survey items and all necessary infrastructure is in place.

(8 points). The application includes all of the above-mentioned site survey items; however, all necessary infrastructure is not in place. A detailed description of resources to be used and a detailed implementation schedule for development of all necessary infrastructure indicates such infrastructure, as needed for proposed housing development, will be developed in time for unit construction, but no later than two years after site purchase.

(4 points). The application includes all of the above-mentioned site survey items, however all infrastructure is not in place. A description of resources to be used and an implementation schedule for the development of the necessary infrastructure is included, however, it is not detailed and/or does not indicate that infrastructure will be in place no later than two years after site purchase.

(0 points). None of the above criteria is met.

Rating Factor 4: Leveraging Resources

Maximum Points: 10

HUD believes that ICDBG funds can be used more effectively to benefit a larger number of Native American and Alaska Native persons and communities if projects are developed that use tribal resources and resources from other entities in conjunction with ICDBG funds. To encourage this, HUD will award points based on the percentage of non-ICDBG resources provided relative to project costs as follows:

<u>Non-ICDBG Resources to Project Costs</u>	<u>Points</u>	
	<u>Category One</u>	<u>Category Two</u>
Less than 4 percent	0	0
At least 4 percent but less than 11 percent	2	2
At least 11 percent but less than 18 percent	4	4
At least 18 percent but less than 25 percent	6	6
25 percent or more	8	8
30 percent or more (Category Two Only)	N/A	10

Contributions that could be considered as leveraged resources for point award include, but are not limited to: tribal trust funds, loans from individuals or organizations, private foundations, businesses, state or federal loans or guarantees, other grants including IHBG (also known as NAHBG) funds, donated goods and services needed for the project, land needed for the project, and direct administrative costs. With the exception of land acquisition, funds that have been expended on the project prior to the application deadline date will not be counted as leverage. Applicants are reminded that environmental review requirements under 24 CFR Part 58 apply to the commitment or

environmental review requirements under 24 CFR Part 58 apply to the commitment or use of both ICDBG and non-ICDBG funds in a leveraged project. See Section VI.B. of this NOFA for information related to this requirement.

Contributions that will not be considered include, but are not limited to: indirect administrative costs as identified in Appendices A and E of 2 CFR Part 225; contributions of resources to pay for anticipated operations and maintenance costs of the proposed project; and, in the cases of expansions to existing facilities, the value of the existing facility.

To obtain points for this rating factor, letters of firm or projected commitments, memoranda of understanding, or agreements to participate from any entity, including the tribe that will be providing a contribution to the project, must accompany the application. The documentation must be received by HUD in the paper application package (if you have received a waiver of the electronic submission requirement) or for electronically submitted applications, the documentation must be scanned and submitted as part of the application documents or sent by facsimile transmittal (see the **General Section**). To receive funding consideration, all documents must be received by the application deadline date and meet the timely receipt requirements.

To demonstrate the commitment of tribal resources, the application must contain a written statement that identifies and commits the tribal resources to the project, subject to approval of the ICDBG assistance. In the case of IHBG funds, whether the tribe or a TDHE administers them, an approved Indian Housing Plan (IHP) must identify and commit the IHBG resources to the project. Do not submit the IHP with your application. ONAP will rely on the most recently approved IHP on file. If the tribe/TDHE intends to include the leveraged commitment in a future IHP, the application must contain a written statement that identifies and commits the IHBG resources to the project subject to the same requirements as above.

To demonstrate the commitment of a public agency, foundation, or other private party resources, a letter of commitment, memorandum of understanding, and/or agreement to participate, including any conditions to which the contribution may be subject, must be submitted with the application. All letters of commitment must include the donor organization's name, the specific resource proposed, the dollar amount of the financial or in-kind resource and method for valuation, and the purpose of that resource within the proposed project. An official of the organization legally authorized to make commitments on behalf of the organization must sign the commitment.

HUD recognizes that in some cases, firm commitments of non-tribal resources may not be obtainable by your tribe by the application deadline. For such projected resources, your application must include a statement from the contributing entity that describes why the firm commitment cannot be made at the current time and affirms that your tribe and the proposed project meets eligibility criteria for receiving the resource. In addition, a date by which the funding decisions will be made must be included. This date cannot be more than six months from the anticipated date of grant approval by HUD. Should HUD not receive notification of a firm commitment or provide HUD with an amended application that meets criteria at 24 CFR 1003.305, within six months of the date of grant approval, HUD will recapture the grant funds approved and will use them in accordance with the

requirements of 24 CFR 1003.102.

In addition to the above requirements, for all contributions of goods, services and land, you must demonstrate that the donated items are necessary to the actual development of the project and include comparable costs that support the donation. Land valuation must be established using one of the following methods and the documentation must be contained in the application: a site-specific appraisal no more than two years old; an appraisal of a nearby comparable site also no more than two years old; a reasonable extrapolation of land value based on current area realtor value guides; or a reasonable extrapolation of land value based on recent sales of similar properties in the same area.

Rating Factor 5: Comprehensiveness and Coordination

Maximum Points: 10

This factor addresses the extent to which your project planning and proposed implementation reflect a coordinated, community-based process of identifying and addressing needs of your tribal community. If your community has developed a comprehensive plan to improve the viability of the community, the project(s) should fit into that plan. This factor also examines the level of support for the project(s) from tribal organizations and departments that are not providing direct financial support for the project(s).

The application should describe the project's specific and quantifiable outputs, outcomes, and goals for enhancing community viability. The application should also indicate how it will measure and evaluate progress toward meeting the goals. Applicants that are funded will be required to report on the proposed outcomes and outputs as spelled out in Section VI.C.1.b. of this NOFA.

1. Coordination (2 points in both categories of funding). The application addresses the extent to which you intend to use ICDBG as a catalyst for coordination with other organizations and/or tribal departments that are not providing direct financial support to your proposed work activities and with whom you are working to meet objectives in a holistic and comprehensive manner.

(2 points). Partnering organizations that will not be providing leveraged resources to the project have been identified and the nature of the coordination has been described.

(0 points). The application did not identify partnering organizations or did not describe the nature of the coordination efforts.

2. Outputs and, Outcomes (up to 8 points in both categories of funding). The extent to which your application includes quantifiable outputs and, outcomes for your project(s) that enhance community viability. If your application is funded you will be required to report on these.

Depending on the type of project(s) proposed and HUD policy priority chosen, outputs could include:

- Number of housing units rehabilitated;
- Number of units in which mold has been remediated;
- Number of units in which mold prevention activities have been conducted;
- Number of jobs created;

- Number of housing units constructed;
- Number of community facilities built;
- Dollars invested;
- Square feet for any public facility;
- Number of education or job training opportunities provided;
- Number of homeownership units constructed or financed;
- Number of businesses supported (including number of minority/Native American);
- Number of families proposed to be assisted through a drug-elimination program, or through a program to reduce or eliminate health-related hazards; \
- Number of persons assisted; or
- Linear feet of infrastructure.

You may also include other outputs applicable to your project(s).

Depending on the type of project(s) proposed, outcomes could include:

- Reduction in the number of families living in substandard housing;
- Reduction in the number of individuals with health-related illnesses resulting from mold in their housing units;
- Reduction in overcrowding;
- Increased income resulting from employment generated by project;
- Increased quality of life due to services provided by the public facility;
- Increased economic self-sufficiency of program beneficiaries;
- Increase in homeownership rates;
- Reduction of drug-related crime or health-related hazards;
- Units connected to gas, phone or electric lines/roads/water/sewer;
- Accessibility for disabled persons; or
- Improved energy efficiency.

You may also include other outputs applicable to your project(s).

(8 points). The application included quantifiable outputs and outcomes for the proposed activity that enhance community viability.

(4 points). The application included quantifiable outputs, but not outcomes, or vice versa. Or the application submitted both but neither was quantifiable.

(0 points). The application did not address outputs or outcomes.

A.2. NOFA Priorities.

HUD Policy Priorities are included in Rating Factor 3, Subfactor 3 above.

A.3. Bonus Points

HUD encourages activities in communities with Preferred Sustainability Status (PSS) and/or Promise Zones (PZ). HUD will award two (2) points for qualified activities supporting either designation or both. In no case will HUD award more than two bonus points for these activities. The criteria and documentation that must be provided to receive these points are detailed in Section V of the General Section. These points will be

considered only if the application meets or exceeds the Program's minimum fundable score based on the rating factors of this NOFA.

B. Reviews and Selection Process.

1. Application Selection Process. HUD will review each application and assign points in accordance with the selection factors described in this section.

2. Application Screening. The Area ONAP will screen applications for Category One Single Purpose grants. HUD Headquarters will screen applications for Category Two applications. Applications that fail this screening will be rejected. ONAP will accept your application if it meets all the criteria listed below as items (a) through (e).

a. Your application is received or submitted in accordance with the requirements set forth under Application and Submission Procedures in Section IV of this NOFA;

b. You are eligible;

c. The proposed project is eligible;

d. Your application contains substantially all the components specified in Section IV. B. of this NOFA; and

e. Your application shows that at least 70 percent of the grant funds are to be used for activities that benefit low- and moderate-income persons, in accordance with the requirements of 24 CFR 1003.208. For screening purposes only, HUD will use data prepared by the U.S. Census Bureau (and posted at <http://www.huduser.org>) if the data you submitted does not meet this screening requirement. For housing activities, all ICDBG-assisted units must be occupied by low- and moderate-income households in accordance with 24 CFR 1003.208(c).

3. Threshold Compliance. ONAP will review each application that passes the screening process to ensure that each applicant and each proposed project meets the submission thresholds in Section III.C.2. and C.3. of the **General Section** and the program and project-related thresholds listed in Section III.C. of this NOFA, and 24 CFR 1003.301(a) and 1003.302.

4. Past Performance. An applicant's past performance is evaluated under Rating Factor 1. Applicants are encouraged to address all performance-related criteria prior to the application deadline date. An applicant must score a minimum of 15 points under Rating Factor 1 in order to meet the minimum point requirements outlined below in this NOFA.

5. Rating. The Area ONAP will review and rate each Category One project that meets the acceptance criteria and threshold requirements. Category Two projects will be reviewed and rated by a team at HUD Headquarters in one national competition. After the applications are rated, a review of all applications will be conducted to ensure consistency in the application rating. The review of Category One applications will be performed by either the Grants Management Director (or designee) or by a panel composed of up to three staff members. Category Two projects will be reviewed by the Grants Management Director at HUD headquarters.

6. Minimum Points. To be considered for funding, your application under both categories

of funding must receive a minimum of 15 points under Rating Factor 1 and an application score of 70 points.

7. Ranking. All Category One applications will be ranked against each other according to the point totals they receive by the Area ONAP, regardless of the type of project or component under which the points were awarded. Projects will be selected for funding based on the final ranking to the extent that funds are available. The Area ONAP will determine individual grant amounts in a manner consistent with the considerations set forth in 24 CFR 1003.100(b)(2). Specifically, the Area ONAP may approve a grant amount less than the amount requested. In doing so, the Area ONAP may take into account the size of the applicant, the level of demand, the scale of the activity proposed relative to need and operational capacity, the number of persons to be served, the amount of funds required to achieve project objectives, and the reasonableness of the project costs. If the Area ONAP determines that there are not enough funds available to fund a project as proposed by the applicant, it may decline to fund that project and may fund the next highest-ranking project or projects for which adequate funds are available. The Area ONAP shall select, in rank order, additional projects for funding if one of the higher-ranking projects is not funded or if additional funds become available. Category Two projects will be ranked by a team at HUD Headquarters in one national competition.

8. Tiebreakers. When rating results in a tie among projects and insufficient resources remain to fund all tied projects, the Area ONAP will approve projects that can be fully funded over those that cannot be fully funded. When that does not resolve the tie, the Area ONAP will use the following factors in the order listed to resolve the tie:

- a. The applicant that has not received an ICDBG for the longest period of time.
- b. The applicant with the fewest active ICDBGs.
- c. The project that would benefit the highest percentage of low- and moderate-income persons.

When rating results in a tie among Category Two projects, funds will be awarded to all tied applicants if each award will permit the applicant to resolve the source of moisture and remediate mold in at least half of the units owned and operated by the applicant.

9. Technical Deficiencies and Pre-award Requirements.

a. Technical Deficiencies. If there are technical deficiencies in successful applications, you must satisfactorily address these deficiencies before HUD can make a grant award. See the **General Section** at V.B.2. for information on curing deficiencies.

b. Pre-award Requirements. Successful applicants may be required to provide supporting documentation concerning the management, maintenance, operation, or financing of proposed projects before a grant agreement can be executed. Such documentation may include additional specifications on the scope, magnitude, timing or method of implementing the project; or information to verify the commitment of other resources required to complete, operate, or maintain the proposed project. HUD will notify applicants by facsimile or via the U.S. Postal Service, return receipt requested. Applicants will be provided fourteen (14) calendar days from the date of receipt of the HUD notification to respond to these requirements. No extensions will be provided. If the deadline date falls

on a Saturday, Sunday, or federal holiday, your response must be received by HUD on the next day that is not a Saturday, Sunday, or federal holiday. If you do not respond within the prescribed time period or you make an insufficient response, the Area ONAP will determine that you have not met the requirements and will withdraw the grant offer. You may not substitute new projects for those originally proposed in your application and any new information will not affect your project's rating and ranking. The Area ONAP will award, in accordance with the provisions of this NOFA, grant amounts that had been allocated for applicants unable to meet pre-award requirements.

c. The time period for calculating the response deadline for technical deficiencies and pre-award requirements begins on the day after receipt of the pre-award letter from the Area ONAP.

10. Agency Errors. Judgments made within the provisions of this NOFA and the program regulations (24 CFR Part 1003) are not subject to claims of error. You may bring arithmetic errors in the rating and ranking of applications to the attention of the Area ONAPs within 30 days of being informed of your score. Please see Section VI.A. of the **General Section** for further information regarding errors.

11. Performance and Compliance Actions of Funding Recipients. HUD will measure and address the performance of and order compliance actions by funding recipients in accordance with the applicable standards and sanctions of their respective programs.

C. Anticipated Announcement and Award Dates.

HUD expects to announce awards by September 30, 2014.

VI. Award Administration Information.

A. Award Notices.

As soon as rating and ranking are completed, the applicant has complied with any pre-award requirements, and HUD's Office of the Assistant Secretary for Congressional and Intergovernmental Relations has notified the Appropriations Committees and applicable members of Congress, a grant award letter, a grant agreement, and other forms and certifications will be mailed to the recipient for signature and return to the Area ONAP. The grant agreement, which is signed by HUD and the recipient, establishes the conditions by which both the Area ONAP and the recipient must abide during the life of the grant. All grants are conditioned on the completion of all environmental obligations and approval of release of funds by the Area ONAP in accordance with the requirements of 24 CFR Part 58. HUD may impose other grant conditions, if additional actions or approvals are required, before the use of funds.

B. Administrative and National Policy Requirements.

Certain Administrative and National Policy Requirements apply to all HUD programs, including this NOFA. For a complete list of these requirements, see Section VI.B. of the General Section.

1. Statutory and Regulatory Requirements.

a. Environmental Requirements. As required by 24 CFR 1003.605, ICDBG grantees must perform environmental reviews of ICDBG activities in accordance with 24 CFR Part 58. Grantees and other participants in the development process may not commit or expend any ICDBG or nonfederal funds on project activities (other than those listed in 24 CFR 58.22(f), 58.34 or 58.35(b)) until HUD has approved a Request for Release of Funds and environmental certification submitted by the grantee. The expenditure or commitment of ICDBG or nonfederal funds for such activities prior to HUD approval may result in the denial of assistance for the project or activities under consideration.

b. Conflict of Interest. In addition to the conflict of interest requirements with respect to procurement transactions found in 24 CFR 85.36 and 84.42, as applicable, the provisions of 24 CFR 1003.606 apply to such activities as the provision of assistance by the recipient or sub-recipients to businesses, individuals, and other private entities under eligible activities that authorize such assistance.

c. Compliance with the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109-282) (Transparency Act), as amended. Prime Grant Awardee Reporting. Prime recipients of the Department's financial assistance are required to report certain subawards in the Federal Funding Accountability and Transparency Act Subaward System (FSRS) website located at www.fsr.gov or its successor system for all prime awards listed on the FSRS website. Starting with awards made October 1, 2010, prime financial assistance awardees receiving funds directly from the Department were required to report subawards and executive compensation information both for the prime award and subaward recipients, including awards made as pass-through awards or awards to vendors, if the initial prime grant award is \$25,000 or greater, or the cumulative prime grant award will be \$25,000 or greater if funded incrementally as directed by HUD in accordance with OMB guidance; and the subaward is \$25,000 or greater, or the cumulative subaward will be \$25,000 or greater. For reportable subawards, if executive compensation reporting is required and subaward recipients' executive compensation is reported through the SAM system, the prime recipient is not required to report this information. The reporting of award and subaward information is in accordance with the requirements of the Transparency Act, as amended by section 6202 of Public Law 110-252, and OMB Guidance issued to the Federal agencies on September 14, 2010 (75 FR 55669) and in OMB Policy guidance. Please refer to <https://www.fsr.gov/> for complete information on requirements under the Transparency Act and OMB guidance.

d. Compliance with Section 872 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Pub. L. 110-417), hereafter referred to as "Section 872". See Section III.C.4.w. of the **General Section**. Section 872 requires the establishment of a government-wide data system – the Federal Awardee Performance and Integrity Information System (FAPIIS) - to contain information related to the integrity and performance of entities awarded federal financial assistance and making use of the information by federal officials in making awards. OMB is in the process of issuing regulations regarding federal agency implementation of section 872 requirements. A technical correction to the **General Section** may be issued when such regulations are promulgated.

2. OMB Circulars and Government-wide Regulations Applicable to Financial Assistance Programs. The policies, guidance and requirements of OMB Circular A-87, Cost Principles Applicable to Grants, Contracts and other Agreements with State and Local Governments (2 CFR Part 225 and Appendix A); OMB Circular A-122, Cost Principles for Nonprofit Organizations (2 CFR Part 230); OMB Circular A-133, Audits of State and Local Governments, and Nonprofit Organizations; and the regulations at 24 CFR Part 85, Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments apply to the award, acceptance, and use of assistance under the ICDBG program and to the remedies for noncompliance, except when inconsistent with the provisions of the Consolidated Appropriations Act, 2006 (Pub L. 109-115; approved November 30, 2005) or the ICDBG program regulations at 24 CFR Part 1003. Copies of the OMB Circulars may be obtained from the Executive Office of the President Publications, Room 22000, New Executive Office Building, Washington, DC 20503, telephone (202) 395-3080 (this is not a toll-free number) or (800) 877-8339 (TTY Federal Information Relay Service). Electronic copies of the OMB circulars are located at www.whitehouse.gov/omb/circulars_default. Individuals with speech or hearing impairments may access this number by dialing (800) 877-8339 (toll-free TTY Federal Relay Service).

OMB recently published Guidance for Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards which would supersede the Circulars listed here. HUD is implementing regulations in accordance with the guidance and expects the new regulations will become effective December 26, 2014. FY 2014 grantees will be required to comply with the HUD implementing regulations when they become effective, but shall not use them before the effective date.

3. Program Requirements.

a. Remediation Training. If you receive a grant under Category Two you will be required to participate in webinars and/or live meetings about mold remediation and prevention offered by ONAP, HUD's Office of Healthy Homes and Lead Hazard Control, and other federal agencies prior to the implementation of your mold remediation work.

b. Cooperation with Related Research and Evaluation. If you receive a grant under Category Two you must cooperate fully with any research and evaluation sponsored by HUD including preservation of project data and records and compiling requested information in formats provided by the researchers, evaluators or HUD. The assessment will most likely include questions on housing characteristics, housing conditions, occupancy characteristics, mold characteristics, prevention, remediation, and follow-up. Participant data shall be subject to the Privacy Rule of Health Insurance Portability and Accountability Act of 1996 (HIPAA). HIPAA and the Privacy Rule can be found at <http://www.hhs.gov/ocr/hipaa>. For the programs in this NOFA, HUD does not expect research to be conducted that could affect human subjects.

C. Reporting.

Please refer to Section VI of the General Section for a description of the general reporting requirements applicable to this NOFA.

1. Post-Award Reporting Requirements.

a. Quarterly Financial Reports. ICDBG recipients must submit to the Area ONAP a quarterly SF425, Federal_Financial_Report. The report accounts for funds received and disbursed by the recipient.

b. Annual Status and Evaluation Report. Recipients are required to submit this report in narrative form annually. The report is due 45 days after the end of the federal fiscal year and at the time of grant close-out. The report must include:

- (1) The progress made in completing approved activities (including progress made on proposed outputs and outcomes), a list of work remaining, and with a revised implementation schedule, if necessary;
- (2) A breakdown of funds spent on each major project activity or category; and
- (3) If the project has been completed, an evaluation of the effectiveness of the project in meeting the community development needs of the grantee, as well as the final outputs and outcomes. If you receive a Category Two grant you will be required to provide evidence that the mold you requested funds to remediate has in fact been remediated and the source of the moisture entering or being dispersed in the building has been addressed.

c. Minority Business Enterprise Report. Recipients must submit this report on contract and subcontract activity by October 10 of each fiscal year.

d. Close-out report. A close-out report must be submitted by the recipient within 90 days of completion of grant activities. The report consists of the final Federal Financial Report (SF425), the final Status and Evaluation Report, and the Close-Out Agreement. More information regarding these requirements may be found at 24 CFR 1003.506 and 1003.508.

VII. Agency Contact(s).

HUD staff will be available to provide clarification on the content of this NOFA. Please note that HUD staff cannot assist applicants in preparing their applications.

Questions regarding specific program requirements should be directed to the point of contact listed below.

A. General Questions. You should direct general program questions to the Area ONAP serving your area. A contact list for each Area ONAP can be accessed at <http://www.hud.gov/offices/pih/ih/codetalk/onap/map/nationalmap.cfm>

B. Technical Assistance. Before the application deadline date, HUD staff will be available to provide you with general guidance and technical assistance about the requirements in the General Section and this NOFA. However, HUD staff is not permitted to assist in preparing your application. Following selection of applicants, but before awards

are made, HUD staff is available to assist in clarifying or confirming information that is a prerequisite to the offer of an award.

Questions concerning the General Section should be directed to the Office of Strategic Planning and Management, Grants Management and Oversight Division at 202-708-0667 (this is not a toll-free number).

Persons with hearing or speech impairments may access these numbers via TTY by calling the toll-free Federal Relay Service at 800-877-8339.

VIII. Other Information.

HUD is required to comply with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). This Act governs the collection of information from the public including responses to this NOFA. HUD may not collect this information, and you are not required to complete these forms unless they display current, valid OMB control number(s). The results of this collection will not be published or be used for statistical purposes.

[FR-5800-N-10]