



U.S. Department of Housing and Urban Development

Multifamily Housing

Tenant Education and Outreach

FR-6700-N-46

07/31/2023

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Multifamily Housing

Funding Opportunity Title:

Tenant Education and Outreach

Funding Opportunity Number:

FR-6700-N-46

Assistance Listing Number (formerly CFDA Number):

14.322

Due Date for Applications:

07/31/2023

OVERVIEW

The U.S. Department of Housing and Urban Development (HUD) issues this Notice of Funding Opportunity (NOFO) to invite applications from eligible applicants for the program and purpose described within this NOFO. You, as a prospective applicant, should carefully read all instructions in all sections to avoid sending an incomplete or ineligible application. HUD funding is highly competitive. Failure to respond accurately to any submission requirement could result in an incomplete or noncompetitive proposal.

In accordance with [Title 24 part 4, subpart B](#) of the Code of Federal Regulations (CFR), during the selection process (which includes HUD's NOFO development and publication and concludes with the award of assistance), HUD is prohibited from disclosing covered selection information. Examples of impermissible disclosures include: 1) information regarding any applicant's relative standing; 2) the amount of assistance requested by any applicant; and 3) any information contained in the application. Prior to the application deadline, HUD may not disclose the identity of any applicant or the number of applicants that have applied for assistance.

For further information regarding this NOFO, direct questions regarding the specific requirements of this NOFO to the agency contact identified in section VII.

Paperwork Reduction Act Statement. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501- 3520) (PRA), the Office of Management and Budget (OMB) approved the information collection requirements in this NOFO. HUD may not conduct or sponsor, and a person is not required to respond to a collection of information unless the collection displays a valid OMB control number. This NOFO identifies its applicable OMB control number, unless its collection of information is excluded from these requirements under [5 CFR part 1320](#).

OMB Approval Number(s):

2502-XXXX

I. FUNDING OPPORTUNITY DESCRIPTION

A. Program Description

1. Purpose

This NOFO announces the availability of approximately \$10 million in funds to support tenant capacity building at eligible existing Project-Based Section 8 properties through the Tenant Education and Outreach (TEO) program, with the goal of preserving decent, safe, and sanitary

housing within the Section 8 program. Tenant capacity building is the process of developing and strengthening the skills, abilities, processes, and resources that tenants and tenant organizations need to be active partners in the preservation and improvement of their housing communities. The Department believes that tenant participation is an important element to maintain sustainable projects and communities. The intermediary organization selected through this NOFO will provide and oversee administration of sub-awards to local tenant organizations and support them in their property-specific tenant capacity building work.

Section 514 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (MAHRAA) permits annual Section 8 appropriations to be made available for tenant capacity building and other related activities. Section 534 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000, amended section 514(f)(3) to extend technical assistance to below market properties. HUD has approached tenant capacity building, as authorized under MAHRAA, in multiple ways over the last three decades, using a variety of technical assistance and grant programs. This NOFO builds on the successes and lessons learned from previous efforts funded through MAHRAA, including the Outreach and Training Assistance Grant (OTAG) and Intermediary Technical Assistance Grant (ITAG) programs; the Tenant Resources Network (TRN) program, the VISTA Affordable Housing Preservation Program (VAHPP), and the RAD Community Engagement Initiative (RAD CEI).

The goal of the TEO program, as with previous efforts funded through MAHRAA, is to build the capacity of tenants to be active partners in the preservation of at-risk Multifamily properties. The TEO program builds on the successes of previous program models to empower tenants to advocate for their concerns and engage collaboratively with assisted housing providers. The TEO program will assist tenants in their efforts to work productively with property management, hold management accountable for property conditions, improve management and oversight of these multifamily properties, and advocate for the preservation of affordability.

The Intermediary Award:

The intermediary organization will not directly participate in advocacy activities but will focus on equipping tenants with skills and knowledge to advocate effectively for themselves. Through grants management support, training and technical assistance, the intermediary will build the capacity of tenant leaders to engage in productive discussions with owners and management agents on matters related to property conditions, preservation of affordability, and other decisions that affect their homes.

The intermediary selected through this NOFO will be responsible for:

- Marketing the program to potential sub-applicants;
- Selecting local tenant organizations as sub-recipients;
- Assisting sub-recipients in developing their sub-award budgets;
- Developing measures for assessing the performance of the sub-recipients;
- Holding check-in calls with sub-recipients at least quarterly;
- Reviewing sub-recipient expense reports;
- Submitting quarterly performance reports to HUD;
- Disbursing sub-award funds to sub-recipients;

- Vouchering and other grants management activities through close out; and
- Providing no-cost training and other technical assistance over the performance period of the sub-awards on topics including:
 - Creating an effective budget;
 - Encouraging broad participation by tenants;
 - Formally establishing a tenant organization
 - Roberts Rules of Order
 - Working productively with property management on areas of mutual interest; and
 - Other topics that will build the capacity of tenants to be effective leaders and advocates.

To maximize the time tenant leaders devote to achieving the goals of the program, most of the administrative and financial management responsibilities will be placed on the intermediary organization. The intermediary's grant award will include funds for the administrative costs they will incur when making and managing the sub-awards. The intermediary will develop, in collaboration with each sub-recipient, each sub-recipient's program budget and anticipated use of TEO sub-award funds. The intermediary will monitor the sub-recipients' activities, funds expenditures, and performance reporting.

Measures of the intermediary's success will include:

- The number of sub-award applicants;
- The number of sub-awards made;
- Timely and accurate voucher and report submission;
- The number of tenant organizations participating in training and technical assistance;
- The success of sub-recipient organizations on their performance measures; and
- The feedback received from sub-recipients on their level of satisfaction with the intermediary organization's performance.

The intermediary organization will work with HUD staff before they begin executing sub-award cooperative agreements to develop a set of robust performance measures for sub-recipients that will include:

- Attendance at tenant meetings relative to the total number of tenants at the property;
- Proportion of issues resolved by the sub-recipient (i.e., property condition issues raised with management and resolved to the tenants' satisfaction) by working with property management, the owner, Contract Administrator, HUD, or other stakeholders. Whether an issue is considered resolved will be determined by the sub-recipient; and
- The establishment of partnerships with other local organizations.

The intermediary organization will make recommendations for any additional performance measures as appropriate. The intermediary organization will assist HUD in data tracking on tenant complaints and unresolved issues, and other metrics focused on improvements to the tenant engagement process and extent of involvement. This reporting will be used by HUD in conjunction with data on broader outcomes which tenant engagement may influence, but does not necessarily determine, such as changes in Real Estate Assessment Center (REAC) scores, Management and Occupancy Review (MOR) ratings, completed rehabilitation or repairs, new

tenant services, or contract renewals. Reporting data and HUD administrative data will be used by HUD to evaluate the overall success of the TEO program.

Ineligible Program Activities:

- Lobbying activities
- Construction or rehabilitation of office or meeting space
- Earnest money deposits as part of a purchase offer
- Property improvements
- Recreational activities
- Landlord/tenant legal services for individual assisted households on matters such as evictions or termination of assistance
- Legal services to make a purchase offer on real estate
- Purchase of land or buildings or any improvements to land or buildings.
- Activities funded from other sources, including any costs covered by Resident Participation Funding provided to residents at a property that has converted to PBRA through the Rental Assistance Demonstration (RAD).
- Pre-award costs and activities completed prior to receiving a sub-award

Sub-awards to Tenant Organizations:

The intermediary will assist tenant organizations who receive sub-awards in meeting two core goals:

1. To establish productive relationships between owners and tenants so that they may work together on property conditions and other areas of mutual concern, and
2. To encourage tenant engagement on issues affecting their homes, especially during key transitions at properties, which might include substantial rehabilitation, contract expiration, or changes in ownership.

A cooperative agreement must be executed between each sub-recipient and the intermediary organization in order for the intermediary organization to disburse funds to the sub-recipient. The text of all cooperative agreements and any amendments to those cooperative agreements must be approved by HUD before execution.

Eligible uses of the sub-awards include funding for board members and organizers to attend training events, resident board stipends, and funding for a resident outreach coordinator to promote active participation and connect tenants with resources. Other eligible costs include limited tenant organization overhead costs, such as meeting space rental, legal services for forming a non-profit tenant organization, a cell phone with digital camera for photographing property issues, a laptop or tablet, internet service or a data plan for a cell phone and/or a laptop or tablet, printing, translation, and interpretation.

While the focus of work by sub-recipients may vary across properties, the sub-awards will emphasize the long-term engagement of tenants to improve property conditions and enhance the overall quality of life at the property. Specific sub-award activities may include:

- Documenting any persistent, unresolved physical condition concerns and owners' responses to these complaints;
- Addressing basic questions about tenant rights and responsibilities from residents;

- Formally establishing the tenant organization as a non-profit entity;
- Developing an organizational constitution and bylaws;
- Developing effective working relationships with owners/property managers;
- Publicizing and conducting regular tenant meetings;
- Assuring that board elections and committee appointments use a democratic process;
- Organizing outreach and community service events;
- Establishing resident committees/groups to address specific quality of life issues, which may or may not be related to owner compliance with HUD agreements;
- Preparing and submitting required data and documentation to the intermediary organization;
- Participating in check-in calls with the intermediary organization; and/or
- Participating in training on topics that build organizational capacity.

2. HUD and Program-Specific Goals and Objectives

This NOFO supports [HUD's Strategic Plan for Fiscal Years \(FY\) 2022-2026](#) to accomplish HUD's mission and vision. Each of the five goals in the [Strategic Plan](#) include what HUD hopes to accomplish, the strategies to accomplish those objectives, and the indicators of success. However, of the five goals only those applicable to this NOFO are identified below.

You are expected to align your application to the applicable strategic goals and objectives below. Use the information in this section to describe in your application the specific goals, objectives, and measures that your project is expected to help accomplish. If your project is selected for funding, you are also expected to establish a plan to track progress related to those goals, objectives, and measures. HUD will monitor compliance with the goals, objectives, and measures in your project.

Applicable Goals and Objectives from HUD's Strategic Plan

1. 2B: Improve Rental Assistance

Improve rental assistance to address the need for affordable housing.

3. Changes from Previous NOFO

The last NOFO funded under Section 514 was published in 2011. The program has since been redesigned to implement lessons learned from prior iterations of the program.

4. Definitions

a. Standard Definitions

Affirmatively Furthering Fair Housing (AFFH) means taking meaningful actions, in addition to combating discrimination to overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunities, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.

The duty to affirmatively further fair housing extends to all program participant's activities and programs relating to housing and urban development.

Assistance Listing number refers to the unique number assigned to each Federal assistance program publicly available in the Assistance Listing, which is managed and administered by the General Services Administration. The Assistance Listing number was formerly known as the Catalog of Federal Domestic Assistance (CFDA) number.

Authorized Organization Representative (AOR) is a person authorized to legally bind your organization and submit applications via Grants.gov. The AOR is authorized by the E-Business Point of Contact (E-Biz POC) in the System for Award Management (see E-Biz POC definition). An AOR may include an Expanded AOR and/or a Standard AOR.

Expanded Authorized Organization Representative is a user in Grants.gov who is authorized by the E-Biz POC to perform the functions of a Standard AOR, initiate and submit applications on behalf of your organization, and is allowed to modify organization-level settings and certifications in Grants.gov.

Standard Authorized Organization Representative is a user in Grants.gov who is authorized by the E-Biz POC to initiate and submit applications in Grants.gov. A Grants.gov user with the Standard AOR role can only submit applications when they are a Participant for that workspace.

Consolidated Plan is the document submitted to HUD that serves as the comprehensive housing affordability strategy, community development plan, and submission for funding under any of the Community Planning and Development formula grant programs (e.g., CDBG, ESG, HOME, and HOPWA). This Plan is prepared in accordance with the process described in [24 CFR part 91](#). This plan is completed by engaging in a participatory process to assess their affordable housing and community development needs and market conditions, and to make data-driven, place-based investment decisions with funding from formula grant programs. (See [24 CFR part 91](#) for HUD's requirements regarding the Consolidated Plan and related Action Plan).

Contract means, for the purpose of Federal financial assistance, a legal instrument by which a recipient or subrecipient purchases property or services needed to carry out the project or program under a federal award. For additional information on contractor and subrecipient determinations, see [2 CFR 200.331](#).

Contractor means an entity that receives a contract as defined above and in [2 CFR 200.1](#).

Cooperative agreement has the same meaning defined at [2 CFR 200.1](#).

Deficiency, with respect to the making of an application for funding, is information missing or omitted within a submitted application. Examples of deficiencies include missing documents, missing or incomplete information on a form, or some other type of unsatisfied information requirement. Depending on specific criteria, a deficiency may be either Curable or Non-Curable.

A Curable Deficiency is missing or incomplete application information that may be corrected by the applicant with timely action. To be curable, the deficiency must:

- Not be a threshold requirement, except for documentation of applicant eligibility;
- Not influence how an applicant is ranked or scored versus other applicants; and
- Be remedied within the time frame specified in the notice of deficiency.

A Non-Curable Deficiency is missing or incomplete application information that cannot be corrected by an applicant after the submission deadline. A non-curable deficiency is a deficiency that is a threshold requirement, or a deficiency that, if corrected, would change an applicant's score or rank versus other applicants. If an application includes a non-curable deficiency, the application may receive an ineligible determination, or the non-curable deficiency may otherwise adversely affect the application's score and final funding determination.

E-Business Point of Contact (E-Biz POC) is an organization applicant who is responsible for the administration and management of grant activities for his or her organization. The E-Biz POC is likely to be an organization's chief financial officer or authorizing official. The E-Biz POC authorizes representatives of their organization to apply on behalf of the organization (see Authorized Organization Representative definition). There can only be one E-Biz POC per unique entity identifier (see definition of Unique Entity Identifier below).

Eligibility requirements are mandatory requirements for an application to be eligible for funding.

Environmental Justice means investing in environmental improvements, remedying past environmental inequities, and otherwise developing, implementing, and enforcing laws and policies in a manner that advances environmental equity and provides meaningful involvement for people and communities that have been environmentally underserved or overburdened, such as Black and Brown communities, indigenous groups, and individuals with disabilities. This definition does not alter the requirements under HUD's regulations at [24 CFR 58.5\(j\)](#) and [24 CFR 50.4\(l\)](#) implementing [Executive Order 12898](#). E.O. 12898 requires a consideration of how federally assisted projects may have disproportionately high and adverse human health or environmental effects on minority and/or low-income populations. For additional information on environmental review compliance, refer to:

https://www.hud.gov/program_offices/comm_planning/environment_energy/regulations.

Equity has the meaning given to that term in Section 2(a) of Executive Order [13985](#) and means the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.

Federal Award, has the meaning, depending on the context, in either paragraphs (1) or (2) of this definition:

(1)

(a) The Federal financial assistance that a recipient receives directly from a Federal awarding agency or a subrecipient receives indirectly from a pass-through entity, as described in [2 CFR 200.101](#); or

(b) The cost-reimbursement contract under the Federal Acquisition Regulations that a non-Federal entity receives directly from a federal awarding agency or indirectly from a pass-through entity, as described in [2 CFR 200.101](#).

(2) The instrument setting forth the terms and conditions. The instrument is the grant agreement, cooperative agreement, other agreement for assistance covered in paragraph (2) of the definitions of Federal financial assistance in [2 CFR 200.1](#), and this NOFO, or the cost-reimbursement contract awarded under the Federal Acquisition Regulations.

(3) Federal award does not include other contracts that a Federal agency uses to buy goods or services from a contractor or a contract to operate Federal Government owned, contractor operated facilities (GOCOs).

(4) See also definitions of Federal financial assistance, grant agreement, and cooperative agreement in [2 CFR 200.1](#).

Federal Financial Assistance has the same meaning defined at [2 CFR 200.1](#).

Grants.gov is the website serving as the Federal government's central portal for searching and applying for Federal financial assistance throughout the Federal government. Registration on Grants.gov is required for submission of applications to prospective agencies unless otherwise specified in this NOFO.

Historically Black Colleges and Universities (HBCUs) are any historically Black college or university that was established prior to 1964, whose principal mission was, and is, the education of Black Americans, and that is accredited by a nationally recognized accrediting agency or association determined by the Secretary of Education to be a reliable authority as to the quality of training offered or is, according to such an agency or association, making reasonable progress toward accreditation. [A list of accredited HBCUs can be found at the U.S. Department of Education's website.](#)

Minority-Serving Institutions (MSIs) are

(1) a part B institution (as defined in [20 U.S.C. 1601](#));

(2) a Hispanic-serving institution (as defined in [20 U.S.C. 1101a\(5\)](#));

(3) a Tribal College or University (as defined in [20 U.S.C. 1059c](#));

(4) an Alaska Native-serving institution or a Native Hawaiian-serving institution (as defined in [20 U.S.C. 1059d\(b\)](#));

(5) a Predominantly Black Institution (as defined in [20 U.S.C. 1059e](#));

(6) an Asian American and Native American Pacific Islander-serving institution (as defined in [20 U.S.C. 1059g](#)); or

(7) a Native American-serving nontribal institution (as defined in [20 U.S.C. 1059f](#)).

Non-Federal Entity (NFE) means a state, local government, Indian tribe, Institution of Higher Education (IHE), or non-profit organization that carries out a federal award as a recipient or subrecipient.

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

Racial Equity is the elimination of racial disparities, and is achieved when race can no longer predict opportunities, distribution of resources, or outcomes – particularly for Black and Brown

persons, which includes Black, Latino, indigenous, Native American, Asian, Pacific Islander, and other persons of color.

Recipient means an entity, usually but not limited to non-Federal entities, that receives a federal award directly from HUD. The term recipient does not include subrecipients or individuals that are beneficiaries of the award.

Resilience is a community's ability to minimize damage and recover quickly from extreme events and changing conditions.

Small business is defined as a privately-owned corporation, partnership, or sole proprietorship that has fewer employees and less annual revenue than regular-sized business. The definition of "small"—in terms of being able to apply for government support and qualify for preferential tax policy—varies by country and industry. The U.S. Small Business Administration defines a small business according to a set of standards based on specific industries. See [13 CFR Part 121](#).

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

Subrecipient means an entity, usually but not limited to non-Federal entities, that receives a subaward from a pass-through entity to carry out part of a federal award but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other federal awards directly from a federal awarding agency.

System for Award Management (SAM) is the Federal Repository into which an entity must provide information required for the conduct of business as a recipient. Registration with SAM is required for submission of applications via Grants.gov. You can access the website at <https://www.sam.gov/SAM/>. There is no cost to use SAM.

Threshold Requirements are eligibility requirements that must be met for an application to be reviewed, rated, and ranked. Threshold requirements are not curable, except for documentation of applicant eligibility, which are listed in Section III.D., Threshold Eligibility Requirements. Similarly, there are eligibility requirements under Section III.E., Statutory and Regulatory Requirements Affecting Eligibility.

Underserved Communities has the meaning given to that term in Section 2(b) of Executive Order [13985](#) and refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, as exemplified by the list in the definition of "equity" above.

Unique Entity Identifier (UEI) means the identifier assigned by SAM to uniquely identify business entities. As of April 4, 2022, the Federal government has transitioned from the use of the DUNS Number to the use of UEI, as the primary means of entity identification for Federal awards government-wide.

b. Program Definitions.

Assisted Housing (used interchangeably with "HUD-assisted housing") means multifamily housing assisted under section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f)

which has a Housing Assistance Payments contract, pursuant to 24 CFR parts 880, 881, 883, 884, or 886.

Co-Applicant means an entity with which the Lead Applicant chooses to apply for funding under this NOFO. A Co-Applicant must also be an Eligible Applicant. The Co-Applicant will also sign the Tenant Education and Outreach Cooperative Agreement and be responsible for implementing the activities described in this NOFO, but will not directly receive access to funding through HUD's Line of Credit Control System (LOCCS). A Co-Applicant is not required.

HUD-approved Housing Counseling Agency means a public or private nonprofit organization that is exempt from taxation under section 501(a) pursuant to section 501(c) of the Internal Revenue Code of 1996 (26 U.S.C. 501(a) and 501(c)) and is approved by HUD to provide housing counseling services to clients directly, or through their affiliates or branches, and which meet the requirements set forth in 24 CFR Part 214. A database of HUD-approved Housing Counseling Agencies is also available at https://hudgov-answers.force.com/housingcounseling/s/?language=en_US.

Intermediary Organization means the organization (along with any co-applicants) that is selected for an award under this NOFO. The intermediary organization will be responsible for implementing eligible program activities, including marketing the TEO program to potential sub-applicants, making sub-awards, providing technical assistance to sub-recipients, reviewing sub-recipient expense reports, vouchering in LOCCS, disbursing sub-award funds, and submitting quarterly performance reports to HUD.

Lead Applicant means the primary entity responsible for implementing the activities identified in the application. The Lead Applicant must meet the qualifications of an Eligible Applicant. The Lead Applicant will sign the Cooperative Agreement and is the sole entity that will have access to HUD's Line of Credit Control System (LOCCS) to draw down TEO funding.

Lobbying means to conduct activities aimed at influencing the outcome of any federal, state, or local legislation, referendum, initiative, election or similar procedure. For purposes of this NOFO, lobbying activities also include any activity resulting in an unallowable cost under 2 CFR § 200.450 or Section 514 (f)(3)(c) of MAHRAA.

Project-based rental assistance (PBRA) (used interchangeably with "Project-based Section 8") means multifamily housing assisted under Section 8 of the 1937 Act (42 U.S.C. 1437f) excluding assistance provided under Section 8(o)(13).

Resident Board Stipend means a stipend of up to \$200 per household per month paid to an elected or appointed official of a tenant organization, or other tenant who performs work for the tenant organization on a regular basis. To receive a Resident Board Stipend, the recipient of the stipend must be a member of a household receiving housing assistance through the PBRA program. Resident Board Stipends are not exempt from income during a tenant's annual or interim income re-certification.

Sub-applicant means a group of tenants or tenant-affiliated non-profit organization that submits an application to the intermediary for a sub-award.

Supportive Services includes all activities that promote upward mobility, self-sufficiency, or improved quality of life, including such activities as digital literacy training, continuing

education, job training, financial literacy instruction, day care, youth services, resources for aging-in-place, public transportation, physical and mental health services, economic development activities, and other programs the community needs.

Tenant capacity building is the process of developing and strengthening the skills, abilities, processes, and resources that tenants and tenant organizations need to be active partners in the preservation and improvement of their housing communities.

Tenant Organization means a non-profit organization that meets regularly, operates democratically, is representative of all residents of a PBRA project (covered under 24 CFR Section 245.10) and is completely independent of owners, management, and their representatives as defined in 24 CFR 245.110. For purposes of this NOFO, a tenant organization must be comprised of members of at least three assisted households at a PBRA property as described in Section III.G of this NOFO.

B. Authority

Section 514 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (MAHRAA) permits annual Section 8 appropriations to be made available for tenant capacity building and other related activities. Section 534 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000, amended section 514(f)(3) to extend technical assistance to below market properties. HUD has approached tenant capacity building, as authorized under MAHRAA, in multiple ways over the last three decades, using a variety of technical assistance and grant programs. This NOFO builds on the successes and lessons learned from previous efforts funded through MAHRAA, including the Outreach and Training Assistance Grant (OTAG) and Intermediary Technical Assistance Grant (ITAG) programs of the late 1990s/early 2000s; the Tenant Resources Network grant program, which ended in 2014; the VISTA Affordable Housing Preservation Program (VAHPP); and the RAD Community Engagement Initiative (CEI).

II. AWARD INFORMATION

A. Available Funds

Funding of approximately \$10,000,000 is available through this NOFO. Subject to appropriations, HUD reserves the right to award fiscal year 2024 funds based on this NOFO competition.

Additional funds may become available for award under this NOFO consistent with Section VI.A.2.e., Adjustments to Funding. Use of these funds is subject to statutory constraints. All awards are subject to the funding restrictions contained in this NOFO.

B. Number of Awards

HUD expects to make approximately 1 awards from the funds available under this NOFO.

Funds will be awarded through this NOFO to an intermediary organization that will administer sub-awards to eligible sub-recipients. HUD expects the intermediary organization to make approximately 30 sub-awards to tenant organizations.

C. Minimum/Maximum Award Information

Estimated Total Funding:

\$10,000,000

Minimum Award Amount:

\$8,500,000

Per Project Period

Maximum Award Amount:

\$10,000,000

Per Project Period

D. Period of Performance

The term of a Tenant Education and Outreach award is 5 years from the date of the Cooperative Agreement execution.

The recipient will have one year from the date of the Cooperative Agreement execution to begin making sub-awards to tenant organizations on a rolling basis until all funds have been awarded, but no later than 3 years before the end of the Period of Performance of the award. The recipient may request up to three 12-month extensions of their cooperative agreement, subject to HUD approval, in order to fully expend available sub-award funds.

Estimated Project Start Date:

01/01/2024

Estimated Project End Date:

12/31/2028

Length of Project Periods:

60-month project period and budget period

Length of Periods Explanation of Other:

E. Type of Funding Instrument

Funding Instrument Type:

CA (Cooperative Agreement)

HUD's involvement in the TEO program is described in the Funding Opportunity Description and Program Specific Requirements sections of this NOFO.

III. ELIGIBILITY INFORMATION

A. Eligible Applicants

12 (Nonprofits having a 501(c)(3) status with the IRS, other than institutions of higher education)

22 (For profit organizations other than small businesses)

23 (Small businesses)

25 (Others (see text field entitled "Additional Information on Eligibility" for clarification))

Additional Information on Eligibility

Other: In addition to the entities listed above, HUD-approved Housing Counseling Agencies are eligible to apply for funding under this NOFO as a sole, lead, or co-applicant.

Eligible applicants under this NOFO are non-profit, for-profit organizations or HUD-approved Housing Counseling Agencies which have:

- Experience providing support and technical assistance to low-income tenants or community-based tenant organizations in multiple communities;
- Experience with the administration of grant or loan funds; and
- The capacity to serve tenant organizations anywhere in the United States.

Applicants may meet these requirements by submitting a joint application with an eligible co-applicant or co-applicants. Applicants will describe their relevant experience and capacity in their response to Rating Factor 1.

Co-Applicants. To demonstrate a Co-Applicant partnership, a Memorandum of Understanding (MOU) or Letter of Agreement must be provided, signed by the executive of each entity. For the purposes of this NOFO, the MOU or Letter of Agreement is a document on the organizational letterhead of the Lead Applicant, containing the terms of the partnership, the roles and responsibilities of the parties, and that is signed and dated by all co-applicants. The MOU or Letter of Agreement must demonstrate a commitment to work collaboratively throughout the entirety of the period of performance, identify which party is the Lead Applicant, and describe the respective roles of each co-applicant. If a co-applicant is providing an MOU or Letter of Agreement for more than one application, they must indicate this in each application, and provide a list of all TEO applications on which they are co-applicants.

Faith-based organizations

(1) Faith-based organizations may apply for this award on the same basis as any other organization, as set forth at [24 CFR 5.109](#), and subject to the protections and requirements of 42 U.S.C. 2000bb et seq., HUD will not, in the selection of recipients, discriminate against an organization based on the organization's religious character, affiliation, or exercise.

(2) A faith-based organization that participates in this program will retain its independence and may continue to carry out its mission consistent with religious freedom and conscience protections in Federal law, including the Free Speech and Free Exercise Clauses of the Constitution, 42 U.S.C. 2000bb et seq., 42 U.S.C. 238n, 42 U.S.C. 18113, 42 U.S.C. 2000e-1(a) and 2000e-2(e), 42 U.S.C. 12113(d), and the Weldon Amendment, among others. Religious accommodations may also be sought under many of these religious freedom and conscience protection laws, particularly under the Religious Freedom Restoration Act.

(3) A faith-based organization may not use direct financial assistance from HUD to support or engage in any explicitly religious activities except where consistent with the Establishment Clause and any other applicable requirements. Such an organization also may not, in providing services funded by HUD, discriminate against a beneficiary or prospective program beneficiary on the basis of religion, religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice.

B. Ineligible Applicants

1. Individuals. Only organizations are eligible to apply.
2. Applicants that are the owner or management agent of a multifamily assisted housing property, or their principals, or a subsidiary of an entity that owns or manages multifamily assisted housing.
3. Any entity that does not meet the eligibility criteria listed above.

C. Cost Sharing or Matching

This Program does not require cost sharing or matching.

D. Threshold Eligibility Requirements

Applicants who fail to meet any of the following threshold eligibility requirements are deemed ineligible. Applications from ineligible applicants are not rated or ranked and will not receive HUD funding.

1. Resolution of Civil Rights Matters

Outstanding civil rights matters must be resolved before the application submission deadline. Applicants with unresolved civil rights matters at the application deadline are deemed ineligible. Applications from ineligible applicants are not rated or ranked and will not receive HUD funding.

- a. An applicant is ineligible for funding if the applicant has any of the charges, cause determinations, lawsuits, or letters of findings referenced in subparagraphs (1) – (5) that are not resolved to HUD’s satisfaction before or on the application deadline date for this NOFO.

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

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

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

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

of the Housing and Community Development Act of 1974; Violence Against Women Act; or the Americans with Disabilities Act; or

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

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

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

2. Timely Submission of Applications

Applications submitted after the deadline stated within this NOFO that do not meet the requirements of the grace period policy are marked late. Late applications are ineligible and are not considered for funding. See Section IV. D. Application Submission Dates and Times.

3. Relevant Experience

To be eligible for funding under this NOFO, applicants must have:

- Experience providing support and technical assistance to low-income tenants or community-based tenant organizations in multiple communities;
- Experience with the administration of grant or loan funds; and
- The capacity to serve tenant organizations anywhere in the United States.

Applicants may meet these requirements by submitting a joint application with an eligible co-applicant or co-applicants. These requirements apply only to applicants, not sub-applicant tenant organizations, which may be newly forming.

Applicants will describe their relevant experience and capacity in their response to Rating Factor 1. If HUD determines during its review that an applicant does not have any experience or capacity in one of the above areas, then it will mark the application as ineligible, even if the applicant received a high score on other Rating Factors. This element is not a curable deficiency because experience and capacity in these areas contribute to an applicant's overall score.

E. Statutory and Regulatory Requirements Affecting Eligibility

Eligibility Requirements for Applicants of HUD's Financial Assistance Programs

The following requirements affect applicant eligibility. Detailed information on each requirement is found in the [“Eligibility Requirements for Applicants of HUD’s Financial Assistance Programs” document on HUD’s Funding Opportunities page.](#)

- Universal Identifier and System for Award Management (SAM.gov) Requirements
- Outstanding Delinquent Federal Debts
- Debarments or Suspensions, or both
- Mandatory Disclosure Requirement
- Pre-selection Review of Performance
- Sufficiency of Financial Management System
- False Statements
- Prohibition Against Lobbying Activities

In addition, each applicant under this NOFO must have the necessary processes and systems in place to comply with the Award Term in Appendix A of [24 CFR part 170](#) if the applicant receives an award, unless an exception applies as provided in [2 CFR170.110](#).

F. Program-Specific Requirements

Tenant Education and Outreach Program Requirements

1. General Requirements

The intermediary organization operating under a cooperative agreement with HUD will be responsible for the sub-award competition and the administration of sub-awards to sub-recipients. In addition, they will provide technical assistance to newly forming tenant organizations selected for sub-awards to establish core legal and financial structures. The intermediary organization will not directly engage in property-level advocacy or mediate between the tenants and owners. To maximize the time tenant leaders devote to achieving the goals of the program, most of the administrative and financial management responsibilities for funds will be placed on the intermediary organization. More specifically, intermediary organization will:

- Work with HUD staff to develop sub-recipient performance measures before executing sub-award cooperative agreements;
- Advertise funding availability nationally to eligible tenant organizations and emerging tenant leaders;
- Seek out eligible applicants, using at least the following methods:
 - Contact relevant stakeholder groups, who may be able to provide a list of active tenant groups; and
 - Use the list of eligible properties which will be provided by HUD to solicit applications from tenant groups;
- Produce and distribute sub-award application information;
- Review, and approve or reject sub-award applications;
- In collaboration with each sub-recipient, develop each tenant organization’s budget and approve their anticipated use of TEO funds. The intermediary organization will work with sub-recipients to develop a plan and timeline of execution that aligns with their approved budget that will allow them to meet their organizational goals and the goals of

the TEO program, and assist them in refining these documents as needed throughout the performance period of the sub-award. The intermediary will be expected to maximize the use of funds by working with sub-recipients remotely or by electronic means wherever appropriate;

- Execute sub-award cooperative agreements;
- Conduct check-in calls or meetings with each sub-recipient at least quarterly during the period of performance and review performance data;
- Review, and approve or reject, sub-recipient expense reports. The intermediary organization will provide technical assistance on questions related to the eligibility of planned expenses;
- Monitor activities under the grant, including compliance under the cooperative agreement, throughout the term of the sub-award;
- Voucher in LOCCS and disburse sub-award funds to sub-recipients to cover expenditures in their expense reports as approved by the intermediary organization;
- Create a community of practice to share information with sub-recipients, encourage knowledge sharing between and among sub-recipients, and provide a forum for sub-recipients to ask program questions and disseminate the answers to all sub-recipients;
- Report to HUD staff at least quarterly on the status of sub-awards, sub-recipient activities, funds expended, and sub-award funds remaining;
- Maintain documentation for HUD monitoring and audits in accordance with 2 CFR Part 200;
- For each sub-award, assist sub-recipients in conducting a survey of all residents at least twice during the period of performance at the properties being served; and
- Provide training and technical assistance to sub-recipient tenant organizations to assist them in getting the most value possible out of their sub-awards.

Eligible costs under this NOFO include:

- Salary and benefits for staff and consultants performing eligible activities under this award;
- Supervision/oversight of staff and consultants performing eligible activities;
- Reasonable travel costs for staff and consultants to visit tenant groups when appropriate;
- The portion of office space and office supply costs directly attributable to TEO program activities, and which can be clearly quantified and documented; construction or rehabilitation of office space is NOT an eligible cost;
- Costs directly related to marketing the program to tenant groups;
- Relevant training and reasonable associated travel for intermediary organization staff and consultants who work with tenants and tenant organizations;
- Funds for sub-awards to eligible sub-applicants; and
- Other direct costs directly related to program activities as approved by HUD.

2. Records Retention and Access Requirements

All accounting and other records associated with grant administration and program activities must be retained by the intermediary organization and sub-recipients, and made available to HUD or its designee throughout the period of performance, and after the period of performance in accordance with 2 CFR 200. HUD may perform desk reviews or site visits of the intermediary

organization and sub-recipients during the period of performance. During such reviews and visits, the intermediary organization and the sub-recipients are required to provide access to any requested records related to program activities funded under this NOFO.

3. Duplication of Funds and Conflict of Interest Requirements

Funds received under this NOFO shall not be used to supplant or duplicate other resources for the proposed activities. In carrying out its duties, any intermediary organization must avoid even the appearance of a conflict of interest.

4. Time-frames

Once funding availability is advertised by the intermediary, sub-applicants may submit applications on a rolling basis until all funds have been awarded, but no later than 3 years before the end of the period of performance unless HUD approves an extension to the cooperative agreement. If an application is acceptable, the intermediary will work with the sub-applicant to refine their project plan, budget, and proposed timeline and make a sub-award. If the application is found to be substantially complete (i.e., there are no missing exhibits), but technically deficient (i.e., an exhibit does not adequately meet the application requirements), the intermediary will send the applicant a deficiency letter and allow 30 days for re-submission on the deficient exhibits. If the application is still not substantially complete, it will be rejected. If a sub-award applicant declines their award, if a sub-recipient's cooperative agreement is terminated before all sub-award funds have been expended, or if a sub-recipient returns funds to the intermediary, the intermediary may make a sub-award to another sub-applicant up to 36 months before the end of the intermediary's cooperative agreement, including any extensions approved by HUD.

5. Tenant Education and Outreach (TEO) Sub-Awards

A sub-award can be approved for a maximum of \$300,000. The period of performance for a TEO sub-award is 36 months. The intermediary must provide sub-award application information to all interested sub-award applicants. A sub-award application form will be provided by HUD to the intermediary. The intermediary must review and approve or reject applications for TEO sub-awards based on the following threshold criteria:

Sub-recipient criteria:

1. The sub-applicant is an eligible tenant organization or other community-based nonprofit organization as described in Section III.G of this NOFO.
2. The sub-applicant has notified the tenants of the properties it proposes to serve in writing of its application and has obtained a formal written endorsement from a majority of the occupied units.
3. The sub-applicant has submitted a complete application and has resubmitted any deficient exhibits with the necessary corrections by the deadline specified in their deficiency letter. The elements of the application will include:
 - a. A draft plan for promoting the ability of residents to be active partners in the preservation of at-risk Multifamily properties and work effectively with property management;
 - b. A proposed budget for costs directly associated with the grant activities; and
 - c. An estimate of the time necessary to achieve completion of activities and delivery of products that falls within the performance period described in Section II of this NOFO.

d. A copy of the names, addresses, and signatures of the endorsing tenants should be included as an attachment to the application.

The intermediary organization will work with sub-recipients to refine their plan, budget, and timeline, and amend these documents as needed during the sub-award period of performance; however, these exhibits of the application must provide enough information at the time of application for the intermediary organization to determine whether the sub-applicant's proposed activities are eligible in order to receive a sub-award.

4. The sub-applicant is applying for funds for eligible activities as described in this NOFO.

NOTE: No more than one person from each household may endorse an application. Each household can only endorse the application of one tenant organization for a sub-award under this NOFO at a time. If an application has been rejected, the household may endorse another application.

Unsuccessful applicants may submit a new application; the new application will receive funding priority relative to other sub-applicants based on the time stamp of the new application.

Eligible Sub-award Activities.

Sub-applicants will work with the intermediary to develop their award budgets. All sub-award budgets and all subsequent modifications to sub-award budgets must receive approval from the intermediary organization. Sub-awards will emphasize the long-term engagement of tenants to improve property conditions and enhance the overall quality of life at the property. Specific sub-award activities must include:

1. Conducting regular meetings and proactively engaging with residents;
2. Preparing and submitting required data and documentation to the intermediary organization;
3. Documenting and reporting on any persistent, unresolved physical condition concerns and owner's responses to these complaints; and
4. Developing effective working relationships with Owners/Property Managers, Contract Administrators or appropriate HUD staff, and other stakeholders related to tenant concerns about property conditions and seeking productive resolutions to those issues.

Other sub-award activities may include:

- Training for residents on topics such as conflict resolution, participatory action research, or other topics that build the organizational capacity of the tenant organization
- Formally establishing a new tenant organization, including taking steps to incorporate the tenant organization, establish a board of directors, write by-laws, or establish nonprofit status
- Addressing basic questions about tenant rights and responsibilities from residents
- Advising residents how and when to reach out to management staff, owners, the HUD contract administrator, HUD staff, city code enforcement, and/or other resources.
- Organizing educational, outreach, and community service events to build a positive sense of community
- Establishing resident committees/groups to address specific quality of life issues, which may or may not be related to owner compliance with HUD agreements.

Eligible activities are those involving education and outreach activities with PBRA-assisted residents, but attendance/participation by non-assisted tenants at PBRA properties is not prohibited.

TEO sub-awards may be used to cover eligible costs including:

- Legal services to incorporate the tenant organization, establish a board of directors, write by-laws, establish nonprofit status, draft a resident board stipend agreement, or draft an employment agreement for the Resident Outreach Coordinator or other persons paid by the sub-recipient to perform services related to sub-award activities. Landlord/tenant legal services for individual assisted households on matters such as evictions or termination of assistance are NOT an eligible use of funds under this NOFO
- Resident Board Stipends of up to \$200 per month for elected officials of the tenant organization and other tenants who perform work for the tenant organization's activities on a regular basis, such as preparing and submitting expense reports to the Intermediary Organization. No assisted household may receive more than \$200 per month in Resident Board Stipends.
- Salary and benefits for a Resident Outreach Coordinator (1 full-time employee (FTE) per sub-award OR up to 4 part-time employees whose combined hours are equal to or less than one FTE)
- Conducting tenant meetings and democratic elections
- Reasonable refreshment costs to encourage attendance at tenant meetings.
- Equipment, including a laptop/tablet and a cellphone with camera for taking pictures of property issues, and internet access or a data plan for a cellphone and/or a laptop/tablet
- Reasonable supply and printing costs
- Rental costs or fees for office or meeting space. Construction and rehabilitation of meeting or office space is NOT an allowable cost.
- Training or technical assistance for tenants beyond what is offered by the intermediary or HUD-funded technical assistance providers.

Sub-recipient Reporting Requirements.

Sub-recipients will have check-in calls or meetings with the intermediary at least quarterly during the sub-award period of performance and provide any requested information related to sub-award activities. Sub-recipients will submit monthly expense reports to the intermediary, by the date specified by the intermediary organization, describing all planned expenditures for the coming calendar month and incurred expenditures for the previous calendar month, including copies of receipts.

Disbursement of Sub-award Funds.

Sub-recipients may request disbursement in advance of sub-award funds for the coming calendar month to cover planned expenses as described in their expense report for that month with approval of the intermediary organization. If the amount of an incurred expense is less than the amount disbursed in advance for that expense, then the difference must be returned to the intermediary organization or subtracted from the amount of a future disbursement of sub-award funds. If HUD or the intermediary organization determines that sub-award funds have been used for an ineligible cost, those funds must be returned to the intermediary organization, either as a lump sum or through a repayment plan that is acceptable to HUD.

Sub-recipients may request reimbursement for eligible expenses that were not included in their planned expenditures for the month they were incurred, but will not be reimbursed for any expense deemed ineligible by the intermediary organization. Sub-recipients should bring any questions about the eligibility of a potential expense to the intermediary organization in advance to avoid incurring an expense that is not eligible for reimbursement.

Preparation and Approval of Expense Reports.

The Resident Outreach Coordinator may assist in data tracking and record keeping for reports to the intermediary organization, but must not prepare expense reports to the intermediary organization. Expense reports must be prepared by elected or appointed official of the tenant organization that received the sub-award, and be signed by at least two members of the sub-recipient tenant organization. This is to ensure that the sub-recipient organization remains fully aware of all planned and incurred expenses to be paid with TEO funds. Draft and submitted expense reports must be available for review by any member of the tenant organization. Sub-recipients may wish to create a committee for the purpose of preparing expense reports, and should establish procedures for the approval of expense reports by the resident board or by their general membership. Such procedures may involve a formal vote, distribution of the draft expense report to the members of the tenant organization with a reasonable deadline to raise any questions or concerns before submission to the intermediary, or another procedure that is acceptable to the tenant organization's general membership.

Resident Board Stipends.

Resident Board Stipends of up to \$200 per month for elected and appointed officials of the tenant organization and other tenants who perform work for the tenant organization's activities on a regular basis, such as preparing and submitting expense reports to the intermediary organization. To receive a Resident Board Stipend, the recipient of the stipend must be a member of a household receiving housing assistance through the PBRA program. Live-in aides, guests, and members of households not assisted through the PBRA program are not eligible to receive Resident Board Stipends. To receive a Resident Board Stipend, the tenant performing the service must enter into a written agreement with the tenant organization that specifies the amount of the stipend, the period of time during which it will be received, the work or service that the tenant must do in order to receive it, and the terms of repayment to the tenant organization if the agreed upon work is not performed.

No assisted household may receive more than \$200 per month in Resident Board Stipends. A Resident Board Stipend is not a salary, and does not come with fringe benefits. Resident Board Stipends are compensation for assisted residents who devote particular time and effort (perhaps a few hours a month) over a specified period of time to the work of the tenant organization. General participation in the tenant organization, such as attending general member meetings, responding to surveys, or voting in general tenant organization elections does not constitute work for the tenant organization. Roles such as organizing tenant meetings, conducting surveys, taking meeting minutes and distributing them to the tenant organization's membership, preparing expense reports, serving in an elected or appointed position as described in the organization's bylaws, or representing the tenant organization at community meetings may be compensated with a Resident Board Stipend. Any Resident Board Stipends must be detailed in the sub-recipient's budget and expense reports and be approved by the intermediary organization.

Resident Outreach Coordinators.

Sub-recipients may choose to include the salary and benefits to hire a Resident Outreach Coordinator in their sub-award budget, but are not required to do so. A sub-recipient may hire one full-time employee (FTE) or up to four part-time employees whose combined hours add up to no more than one FTE. The role of the Resident Outreach Coordinator is not to lead the tenant organization, but rather to help build the capacity of the tenant organization and emerging tenant leaders. The Resident Outreach Coordinator must not be an elected or appointed official in the tenant organization, but may be a tenant of the property. The Resident Outreach Coordinator will be selected by the leadership of the sub-recipient tenant organization. The Resident Outreach Coordinator position may be paid or unpaid, full-time or part-time. If the position is paid, then the sub-recipient tenant organization must enter into a written employment agreement with the Resident Outreach Coordinator that outlines their salary, benefits, and other conditions of employment. The role of the Resident Outreach Coordinator is to:

- Conduct outreach to assisted households to foster active participation in the tenant organization
- Collaborate with tenant leaders, property management, and other stakeholders to develop solutions to issues raised by tenants
- Connect the tenant organization with partners, supportive services, and resources that support tenant capacity building efforts
- Assist in the distribution and collection of tenant satisfaction surveys as directed by the intermediary organization, or by the tenant organization if they choose to conduct additional surveys.

The Resident Outreach Coordinator may assist in data tracking and record keeping for reports to the intermediary organization, but must not prepare expense reports to the intermediary organization. Expense reports must be prepared by elected or appointed officials of the tenant organization that received the sub-award. This is to ensure that the sub-recipient organization remains fully aware of all planned and incurred expenses to be paid with TEO sub-award funds. If the Resident Outreach Coordinator receives HUD rental assistance, any salary funded by a TEO sub-award is not exempt from income during an initial income certification, annual or interim income re-certification.

Ineligible Sub-award Activities.

TEO sub-award funds must not be used for any of the following activities:

- Lobbying activities
- Activities at ineligible multifamily properties, or activities that do not primarily serve PBRA residents
- Construction or rehabilitation of office or meeting space
- Earnest money deposits as part of a purchase offer
- Property improvements
- Recreational activities
- Landlord/tenant legal services for individual assisted households on matters such as evictions or termination of assistance
- Purchase of land or buildings or any improvements to land or buildings

- Activities funded from other sources, include resident participation funds provided at properties that have converted through the Rental Assistance Demonstration (RAD)
- Pre-award costs and activities completed prior to receiving a sub-award
- Activities performed by the administering intermediary or HUD technical assistance providers.

Lobbying Activities.

Intermediary organizations and sub-recipients must not use any funds awarded or sub-awarded through the TEO program to engage in any of the lobbying activities described in this NOFO or in 2 CFR Part 200. Subrecipients who participate in any conferences, meetings, or phone calls in which lobbying activities occur must deduct the pro-rated cost of the lobbying portion from the cost of the total activity. If a review by HUD or the intermediary organization determines that TEO funds have been used to participate in lobbying activities or any other unallowable cost, the amount of the unallowable cost must be repaid to the intermediary organization.

Prohibited lobbying activities are those described in Section 514(f)(3)(c) of MAHRAA and 2 CFR Part 200.450. TEO funds must not be used to contribute to a political party, campaign, political action committee, or other organization established for the purpose of influencing the outcomes of legislation, referenda, initiatives, or elections.

Section 514(f)(3)(c) of MAHRAA states that, “(C) Prohibition.--None of the funds made available under subparagraph (A) may be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation.”

In addition to the above, the following restrictions are applicable to TEO funds as listed in 2 CFR Part 200.450 (c):

- (1) Costs associated with the following activities are unallowable:
 - (i) Attempts to influence the outcomes of any Federal, state, or local election, referendum, initiative, or similar procedure, through in-kind or cash contributions, endorsements, publicity, or similar activity;
 - (ii) Establishing, administering, contributing to, or paying the expenses of a political party, campaign, political action committee, or other organization established for the purpose of influencing the outcomes of elections in the United States;
 - (iii) Any attempt to influence:
 - (A) The introduction of Federal or state legislation;
 - (B) The enactment or modification of any pending Federal or state legislation through communication with any member or employee of the Congress or state legislature (including efforts to influence state or local officials to engage in similar lobbying activity);
 - (C) The enactment or modification of any pending Federal or state legislation by preparing, distributing, or using publicity or propaganda, or by urging members of the

general public, or any segment thereof, to contribute to or participate in any mass demonstration, march, rally, fund-raising drive, lobbying campaign or letter writing or telephone campaign; or

(D) Any government official or employee in connection with a decision to sign or veto enrolled legislation;

(iv) Legislative liaison activities, including attendance at legislative sessions or committee hearings, gathering information regarding legislation, and analyzing the effect of legislation, when such activities are carried on in support of or in knowing preparation for an effort to engage in unallowable lobbying.

Competing Sub-award Applications.

If more than one application is received for a given multifamily housing property, the intermediary will review the application that has received the written endorsement of the majority of the tenants. The intermediary will reject the application of the other sub-applicant. If neither sub-applicant has received the endorsement of the majority of the tenants, both applications will be rejected.

Decision Not to Fund.

In any denial of sub-award letter, the intermediary organization will be required to explain the reasons for its determination. In addition, if the intermediary organization makes a determination while working with the sub-applicant on their proposed budget that results in a reduction of proposed sub-award funds, that determination shall also be explained in writing. This may occur if the sub-applicant's proposed budget:

1. Contained ineligible costs
2. Contained costs determined by the intermediary to be unreasonable
3. Exceeds the amount of remaining available funds

Sub-applicants will be given an opportunity to work with the intermediary organization to amend their budgets, but if they are unwilling to amend the budget their application will be rejected.

Sub-award Appeals.

If an application for a sub-award is denied, the sub-applicant will have the right to appeal that denial to HUD if:

1. The sub-applicant has been rejected on the basis of a threshold requirement that they believe they meet; or
2. The sub-applicant was not provided an opportunity to resubmit technically deficient exhibits.

The appeal must be made within 45 days of application rejection to TEO@hud.gov, or by postal mail to:

Department of Housing and Urban Development

Office of Multifamily Housing Programs

Office of Asset Management and Portfolio Oversight, Grants and New Funding Branch

451 Seventh Street SW Room 6182

Washington DC 20410.

HUD will make a binding determination within 45 days of the appeal.

Sub-award Notification.

If a sub-applicant is awarded and accepts a sub-award, the sub-recipient must inform the residents of the property about the award, by posting a notice or through a resident meeting, or both, within 30 days of the sub-applicant's acceptance of the award.

Termination of the Cooperative Agreement.

If the intermediary organization is determined by HUD to have violated the terms of their cooperative agreement, HUD may terminate the cooperative agreement and require that any unexpended funds, and/or funds determined to have been spent on an unallowable cost be returned to HUD, and may prohibit the intermediary organization from vouchering for additional funds. In the event that the intermediary's cooperative agreement is terminated before the end of the period of performance, HUD may award another eligible applicant. If HUD determines that a sub-recipient is in violation of their cooperative agreement, HUD may direct the intermediary to terminate the sub-recipient's cooperative agreement and require that any unexpended funds, and/or funds determined to have been spent on an unallowable cost be returned to the intermediary organization. The sub-recipient may also choose to voluntarily terminate their cooperative agreement and return any unspent funds to the intermediary organization. The intermediary organization may use funds awarded to a sub-recipient that declines their sub-award or has their cooperative agreement terminated before the end of the period of performance to provide a sub-award to another eligible sub-applicant.

Advancing Racial Equity

In accordance with Executive Order [13985](#), *Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, and federal fair housing and civil rights laws, you must submit a narrative demonstrating the following:

- You analyzed the racial composition of the persons or households who are expected to benefit from your proposed grant activities;
- You identified any potential barriers to persons or communities of color equitably benefiting from your proposed grant activities;
- You detailed the steps you will take to prevent, reduce or eliminate these barriers; and
- You have measures in place to track your progress and evaluate the effectiveness of your efforts to advance racial equity in your grant activities.

Note that any actions taken in furtherance of this section must be consistent with federal nondiscrimination requirements.

For purposes of this NOFO, the population that is expected to benefit from your proposed grant activities is the tenant population of the PBRA program.

Demographic data on the PBRA program is available at:

https://www.hud.gov/sites/dfiles/Housing/documents/Tenant_Characteristics_Rpt12312022.pdf

The data in the column marked "Project Based Sec 8" should be used as the basis of your analysis on the above topics. This narrative should be no more than 3 pages in length.

G. Criteria for Beneficiaries.

Eligible Sub-recipients.

Eligible sub-recipients are groups of tenants of assisted multifamily housing properties or tenant-affiliated community-based non-profit organizations that serve at least 25 units of multifamily housing at properties where at least 75 percent of the units are assisted under a Housing Assistance Payments contract, pursuant to:

- 24 C. F.R. Part 880, the HAP program for new construction
- 24 C.F.R. Part 881, the HAP program for substantial rehabilitation
- 24 C.F.R. Part 883, the State Housing Agencies HAP program
- 24 C.F.R. Part 884, the HAP program for new construction for Section 515 Rural Housing Projects
- 24 C.F.R. Part 886 Subpart A, the HAP program for Loan Management Set-Aside
- 24 C.F.R. Part 886 Subpart C, the Property Disposition Program
- 24 C.F.R. Part 891 Subpart E, the 202/8 Program
- The Rental Assistance Demonstration (RAD)
- The Pension Fund Program

Established or newly forming tenant organizations are eligible if:

- They propose to serve one or more PBRA properties where at least 75% of households are assisted under one of the project-based rental assistance contract types listed above; and
- The assisted property or properties have a combined total of no less than 25 PBRA units; and
- The tenant organization is composed of members from at least 3 different assisted households at the properties that will be served; and
- The tenant organization receives the written endorsement of the majority of assisted households at each property that will be served. Households may only endorse one sub-award application at a time. If one sub-award application is rejected, the household may endorse another application.

Sub-applicants that also serve properties that do not meet the eligibility requirements listed above are eligible to apply, but sub-award funds must be used for eligible program activities that benefit PBRA-assisted residents. Residents not assisted through the PBRA program may participate in the tenant organization, but must not receive resident board stipends or be reimbursed for trainings or other activities using sub-award funds. Resident board members and resident outreach coordinators may use sub-award funds as approved by the intermediary organization to attend meetings, trainings, or other eligible activities that include tenant organizers from non-PBRA buildings or other community members, unless lobbying will occur as part of the planned activities.

Entities that own or manage multifamily assisted housing or are subsidiaries or principals of entities that own or manage multifamily assisted housing properties are not eligible sub-recipients under this NOFO.

If a sub-applicant proposes to serve a multifamily property that has a risk rating of Troubled, HUD will consult the relevant Multifamily Regional Office and may direct the intermediary organization to reject the application on the recommendation of the Regional Director. HUD will provide an updated list of Troubled Properties to the selected intermediary organization on a regular basis during the sub-award application period.

HUD will not reject a sub-applicant due to a low physical inspection score or other property condition issues at a property the sub-applicant proposes to serve. HUD may reject the application if the property's subsidy contract is likely to terminate soon, if the property is participating in the Multifamily Tenant Relocation Program, or in other circumstances where the Regional Director raises significant concerns.

IV. APPLICATION AND SUBMISSION INFORMATION

A. Obtain an Application Package

Instructions for Applicants

All application materials, including the Application Instructions and Application Package, are available through Grants.gov. You must access and review all available application materials. You must submit your application electronically via Grants.gov under the Funding Opportunity Number cited within this NOFO. Your application must list the applicable Funding Opportunity Number.

You can request a waiver from the requirement for electronic submission, if you demonstrate good cause. An example of good cause may include: a lack of available Internet access in the geographic area in which your business offices are located. However, lack of SAM registration or valid UEI is not a good cause. If you cannot submit your application electronically, you must ask in writing for a waiver of the electronic grant submission requirements. HUD will not grant a waiver if you fail to submit to HUD in writing or via email a request for a waiver at least 15 calendar days before the application deadline. If HUD grants a waiver, a paper application must be received before the deadline for this NOFO. To request a waiver, you must contact:

Name:

TEO Team

Email:

TEO@hud.gov

HUD Organization:

Street:

451 7th Street SW Room 6182

City:

Washington

State:

DC DISTRICT OF COLUMBIA

Zip:

B. Content and Form of Application Submission

You must verify that boxes 11, 12, and 13 on the SF-424 match the NOFO for which you are applying. If they do not match, you have downloaded the wrong Application Instruction and Application Package.

Submission of an application that is otherwise sufficient, under the wrong Assistance Listing and Funding Opportunity Number is a Non-Curable Deficiency, unless otherwise stated under the Threshold requirements section.

1. Content

Forms/Assurances/Certifications	Submission Requirement	Notes/Description
Application for Federal Assistance (SF-424)	Review section IV.G. of this NOFO for detailed submission requirements.	
Applicant and Recipient Assurances and Certifications (HUD 424-B)	Review section IV.G. of this NOFO for detailed submission requirements.	
Applicant/Recipient Disclosure/Update Report (HUD 2880)	Review section IV.G. of this NOFO for detailed submission requirements	
Disclosure of Lobbying Activities (SF-LLL)	Review section IV.G. of this NOFO for detailed submission requirements.	Federally recognized Indian tribes and tribally designated housing entities (TDHEs) established by federally recognized Indian tribes as a result of the exercise of the tribe's sovereign power are excluded from coverage of the Byrd Amendment, but state-recognized Indian tribes and TDHEs established only under state law shall comply with this requirement.
Certification Regarding Lobbying (Lobbying Form)	Review section IV.G. of this NOFO for	

Forms/Assurances/Certifications	Submission Requirement	Notes/Description
	detailed submission requirements.	
Standard Form 424A (SF-424A):	Applicants must provide a complete and detailed budget for the total performance period of the expected award through the submission of the SF-424A. The data submitted on the SF-424A form will inform the expected financial assistance award for this NOFO.	For the budget recorded on form SF-424A, provide a breakdown of the aggregate numbers detailing their allocation to each activity. The budget must also include a yearly breakdown of costs for each activity. In addition to the SF-424A form instructions available on grants.gov, applicants should use Appendix I. HUD's Guidance for Preparing a Budget Request in this NOFO, to complete the SF-424A.

Additionally, your complete application must include the following narratives and non-form attachments.

Item	What to Submit	How to Submit	Page Limit	NOFO Section Reference
Capacity of the Applicant and Relevant Organizational Experience	Narrative response to NOFO requirements.	Text document in Word or PDF format	10 pages max	Rating Factor 1
Soundness of Approach	Narrative response to NOFO requirements.	Text document in Word or PDF format	10 pages max	Rating Factor 2
Connection to Resources	Narrative response to NOFO requirements.	Text document in Word or PDF format	5 pages max	Rating Factor 3
Experience Promoting Racial Equity	Narrative response to NOFO requirements.	Text document in Word or PDF format	5 pages max	Rating Factor 4
Co-Applicant MOUs (if	Narrative response to NOFO requirements.	Text document in Word or PDF	None	Other Required Narratives

applicable)		format		
Advancing Racial Equity	Narrative response to NOFO requirements.	Text document in Word or PDF format	4 pages max	Other Required Narratives

These items are curable deficiencies if missing or incomplete:

Applicant and Recipient Assurances and Certifications (HUD 424-B)
Applicant/Recipient Disclosure/Update Report (HUD 2880)
Disclosure of Lobbying Activities (SF-LLL)
Certification Regarding Lobbying (Lobbying Form)
Standard Form 424A (SF-424A)

The following items are curable deficiencies if incomplete, but must be submitted by the application deadline:

Co-Applicant MOUs (if applicable)
Advancing Racial Equity Narrative

2. Format and Form

Narratives and other attachments to your application must follow the following format guidelines. Do not submit password protected or encrypted files.

Double spaced 12-point (minimum) Times Roman font on letter sized paper (8 1/2 x 11 inches) with at least 1-inch margins on all sides

Other

The maximum length of narratives is 34 pages. Letters of Agreement or Memoranda of Understanding from co-applicants or partner organizations are not included in the maximum length of narratives, and should be submitted in a separate file or files from the required narratives.

C. System for Award Management (SAM) and Unique Entity Identifier (UEI)

1. SAM Registration Requirement

You must register with <https://www.sam.gov/> before submitting their application. You must maintain current information in SAM on immediate and highest-level owner and subsidiaries, as well as on all predecessors that have been awarded a federal contract or grant within the last three years, if applicable. Information in SAM must be current for all times during which you have an active Federal award or an application or plan under consideration by HUD.

2. UEI Requirement

As of April 4, 2022, entities doing business with the federal government must use the UEI created in SAM.gov. Also, you must provide a valid UEI, registered and active at www.sam.gov/ in the application. For more information, see: <https://www.gsa.gov/about-us/organization/federal-acquisition-service/office-of-systems-management/integrated-award-environment-iae/iae-systems-information-kit/unique-entity-identifier-update>.

3. Requirement to Register with Grants.gov

Anyone planning to submit applications on behalf of an organization must register at Grants.gov and be approved by the E-Biz POC in SAM to submit applications for the organization. Registration for SAM and Grants.gov is a multi-step process and can take four (4) weeks or longer to complete if data issues arise. Applicants without a valid registration cannot apply through Grants.gov. Complete registration instructions and guidance are provided on Grants.gov.

D. Application Submission Dates and Times

1. Application Due Date Explanation

The application deadline is 11:59:59 PM Eastern time on 07/31/2023

Submit your application to Grants.gov unless a waiver has been issued allowing you to submit a paper application. Instructions for submitting your paper application will be contained in the waiver of electronic submission.

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

Applications received by Grants.gov must be validated by Grants.gov to be received by HUD.

“Validated by Grants.gov” means the application has been accepted and was not rejected with errors. You can track the status of your application by logging into Grants.gov, selecting “Applicants” from the top navigation, and selecting “Track my application” from the dropdown list. If the application status is “rejected with errors,” you must correct the error(s) and resubmit the application before the 24-hour grace period ends. Applications in “rejected with errors” status after the 24-hour grace period expires will not be received by HUD. Visit Grants.gov for a complete description of processing steps after applying.

HUD strongly recommends you submit your applications at least **48 hours before the deadline** and during regular business hours to allow enough time to correct errors or overcome other problems.

2. Grants.gov Customer Support

Grants.gov provides customer support information on its website at <https://www.grants.gov/web/grants/support.html>. If you have difficulty accessing the application and instructions or have technical problems, contact Grants.gov customer support center by calling (800) 518-GRANTS (this is a toll-free number) or by sending an email to

support@grants.gov. The customer support center is open 24 hours a day, seven days per week, except Federal holidays. Individuals who are deaf or hard of hearing, or who have speech and other communication disabilities may use a relay service to reach Grants.gov Customer Support. To learn more about how to make an accessible telephone call, visit the [webpage for Federal Communications Commission](#).

3. Grants.gov Application Submission

You can verify the contents of your submitted application to confirm Grants.gov received everything you intended to submit. To verify the contents of your submitted application:

- Log in to Grants.gov.
- Click the Check Application Status link, which appears under the Grant Applications heading in the Applicant Center page. This will take you to the Check Application Status page.
- Enter search criteria and a date range to narrow your search results.
- Click the Search button. To review your search results in Microsoft Excel, click the Export Data button.
- Review the Status column. To view more detailed submission information, click the Details link in the Actions column.
- To download the submitted application, click the Download link in the Actions column.

Take note of the Grants.gov tracking number, as it is needed by the Grants.gov customer support center should you seek their assistance.

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

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

If these events occur, HUD will post a notice on its website establishing the new, extended deadline for the affected applicants. HUD will also publish the extension on Grants.gov.

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

NOTE: Busy servers, slow processing, large file sizes, improper registration or password issues are not valid circumstances to extend the deadline dates or the grace period.

4. Amending or Resubmitting an Application

Before the submission deadline, you may amend a validated application through Grants.gov by resubmitting a revised application containing the new or changed material. The resubmitted application must be received and validated by Grants.gov by the applicable deadline.

If HUD receives an original and a revised application for a single proposal, HUD will evaluate only the last submission received by Grants.gov before the deadline.

5. Grace Period for Grants.gov Submissions

If your application is received by Grants.gov before the deadline, but is rejected with errors, you have a grace period of 24 hours after the application deadline to submit a corrected, received, and validated application through Grants.gov. The date and time stamp on the Grants.gov system determines the application receipt time. Any application submitted during the grace period but not received and validated by Grants.gov will not be considered for funding. There is no grace period for paper applications.

6. Late Applications

An application received after the NOFO deadline date that does not meet the Grace Period requirements will be marked late and will not be reviewed by HUD for funding

consideration. Improper or expired registration and password issues are not sufficient causes to allow HUD to accept applications after the deadline date.

7. Corrections to Deficient Applications

HUD will not consider information from applicants after the application deadline except for curable deficiencies.

HUD will uniformly notify applicants of each curable deficiency. See curable deficiency definition in section I.A of this NOFO. Examples of curable (correctable) deficiencies include inconsistencies in the funding request and failure to submit required certifications. These examples are non-exhaustive.

When HUD identifies a curable deficiency, HUD will notify the authorized organization representative identified on the SF-424 Application for Federal Assistance via email. This email is the official notification of a curable deficiency.

You must email corrections of Curable Deficiencies to applicationsupport@hud.gov within the time limits specified in the notification. The time allowed to correct deficiencies will be no less than 48 hours and no more than 14 calendar days from the date of the email notification. The start of the cure period will be the date stamp on the email sent from HUD. If the deficiency cure deadline date falls on a Saturday, Sunday, Federal holiday, or on a day when HUD's Headquarters are closed, then the applicant's correction must be received on the next business day HUD Headquarters offices in Washington, DC are open.

The subject line of the email sent to applicationsupport@hud.gov must state: Technical Cure and include the Grants.gov application tracking number or the GrantSolutions application number (e.g., Subject: Technical Cure - GRANT123456 or Technical Cure - XXXXXXXXXXXX). If this information is not included, HUD cannot match the response with the application under review and the application may be rejected due to the deficiency.

Corrections to a paper application must be sent in accordance with and to the address indicated in the notification of deficiency. HUD will treat a paper application submitted in accordance with a waiver of electronic application containing the wrong UEI as having a curable deficiency.

Failure to correct the deficiency and meet the requirement to have a UEI and active registration in SAM will render the application ineligible for funding.

8. Authoritative Versions of HUD NOFOs

The version of this NOFO posted on Grants.gov includes the official documents HUD uses to solicit applications.

9. Exemptions

Parties that believe the requirements of the NOFO would impose a substantial burden on the exercise of their religion should seek an exemption under the [Religious Freedom Restoration Act \(RFRA\)](#).

E. Intergovernmental Review

This program is not subject to [Executive Order 12372, Intergovernmental Review of Federal Programs](#).

F. Funding Restrictions

Grant Sizing and Use of Grant Funds. The maximum award amount for a Tenant Education and Outreach award is \$10,000,000. Of these funds, no more than \$1,500,000 may be used for the intermediary organization's administrative direct and indirect costs.

Cost Control Standards.

Cost estimates must represent reasonable expenditures for the direct and indirect costs of labor, travel, office space, staff training, materials, and supplies, and other expenses necessary to select sub-recipients and manage the sub-awards until the end of the performance period.

Intermediary Organization Administrative Costs. Applicants will submit a proposed budget to HUD with their application using form SF-424A, detailing the anticipated eligible administrative costs that the selected intermediary will incur while completing program activities over the period of performance up to a maximum of \$1,500,000, including any indirect cost rate. The final amount of the intermediary's grant award budget is subject to negotiation and approval by the Department. The intermediary organization will submit vouchers for grant funds as program activities are completed.

Eligible Direct Costs under this award include:

- Salary and benefits for staff and consultants performing eligible activities under this award;
- Supervision/oversight of staff and consultants performing eligible activities;
- Reasonable travel costs for staff and consultants to visit tenant groups when appropriate;
- The portion of office space and office supply costs directly attributable to TEO program activities, and which can be clearly quantified and documented; construction or rehabilitation of office space is NOT an eligible cost;
- Costs directly related to marketing the program to tenant groups;
- Relevant training and reasonable associated travel for intermediary organization staff and consultants who work with tenants and tenant organizations;

- Funds for sub-awards to eligible sub-applicants; and
- Other direct costs directly related to program activities as approved by HUD.

Grant Reduction or Recapture. If an application is selected for funding, and the recipient subsequently proposes to make significant changes compared to what was presented in their application, HUD reserves the right to amend the award and reduce the amount or recapture the award. At the end of the period of performance, HUD will recapture any funds made available for sub-awards which have not been disbursed to sub-recipients.

Withdrawal of Grant Amounts. In accordance with section 24(i) of the 1937 Act, if a recipient does not proceed within a reasonable time-frame, HUD reserves the right to withdraw any funds the recipient has not obligated under its award. HUD may redistribute any withdrawn amounts to the next highest ranked applicant eligible for a TEO award.

Ineligible Use of Grant Funds.

The following activities are not eligible uses of funds, either for the intermediary organization or for sub-recipient tenant organizations:

- Lobbying activities
- Activities at ineligible multifamily properties, or activities that do not primarily serve PBRA residents
- Construction or rehabilitation of office or meeting space
- Earnest money deposits as part of a purchase offer
- Property improvements
- Recreational activities
- Landlord/tenant legal services for individual assisted households on matters such as evictions or termination of assistance
- Legal services to make a purchase offer on real estate
- Purchase of land or buildings or any improvements to land or buildings.
- Activities funded from other sources, including any costs covered by Resident Participation Funding provided to residents at a property that has converted to PBRA through the Rental Assistance Demonstration (RAD).
- Pre-award costs and activities completed prior to receiving a sub-award

Neither intermediary organization, nor their employees, officers or affiliated entities, may receive payment, directly or indirectly from the proceeds of sub-awards they have approved. In addition, the intermediary organization may not provide other services to sub-recipients with respect to the specific properties for which the sub-award has been awarded beyond the activities described in this NOFO. Neither intermediary, nor their employees, officers or affiliated entities, may charge sub-recipients or other stakeholders at participating properties fees, penalties, tuition, or service charges related to TEO program activities.

Indirect Cost Rate

Normal indirect cost rules under [2 CFR part 200, subpart E](#) apply. If you intend to charge indirect costs to your award, your application must clearly state the rate and distribution base you intend to use. If you have a Federally negotiated indirect cost rate, your application must also include a letter or other documentation from the cognizant agency showing the approved rate.

Successful applicants whose rate changes after the application deadline must submit the new rate and documentation to assure the award agreement incorporates the applicable rate.

G. Other Submission Requirements

1. Standard Application, Assurances, Certifications and Disclosures

Standard Form 424 (SF-424) Application for Federal Assistance

The SF-424 is the government-wide form required to apply for Federal assistance programs, discretionary Federal grants, and other forms of financial assistance programs. You must complete and submit the form with the other required forms and information as directed in this NOFO.

By signing the forms in the SF-424 either through electronic submission or in paper copy submission (for those granted a waiver), you and the signing authorized organization representative affirm that you both have reviewed the certifications and assurances associated with the application for Federal assistance and (1) are aware the submission of the SF-424 is an assertion that the relevant certifications and assurances are established and (2) acknowledge that the truthfulness of the certifications and assurances are material representations upon which HUD will rely when making an award to the applicant. If it is later determined the signing authorized organization representative to the application made a false certification or assurance, caused the submission of a false certification or assurance, or did not have the authority to make a legally binding commitment for the applicant, the applicant and the individual who signed the application may be subject to administrative, civil, or criminal action. Additionally, HUD may terminate the award to the applicant organization or pursue other available remedies. Each applicant is responsible for including the correct certifications and assurances with its application submission, including those applicable to all applicants, those applicable only to Federally recognized Indian tribes, or Alaskan native villages and those applicable to applicants other than Federally recognized Indian tribes, or Alaskan native villages.

Assurances (HUD 424-B)

By submitting your application, you provide assurances that, if selected to receive an award, you will comply with U.S. statutory and other requirements, including, but not limited to civil rights requirements. All recipients and subrecipients of the award are required to submit assurances of compliance with federal civil rights requirements. *See, e.g.,* Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments Act of 1972, Section 504 of the Rehabilitation Act of 1973, Violence Against Women Act, and the Age Discrimination Act of 1975; *see also* [24 C.F.R. §§ 1.5; 3.115; 8.50](#); and [146.25](#). HUD accepts these assurances in the form of the HUD 424-B, which also require compliance with HUD Reform Act requirements and all general federal nondiscrimination requirements in the administration of the federal assistance award.

Applicant Disclosure Report Form 2880 (HUD 2880)

The form HUD 2880 is required if you are applying for assistance within the jurisdiction of HUD to any project subject to Section 102(d) of the [HUD Reform Act](#). Assistance is provided directly by HUD to any person or entity, but not to subrecipients. It includes assistance for the acquisition, rehabilitation, operation, conversion, modernization, renovation, or demolition of any property containing five or more dwelling units that is to be used primarily for residential

purposes. It includes assistance to independent group residences, board and care facilities, group homes and transitional housing but does not include primarily nonresidential facilities such as intermediate care facilities, nursing homes and hospitals. It also includes any change requested by a recipient in the amount of assistance previously provided, except changes resulting from annual adjustments in Section 8 rents under Section 8(c)(2)(A) of the United States Housing Act of 1937 ([42 U.S.C. 1437f](#)). [See HUD Reform Act regulation for additional information.](#)

Code of Conduct

Both you, as the award recipient, and all subrecipients must have a code of conduct (or written standards of conduct). The code of conduct must comply with the requirements included in the “Conducting Business in Accordance with Ethical Standards” section of the [Administrative, National and Department Policy Requirements and Terms for HUD Financial Assistance Awards](#), as well as any program-specific requirements. These requirements include ethical standards related to conflicts of interest for procurements in [2 CFR 200.318\(c\)](#) and [2 CFR 200.317](#), as well as HUD-specific conflict of interest standards. HUD maintains a list of organizations that have previously submitted written standards of conduct on its [Code of Conduct for HUD Grant Programs webpage](#). But it is your responsibility to ensure that the standards are compliant with the noted requirements and that HUD has the latest version of the written standards. Updated written standards should be submitted with the application. Any updates to your written standards, after the application period, should be submitted as directed by the HUD program contact for this NOFO.

Affirmatively Furthering Fair Housing

This NOFO is for an applicant (intermediary organization) to distribute funds to sub-applicant tenant organizations and provide technical assistance to build the capacity of sub-recipient tenant organizations as they conduct tenant education and outreach activities. For purposes of this NOFO, the applicant must demonstrate how its activities would affirmatively further fair housing by describing how it will distribute funding to, and build the capacity of, sub-recipients in a way that addresses fair housing issues affecting PBRA residents. The applicant must describe how they would foster and maintain compliance with civil rights and fair housing laws as they build the capacity of sub-recipients to educate multifamily residents on their rights (and how to enforce them), including their rights under the Fair Housing Act and other civil rights laws in areas such as: termination of assistance, evictions, the Violence Against Women Act (VAWA), accessibility, reasonable accommodations for tenants with disabilities, harassment or discrimination based on membership in a class protected under the Fair Housing Act, or the rights of persons with Limited English Proficiency served by HUD programs. This information must be included in the applicant’s narrative under Rating Factor 2, Soundness of Approach.

2. Other Program-Specific Requirements

The selected intermediary organization’s proposed budget will be subject to review and approval by HUD. If any proposed costs are unacceptable to HUD, these costs will be subject to negotiation between HUD and the selected intermediary organization prior to HUD approval.

V. APPLICATION REVIEW INFORMATION

A. Review Criteria

1. Rating Factors

The factors for rating and ranking applicants, and the factor's maximum points, are provided below. The maximum number of points for this program is 100.

Please provide a narrative description of how your organization meets each factor for award. Your response will be the basis for determining your application's point score. The responses for Factors 1 and 2 should be no more than 10 pages each. The responses for Factors 3 and 4 should be no more than 5 pages each. The applicant with the highest overall point score who meets the threshold requirements will be selected. If two applicants have equal overall point scores, the applicant with the most relevant experience as described in the Threshold Eligibility Requirements will receive priority.

Please provide a narrative description of how your organization meets each factor for award. Your response will be the basis for determining your application's point score.

1. Capacity of the Applicant and Relevant Organizational Experience

Maximum Points: 40

10 pages maximum. The applicant shall demonstrate that they have the organizational capacity, resources, and the capability to successfully implement TEO program activities. The rating of an applicant's organizational capacity will include any co-applicants. The experience or capacity described may belong to the lead applicant or any co-applicants (if applicable), but which organization has done the work described must be clearly indicated in a joint application. Experience providing support and technical assistance to low-income tenants or community-based tenant organizations in multiple communities, experience with the administration of grant or loan funds, and the capacity to serve tenant organizations anywhere in the United States are threshold requirements for award. If an applicant is found to lack such experience or capacity, their application will be eliminated from further consideration.

In rating organizational/staffing capacity to carry out activities, HUD will consider the extent to which the proposal demonstrates:

1. Relevant and successful experience in undertaking tenant capacity building activities or those similar in scope, particularly across multiple communities or states. To receive full points and increase the likelihood of selection, the application should describe the length and depth of experience for each described activity (15 points).
2. Experience providing training or technical assistance to low-income tenants and/or tenant organizations. To receive full points and increase the likelihood of selection, the application should describe the length and depth of experience for each described activity (15 points).
3. Experience with the administration of grant or loan funds. To receive full points, the application should demonstrate the applicant's capability in meeting the reporting and audit requirements of 2 CFR part 200, as well as the ability of the applicant's key staff to handle, manage, and adequately account for financial resources, use acceptable financial control procedures, demonstrated through past performance of the key staff with grant or loan funds (10 points).

If an applicant receives a score of zero points on any of these three sub-factors, their application will be marked ineligible and removed from funding consideration, regardless of their score on other rating factors or sub-factors.

2. Soundness of Approach

Maximum Points: 40

10 pages maximum. Describe your proposed approach to marketing and administering the TEO program. This factor addresses the quality and cost-effectiveness of the applicant's proposed activities. There must be a clear relationship between the proposed activities and the purpose of the program funding for an applicant to receive points for this factor. Your response must include a communications plan that allows sub-recipients consistent, reliable, and expeditious access to the intermediary organization regardless of geographic location within the United States, and the applicant's ability and plan to market the TEO program.

To receive full points for this factor, your response must demonstrate that the program activities conducted through the TEO program will be affirmatively marketed broadly to tenants of PBRA properties throughout the United States and to any tenant groups that would be unlikely or least likely to apply absent such efforts. The applicant must describe how they would foster and maintain compliance with civil rights and fair housing laws as they build the capacity of sub-recipients to educate multifamily residents on their rights.

This factor will be evaluated based on the extent that your organization will:

1. Use an effective mix of remote and in-person communication that will achieve the program goals while using resources in a cost-effective manner. Applicants should include a detailed proposal for how they will use remote and in-person communication with sub-recipients to achieve program goals over the performance period. Applicants submitting a joint application should describe what, if any, division of responsibility for different geographic areas or different roles the co-applicants will use to ensure effective administration of all sub-awards regardless of sub-recipients' geographic location within the United States (8 points).
2. Effectively market the TEO program, including in urban, suburban, and rural areas in a cost-effective manner, including to any tenant groups that would be unlikely or least likely to apply absent such efforts. Such demographic groups may include, for example, tenant organizations whose members are people of color, individuals with limited English proficiency, individuals with disabilities, older adults, or families with children. Such activities may include outreach through national, state or local-level contacts or service providers that work with PBRA residents; and marketing on websites, social media channels, television, radio, and print media serving local members of the targeted group (8 points).
3. Achieve the purposes of the program that result goals being met, activities completed, and sub-awards approved within the period of performance (8 points).
4. Focus on achieving resolution of issues raised by PBRA tenants and tenant organizations by building their capacity for productive and effective collaborations with owners, property management and other stakeholders. Applicants should describe their proposed strategies for working with sub-recipients to build this capacity (8 points).
5. Distribute funding to, and build the capacity of, sub-recipients in a way that addresses fair housing issues affecting PBRA residents. Foster and maintain compliance with civil rights and fair housing laws as they build the capacity of sub-recipients to educate multifamily residents on their rights (and how to enforce them), including their rights under the Fair Housing Act and other civil rights laws in areas such as: termination of assistance, evictions, the Violence Against Women Act (VAWA), accessibility, reasonable accommodations for tenants with disabilities, harassment or discrimination based on membership in a class protected under the Fair Housing

Act, or the rights of persons with Limited English Proficiency served by HUD programs (8 points).

3. Connections to Resources **Maximum Points: 10**

5 pages maximum. This factor addresses the ability of the applicant to connect tenant organizations with local, regional or national partners and resources that will support tenant capacity building efforts. Applicants should include a narrative describing how they will assist sub-recipients in building partnerships and accessing resources. Partnership arrangements may include, but are not limited to, funding or in-kind services from local governments or government agencies, non-profit or for-profit entities, private organizations, educational institutions or other entities that are willing to partner with the applicant on proposed activities. To receive full points for this rating factor, applicants must provide memoranda of understanding or letters of agreement from partner organizations that describe the contribution of each partner. Letters of commitment, memoranda of understanding, or agreements to participate must be signed by an official of the organization legally able to make commitments for the organization. Applicants will receive partial points for partnerships described in their narrative for which no supporting letters of agreement or memoranda of understanding are provided. Letters of agreement and memoranda of understanding are not included in the maximum page count.

4. Experience Promoting Racial Equity **Maximum Points: 10**

5 pages maximum. This factor addresses the capacity of the applicant to serve the needs of underserved populations. HUD will consider the extent to which the application demonstrates that the applicant has the experience and the resources to effectively address the needs of underserved communities, particularly Black and Brown communities. This may include experience successfully working directly with such groups, experience designing or operating programs that equitably benefit such groups, or experience successfully advancing racial equity in other ways. This may also include experience soliciting, obtaining, and applying input from such groups when designing, planning, or implementing programs and activities. Applicants must include a narrative describing their relevant experience and resources to address the needs of underserved communities when providing support to low-income tenants and tenant organizations. To receive full points, the application should provide a detailed description of their experience or resources that would allow the applicant to effectively address the needs of underserved communities in the implementation of the TEO program.

Other Required Narratives **Maximum Points: 0**

In addition to the responses to Rating Factors 1-4 listed above, applicants must submit the following unscored items. These items are curable deficiencies if incomplete, but must be submitted by the application deadline.

Co-Applicant MOUs (if applicable)

To demonstrate a Co-Applicant partnership, a Memorandum of Understanding (MOU) or Letter of Agreement must be provided, signed by the executive of each entity. For the purposes of this NOFO, the MOU or Letter of Agreement is a document on the organizational letterhead of the Lead Applicant, containing the terms of the partnership, the roles and responsibilities of the parties, and that is signed and dated by all co-applicants. The MOU or Letter of Agreement must demonstrate a commitment to work collaboratively throughout the entirety of the period of performance, identify which party is the Lead Applicant, and describe the respective roles of

each co-applicant. If a co-applicant is providing an MOU or Letter of Agreement for more than one application, they must indicate this in each application, and provide a list of all TEO applications on which they are co-applicants. If submitted MOUs or Letters of Agreement do not meet all these requirements, it is a curable deficiency. However, a signed MOU or Letter of Agreement must be submitted for all co-applicants by the application deadline, or they will not be considered eligible co-applicants and the applicant will not receive points for any experience or capacity attributed to that co-applicant in the responses to the rating factors.

Advancing Racial Equity

In accordance with Executive Order [13985](#), *Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, and federal fair housing and civil rights laws, you must submit a narrative demonstrating the following:

- You analyzed the racial composition of the persons or households who are expected to benefit from your proposed grant activities;
- You identified any potential barriers to persons or communities of color equitably benefiting from your proposed grant activities;
- You detailed the steps you will take to prevent, reduce or eliminate these barriers; and
- You have measures in place to track your progress and evaluate the effectiveness of your efforts to advance racial equity in your grant activities.

Note that any actions taken in furtherance of this section must be consistent with federal nondiscrimination requirements.

For purposes of this NOFO, the population that is expected to benefit from your proposed grant activities is the tenant population of the PBRA program.

Demographic data on the PBRA program is available at:

https://www.hud.gov/sites/dfiles/Housing/documents/Tenant_Characteristics_Rpt12312022.pdf

The data in the column marked “Project Based Sec 8” should be used as the basis of your analysis on the above topics. This narrative should be no more than 4 pages in length. This item is a curable deficiency if incomplete, but if a narrative in response to this item is not submitted by the application deadline, the application will be considered incomplete and marked ineligible.

This program does not offer points for Section 3.

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2. Other Factors

Preference Points

This program does not offer any preference points.

You may choose to voluntarily commit to address policy initiatives in your application. Addressing these policy initiatives is not a requirement to apply for or receive an award. If you choose to address a voluntary policy initiative in your application, however, you will be required to adhere to the information submitted with your application should you receive an award. The proposed information will be included as a binding requirement of any federal award you receive as a term and condition of that award.

This program does not offer points for Climate Change

This program does not offer points for Environmental Justice.

This program does not offer preference points related to HBCUs.

Pursuant to Executive Orders [13985](#), [14041](#), [14045](#), and [14031](#), you may receive up to two (2) preference points if you are an applicant designated as a minority-serving institution (MSI) or if your application proposes one or more partnerships with minority-serving educational institutions that have been historically underserved.

This program does not offer preference points related to minority-serving institutions.

This program does not offer Promise Zone preference points.

B. Review and Selection Process

1. Past Performance

In evaluating applications for funding, HUD will consider an applicant's past performance in managing funds. Items HUD will consider include, but are not limited to:

OMB-designated repositories of governmentwide data, as noted in [2 CFR 200.206\(a\)](#)

The applicant's organizational capacity, including staffing structures and capabilities

HUD may reduce scores based on the past performance review, as specified under V.A. Review Criteria. Whenever possible, HUD will obtain and review past performance information. If this review results in an adverse finding related to integrity of performance, HUD reserves the right to take any of the remedies provided in the [Pre-Selection Review of Performance section of the Eligibility Requirements for Applicants of HUD Financial Assistance Programs](#).

2. Assessing Applicant Risk

In evaluating risks posed by applicants, HUD may use a risk-based approach and may consider any items such as the following:

- (1) Financial stability;
- (2) Quality of management systems and ability to meet the management standards prescribed in this part;
- (3) History of performance. The applicant's record in managing Federal awards, if it is a prior recipient of Federal awards, including timeliness of compliance with applicable reporting requirements, failing to make significant progress in a timely manner, failing to meet planned activities in a timely manner, conformance to the terms and conditions of previous Federal awards, and if applicable, the extent to which any previously awarded amounts will be expended prior to future awards;
- (4) Reports and findings from audits performed under Subpart F—Audit Requirements of this part or the reports and findings of any other available audits; and
- (5) The applicant's ability to effectively implement statutory, regulatory, or other requirements imposed on non-Federal entities.

3. Experience Promoting Racial Equity

In evaluating applications for funding, HUD will consider the extent to which the application demonstrates that the applicant has the experience and the resources to effectively address the

needs of underserved communities, particularly Black and Brown communities. This may include experience successfully working directly with such groups, experience designing or operating programs that equitably benefit such groups, or experience successfully advancing racial equity in other ways. This may also include experience soliciting, obtaining, and applying input from such groups when designing, planning, or implementing programs and activities.

This factor is included under Rating Factor 4.

VI. AWARD ADMINISTRATION INFORMATION

A. Award Notices

Following the evaluation process, HUD will notify successful applicants of their selection for funding. HUD will also notify other applicants, whose applications were received by the deadline but were not chosen for award. Notifications will be sent by email to the person listed as the AOR in item 21 of the SF-424.

1. Final Grant

After HUD has made selections, HUD will finalize specific terms of the award and budget in consultation with the selected applicant. If HUD and the selected applicant do not finalize the terms and conditions of the award in a timely manner, or the selected applicant fails to provide requested information, an award will not be made to that applicant. In this case, HUD may select another eligible applicant. HUD may also impose specific conditions on an award as provided under [2 CFR 200.208](#).

2. Adjustments to Funding

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

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

- (1) Is ineligible for funding under applicable statutory or regulatory requirements;
- (2) Fails, in whole or in part, to meet the requirements of this notice;
- (3) Duplicates activities funded by other federal awards; or
- (4) Duplicates activities funded in a prior year.

b. HUD may adjust the funding for an application to ensure funding diversity, geographic diversity, and alignment with HUD administrative priorities.

c. If an applicant turns down an award offer, or if HUD and an applicant do not finalize the terms and conditions of the award in a timely manner, HUD may withdraw the award offer and make an offer of funding to another eligible application.

d. If funds remain after all selections have been made, remaining funds may be made available within the current fiscal year for other competitions within the program area, or be held for future competitions (if allowable in accordance with the applicable appropriation or authorizing statute), or be used as otherwise provided by authorizing statute or appropriation.

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

3. Funding Errors

If HUD commits an error that when corrected would cause selection of an applicant during the funding round of a Program NOFO, HUD may select that applicant for funding, subject to the availability of funds. If funding is not available to award in the current fiscal year, HUD may make an award to this applicant during the next fiscal year, if funding is available.

The selected intermediary organization's proposed budget will be subject to review and approval by HUD. If any proposed costs are unacceptable to HUD, these costs will be subject to negotiation between HUD and the selected intermediary organization prior to HUD approval.

B. Administrative, National and Departmental Policy Requirements and Terms for HUD Applicants and Recipients of Financial Assistance Awards

Unless otherwise specified, the following [Administrative, National and Department Policy Requirements and Terms for HUD Financial Assistance Awards](#) apply. Failure to comply with these requirements may impact your ability to receive or retain a financial assistance award from HUD. Read the requirements carefully as the requirements are different among HUD's programs.

1. Compliance with The Fair Housing Act (42 U.S.C. 3601-3619) and implementing regulations at 24 CFR part 100 et seq
2. Compliance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d-2000d-4 (Nondiscrimination in Federally Assisted Programs) and implementing regulations at 24 CFR part 1
3. Compliance with the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107) and implementing regulations at 24 CFR part 146
4. Compliance with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR part 8
5. Compliance with the Americans with Disabilities Act, 42 U.S.C. 12101 et seq
6. Compliance with Affirmatively Furthering Fair Housing (AFFH) requirements, including those listed on HUD's [Affirmatively Furthering Fair Housing](#) webpage
7. Compliance with Improving Access to Services for Persons with Limited English Proficiency (LEP) requirements, including those listed within [Federal Register Notice, FR-4878-N-02](#) (also see [HUD's webpage](#))
8. Compliance with Accessible Technology requirements, including those listed on in [HUD's Policy on Section 508 of the Rehabilitation Act and Accessible Technology](#)
9. Compliance with Equal Access Requirements (see 24 CFR 5.105(a)(2) and 5.106)
10. Compliance with Ensuring the Participation of Small Disadvantaged Business, and Women-Owned Business requirements at 2 CFR 200.321
11. Compliance with Participation in HUD-Sponsored Program Evaluation (see [Federal Register Notice, FR-6278-N-01](#))

12. Compliance with OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (see [2 CFR part 200](#))
13. Compliance with the requirements related to safeguarding resident/client files
14. Compliance with the Federal Funding Accountability and Transparency Act of 2006 ([2 CFR part 170](#)) (FFATA), as amended
15. Compliance with Accessibility for Persons with Disabilities requirements on [HUD's Disability Overview](#) webpage
16. Compliance with Conducting Business in Accordance with Ethical Standards/Code of Conduct, including [2 CFR 200.317](#), [2 CFR 200.318\(c\)](#) and other applicable conflicts of interest requirements
17. Compliance with System for Award Management and Universal Identifier Requirements at [2 CFR part 25](#)
18. Compliance with Award Term and Condition for Recipient Integrity and Performance Matters (see [Appendix XII to 2 CFR part 200](#))
19. Compliance with Suspension and Debarment (see [2 CFR part 2424](#) and [2 CFR part 180](#))
20. Compliance with Eliminating Barriers That May Unnecessarily Prevent Individuals with Criminal Histories from Participation in HUD Programs (see [HUD Secretary Fudge's April 12, 2022 memorandum](#))
21. Compliance with equity requirements, which include compliance with racial equity and underserved communities and LGBTQ+ requirements under Executive Orders [13985](#) and [13988](#)
22. Compliance with waste, fraud, and abuse requirements, including whistleblower protections (see [HUD's webpage](#))

Environmental Review

In accordance with 24 CFR 50.19(C)(5)(ii) activities funded under this NOFO are exempt or categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and not subject to environmental review under related laws and authorities.

Prohibition on Surveillance

Compliance with [2 CFR 200.216, Prohibition on Certain Telecommunication and Video Surveillance Services or Equipment](#) is required.

Remedies for Noncompliance

HUD may terminate a Federal award, in whole or in part, for any of the reasons specified in [2 CFR 200.340, Termination](#).

2 CFR § 200.340 Termination states:

- (a) The Federal award may be terminated in whole or in part as follows:
 - (1) By the Federal awarding agency or pass-through entity, if a non-Federal entity fails to comply with the terms and conditions of a Federal award;
 - (2) By the Federal awarding agency or pass-through entity, to the greatest extent authorized by law, if an award no longer effectuates the program goals or agency priorities;
 - (3) By the Federal awarding agency or pass-through entity with the consent of the non-Federal entity, in which case the two parties must agree upon the termination conditions,

including the effective date and, in the case of partial termination, the portion to be terminated;

(4) By the non-Federal entity upon sending to the Federal awarding agency or pass-through entity written notification setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if the Federal awarding agency or pass-through entity determines in the case of partial termination that the reduced or modified portion of the Federal award or subaward will not accomplish the purposes for which the Federal award was made, the Federal awarding agency or pass-through entity may terminate the Federal award in its entirety; or

(5) By the Federal awarding agency or pass-through entity pursuant to termination provisions included in the Federal award.

(b) A Federal awarding agency should clearly and unambiguously specify termination provisions applicable to each Federal award, in applicable regulations or in the award, consistent with this section.

(c) When a Federal awarding agency terminates a Federal award prior to the end of the period of performance due to the non-Federal entity's material failure to comply with the Federal award terms and conditions, the Federal awarding agency must report the termination to the OMB-designated integrity and performance system accessible through SAM (currently FAPIIS).

(1) The information required under [paragraph \(c\)](#) of this section is not to be reported to designated integrity and performance system until the non-Federal entity either -

(i) Has exhausted its opportunities to object or challenge the decision, see [§ 200.342](#); or

(ii) Has not, within 30 calendar days after being notified of the termination, informed the Federal awarding agency that it intends to appeal the Federal awarding agency's decision to terminate.

(2) If a Federal awarding agency, after entering information into the designated integrity and performance system about a termination, subsequently:

(i) Learns that any of that information is erroneous, the Federal awarding agency must correct the information in the system within three business days;

(ii) Obtains an update to that information that could be helpful to other Federal awarding agencies, the Federal awarding agency is strongly encouraged to amend the information in the system to incorporate the update in a timely way.

(3) Federal awarding agencies, must not post any information that will be made publicly available in the non-public segment of designated integrity and performance system that is covered by a disclosure exemption under the Freedom of Information Act. If the non-Federal entity asserts within seven calendar days to the Federal awarding agency who posted the information, that some of the information made publicly available is covered by a disclosure exemption under the Freedom of Information Act, the Federal awarding agency who posted the information must remove the posting within seven calendar days of receiving the assertion. Prior to reposting the releasable information, the Federal agency must resolve the issue in accordance with the agency's Freedom of Information Act procedures.

(d) When a Federal award is terminated or partially terminated, both the Federal awarding agency or pass-through entity and the non-Federal entity remain responsible for compliance with the requirements in [§§ 200.344](#) and [200.345](#).

Lead-Based Paint Requirements

Not Applicable

C. Reporting

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

1. Recipient Integrity and Performance Matters

You should be aware that if the total Federal share of your federal award includes more than \$500,000 over the period of performance, the award will be subject to post award reporting requirements reflected in [Appendix XII to 2 CFR part 200, Award Terms and Conditions for Recipient Integrity and Performance Matters](#).

2. Race, Ethnicity and Other Data Reporting

HUD requires recipients that provide HUD-funded program benefits to individuals or families to report data on the race, color, religion, sex, national origin, age, disability, and family characteristics of persons and households who are applicants for, participants in, or beneficiaries or potential beneficiaries of HUD programs in order to carry out the Department's responsibilities under the Fair Housing Act, Executive Order 11063, Title VI of the Civil Rights Act of 1964, and Section 562 of the Housing and Community Development Act of 1987. These authorities prohibit discrimination in housing and in programs receiving financial assistance from the Department and direct the Secretary to administer the Department's programs and activities in a manner affirmatively to further these policies and to collect certain data to assess the extent of compliance with these policies. Each recipient shall keep such records and submit to the Department timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the Department may determine to be necessary to enable it to ascertain whether the recipient has complied or is complying with 24 CFR parts 1 and 121. In general, recipients should have available for the Department data showing the demographics of beneficiaries of federally-assisted programs.

Recipients must submit the Race and Ethnic Data Reporting Form HUD- 27061 to HUD as specified in their cooperative agreement.

3. Compliance with the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109-282) as amended (FFATA)

FFATA requires information on federal awards be made available to the public via a single, searchable website, which is www.USASpending.gov. Accordingly, each award HUD makes under this NOFO will be subject to the requirements provided by the Award Term in Appendix A to [2 CFR part 170](#), "REPORTING SUBAWARD AND EXECUTIVE COMPENSATION INFORMATION," unless the Federal funding for the award (including funding that may be added through amendments) is not expected to equal or exceed \$30,000. Requirements under this Award Term include filing subaward information in the Federal Funding Accountability and

Transparency Act (FFATA) Sub-award Reporting System (FSRS.gov) by the end of the month following the month in which the recipient awards any sub-grant equal to or greater than \$30,000.

4. Program-Specific Reporting Requirements

The intermediary must submit a quarterly performance report to the Director of Assisted Housing Oversight Division, Office of Asset Management and Portfolio Oversight, according to the terms of their cooperative agreement.

The quarterly performance reports are to include, at a minimum:

- The names of the tenant organizations and properties the intermediary worked with, and in what capacity;
- The number of sub-award applicants;
- The number of sub-awards made and dollar amount of sub-awards;
- The number of tenants participating in training and technical assistance at participating properties;
- The success of sub-award organizations on their performance measures.
- The number of tenants assisted by the activities being performed that quarter;
- A description of the activities performed;
- A narrative indicating issues that need to be resolved and tangible benefits resulting from the assistance; and
- An accounting of all sub-award funds disbursed, and any funds returned to the intermediary organization by sub-recipients during the period covered by the performance report, and the balance remaining for each sub-recipient.

The quarterly performance report form will be provided by HUD. The intermediary may submit supplemental narratives or data. The final quarterly report will include a narrative describing lessons learned and promising practices from the period of performance.

HUD may perform desk reviews or site visits of the intermediary organization and sub-recipients during the period of performance. During such reviews and visits, the intermediary organization and the sub-recipients are required to provide access to any requested records related to program activities funded under this NOFO.

The intermediary will assist sub-recipients in conducting tenant satisfaction surveys at least twice during the Period of Performance. The intermediary will assist HUD in data tracking on tenant satisfaction and unresolved issues, and other metrics focused on improvements to the tenant engagement process and extent of involvement.

Intermediary grant funds disbursement may be frozen until receipt of an acceptable performance report.

Sub-recipient Reporting Requirements.

Sub-recipients will have check-in calls or meetings with the intermediary at least quarterly during the sub-award period of performance and provide any requested information related to sub-award activities. Sub-recipients will submit monthly expense reports to the intermediary, by the date specified by the intermediary organization, describing all planned expenditures for the

coming calendar month and incurred expenditures for the previous calendar month, including copies of receipts.

D. Debriefing

For a period of at least 120 calendar days, beginning 30 calendar days after the public announcement of awards under this NOFO, HUD will provide a debriefing related to their application to requesting applicants. A request for debriefing must be made in writing or by email by the AOR whose signature appears on the SF-424 or by his or her successor in office and be submitted to the POC in Section VII Agency Contact(s) of this NOFO. Information provided during a debriefing may include the final score the applicant received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which funding was approved or denied.

VII. AGENCY CONTACT(S)

HUD staff will be available to provide clarification on the content of this NOFO. Questions regarding specific program requirements for this NOFO should be directed to the POC listed below.

Name:

TEO Team

Phone:

202-402-6763

Email:

TEO@hud.gov

Individuals who are deaf or hard of hearing, or who have speech and other communication disabilities may use a relay service to reach the agency contact. To learn more about how to make an accessible telephone call, visit the webpage for the [Federal Communications Commission](#). Note that HUD staff cannot assist applicants in preparing their applications.

VIII. OTHER INFORMATION

1. Compliance of this NOFO with the National Environmental Policy Act (NEPA)

This NOFO provides funding under Section 514 of MAHRAA, which does not contain environmental review provisions because it concerns activities that are listed in 24 CFR 50.19(b) as categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321) (“NEPA”). Accordingly, under [24 CFR 50.19\(c\)\(5\) \(ii\)](#), this NOFO is categorically excluded from environmental review under NEPA.

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2. Web Resources.

- [Affirmatively Furthering Fair Housing](#)
- [Assistance Listing \(formerly CFDA\)](#)
- [Climate Action Plan](#)
- [Climate and Economic Justice Screening Tool \(CEJST\)](#)

- [Code of Conduct Requirements and E-Library](#)
- [Environmental Review](#)
- [Equal Participation of Faith-Based Organizations](#)
- [Fair Housing Rights and Obligations](#)
- [Federal Awardee Performance and Integrity Information System](#)
- [Federal Funding Accountability and Transparency Act \(FFATA\) Subaward Reporting System](#)
- [Grants.gov](#)
- [Healthy Homes Strategic Plan](#)
- [Healthy Housing Reference Manual](#)
- [Historically Black Colleges and Universities \(HBCUs\)](#)
- [HUD's Strategic Plan](#)
- [HUD Grants](#)
- [HUD Reform Act](#)
- [HUD Reform Act: HUD Implementing Regulations](#)
- [Limited English Proficiency \(LEP\)](#)
- [NOFO Webcasts](#)
- [Procurement of Recovered Materials](#)
- [Promise Zones](#)
- [Section 3 Business Registry](#)
- [State Point of Contact List](#)
- [System for Award Management \(SAM\)](#)
- [Real Estate Acquisition and Relocation](#)
- [Unique Entity Identifier](#)
- [USA Spending](#)

3. Program Relevant Web Resources

APPENDIX