U.S. Department of Housing and Urban Development

Lead Hazard Control and Healthy Homes

Lead Hazard Reduction Capacity Building Grant Program
FR-6600-N-31
01/17/2024

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Program Office:
Lead Hazard Control and Healthy Homes

Funding Opportunity Title:
Lead Hazard Reduction Capacity Building Grant Program

Funding Opportunity Number:
FR-6600-N-31

Assistance Listing Number (formerly CFDA Number):
14.912

Due Date for Applications:
01/17/2024

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):
2539-0015

I. FUNDING OPPORTUNITY DESCRIPTION

A. Program Description

1. Purpose

The purpose of the Lead Hazard Reduction Capacity Building Grant Program is to assist states; Federally recognized Native American Tribes that have an U.S. Environmental Protection

Agency-authorized lead abatement certification program; cities, and counties/parishes, or other units of local government which have either not received a direct HUD lead hazard control grant or were a previous grantee that has a demonstrated need to rebuild capacity within their jurisdiction. Rebuilding capacity may be necessary for jurisdictions that have diminished infrastructure and capacity due to extenuating circumstances such as COVID, loss of experienced staff, or other factors that have negatively impacted the capacity necessary to undertake comprehensive programs to identify and control lead-based paint hazards. Current grantees that have an active period of performance are not eligible to apply.

The program will help applicants with developing and expanding the infrastructure necessary to undertake comprehensive programs to identify and control lead-based paint hazards in eligible privately owned rental or owner-occupied housing. The capacity objectives to ensure the successful implementation of a lead hazard control grant program relies on the following implementation of several key program components listed below.

1. Build local capacity to determine the prevalence of childhood lead poisoning among children under six years in the targeted community(ies);
2. Build local capacity to safely and effectively address lead hazards during lead hazard control and renovation, remodeling, and maintenance activities by integrating lead-safe work practices;
3. Developing and implementing procedures/guidelines for program activities that include program intake of potential program participants and establishing a system, or process that will facilitate lead-safe units to be affirmatively marketed to families with young children, such as advertising available units to such families where lead-based paint hazards have been controlled;
4. Hire qualified staff with experienced organizational management and financial capacity to immediately execute the program upon receipt of a grant award;
5. Promote collaboration, data sharing, and targeting between health and housing departments;
6. Developing key partnerships/subgrantees such as: faith-based, health departments, coalitions, or other community-based organizations;
7. Integrating strategies to incorporate lead hazard control into existing housing repair programs; (e.g., housing rehabilitation, local housing ordinance, property maintenance, weatherization, housing-related health hazard interventions, and energy conservation activities);
8. Obtaining high quality data to target resources where need is greatest; and
9. Developing systems for sustaining a lead hazard control program after successful completion of a capacity building grant program.

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. **Strategic Goal 1: Support Underserved Communities**
Fortify support for underserved communities and support equitable community development for all people.
2. **1A: Advance Housing Justice**
Fortify support for vulnerable populations, underserved communities, and Fair Housing enforcement.
3. **1C: Invest in the Success of Communities**
Promote equitable community development that generates wealth-building for underserved communities, particularly for communities of color.
4. **3B: Create a More Accessible and Inclusive Housing Finance System**
Advance new policy, programs, and modernization initiatives that support a more equitable housing finance system. Promote the preservation and creation of affordable housing stock.
5. **Strategic Goal 4: Advance Sustainable Communities**
Advance sustainable communities by strengthening climate resilience and energy efficiency, promoting environmental justice, and recognizing housing's role as essential to health.
6. **4B: Strengthen Environmental Justice**
Reduce exposure to health risks, environmental hazards, and substandard housing, especially for low-income households and communities of color.
7. **4C: Integrate Health and Housing**
Advance policies that recognize housing's role as essential to health.

3. Changes from Previous NOFO

- Clarifying that States include both DC and Puerto Rico.
- Adding that a previous Lead Hazard Control grant recipient that has a demonstrated need to rebuild capacity within their jurisdiction is eligible to apply. If you have a current, active Lead Hazard Control grant, your program is not eligible to apply.
- Subgrantees under a previous Lead Hazard Reduction grant but not a grantee (direct recipient) are eligible to apply, whatever the date of that grant.
- Programs must have a dedicated day-to-day Program Manager (PM), and the Program Manager must dedicate 75 percent of his/her time to the proposed project.
- The previously available funding of $50,000,000 has been decreased to $33,363,080 with 15 awards estimated to be awarded under Round 2.
- The following Rating Factor 3 objectives have been updated to clarify separate budget documents:
    - The budget planning documentation of CBW Budget Worksheet and Budget Narrative clearly states these are separate documents from the program narrative's objectives within the Rating Factor.

- In addition, the specific CBW Worksheet and Budget Narrative budget items needed within the forms are explained in more detail.

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.

Program Definitions can be found in Appendix A.

B. Authority

This program is authorized by Section 1011(e) and (g) of the Residential Lead-Based Paint Hazard Reduction Act of 1992 and funding is provided by the Consolidated Appropriations Act, 2022 (Public Law 117-103, approved March 15, 2022).

II. AWARD INFORMATION

A. Available Funds

Funding of approximately **$33,363,080** is available through this NOFO.

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 15 awards from the funds available under this NOFO.

For information on the methodology used to make award determinations under this NOFO, please see Section V.B Review and Selection Process below.

C. Minimum/Maximum Award Information

Estimated Total Funding:
$33,363,080

Minimum Award Amount:
$500,000
Per Project Period

Maximum Award Amount:
$2,500,000
Per Project Period

D. Period of Performance

Estimated Project Start Date:

03/13/2024

Estimated Project End Date:
03/13/2027

Length of Project Periods:
36-month project period and budget period

Length of Periods Explanation of Other:
N/A

E. Type of Funding Instrument

Funding Instrument Type:
CA (Cooperative Agreement)

III. ELIGIBILITY INFORMATION

A. Eligible Applicants

00 (State governments)

01 (County governments)

02 (City or township governments)

04 (Special district governments)

07 (Native American tribal governments (Federally recognized))

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

Additional Information on Eligibility

1. States (the 50 States plus DC and PR) and federally recognized Native American Tribes (that have an U.S. Environmental Protection Agency-authorized lead abatement certification program), cities, counties/parishes, or other units of local government which have either not received a direct HUD lead hazard control grant or were a previous grantee that has a demonstrated need to rebuild capacity within their jurisdiction.
2. Subgrantees under a previous Lead Hazard Reduction grant but not a grantee **(direct recipient)** are eligible to apply, whatever the date of that grant.
3. If your department or agency does not report directly or through a direct chain of command to your jurisdiction's chief executive officer (governor, county executive, mayor, etc.), you must identify the specific statute(s) (e.g., 1 MyState Revised Code 2345) establishing it as a part of the government, and either attach the relevant wording, or include the specific freely accessible web address(es) in the application.

B. Ineligible Applicants

1. Non-Profit Organizations
2. Current active direct Lead Hazard Control grant recipients are not eligible for funding.
3. Individuals
4. Foreign entities
5. Sole proprietorship organizations

C. Cost Sharing or Matching

This Program requires cost sharing or matching as described below.

The chart below describes the match percentage requirement and maximum administrative cost.

Match is required for this program by statute 42 U.S.C. 4852(h). Generally, Federal sources are not allowed to be used as cost share or match unless otherwise permitted by a program's authorizing statute (for example, HUD's Community Development Block Grants program). The chart below describes the match percentage requirement, and maximum administrative cost (as a percentage of federal funds).

Match and Cost Requirements Table.

Program	Minimum Match (of federal request)	Direct Lead Hazard Control Costs	Maximum Administrative Costs
Lead Hazard Reduction Capacity Building Grant Program	10 percent	65 percent	10 percent

Match Funds Evaluation. Applicants must include the Matching Contribution Table below and should have the corresponding information on the commitment as on the form HUD-424 CBW and the SF-424 application documents submitted under this NOFO. The SF-424 and the match table will constitute the applicant's commitment to fund the match requirement. The applicant is responsible for all match commitments, including those from donors, discounts, and others, should those contributions not materialize. The table should indicate the source, propose eligible uses, and amounts of match committed on the SF-424 and Form HUD_424_CBW. Add additional rows to the table, as needed, for each match.

Source of Allowable Match	**Purpose of the Match**	**Amount**

Shared costs or matching funds and contributions must not be paid by another Federal award, except where the Federal statute authorizing a program specifically provides that Federal funds made available for such program can be applied to matching or cost sharing requirements of other Federal programs. NOTE: Community Development Block Grant (CDBG) funds may be used as match to satisfy the matching resource requirements, provided they are specifically

designated for the activities and costs allowed in this NOFO. Proposed matching commitments that are not eligible, such as, funding sources that are federal (e.g., HOME or Weatherization Assistance Program funds) or that are not committed for allowable uses (e.g., rehabilitation, code compliance) will not be counted towards satisfying the match requirements of the programs in this NOFO.

Evidence of match commitment. Your program must provide documentation of all matches indicated on the SF-424 and the Form HUD_424_CBW by letters of firm commitment, such as Memoranda of Understanding or other signed agreements from those entities identified as partners in the application with your submission to this NOFO during the negotiation process, if you are selected for an award. All letters of commitment, including those provided by your organization, MUST clearly identify the dollar amount or value, the source(s) of the funds, and the proposed uses of matching funds being committed. Commitments for match to be supplied by your organization must be supported by a letter signed by the authorized official whose signature appears on the SF-424 detailing sources and uses of the committed match. The commitment documentation must mention this NOFO and have been signed on or after the date this NOFO was published. You must show that matching contributions will be used specifically for allowable program costs and come from allowable non-federal sources. Both the source of the funds and use of the funds must comply with the requirements of this NOFO. The Department will track and monitor all match commitments according to Office of Management and Budget (OMB) and program requirements.
Permissible Match Contributions. Examples of eligible sources that are permissible as match contributions include:

- Documentation of Contributions from Training Providers. Training Providers may contribute match dollars. You must provide detailed documentation of the cost to be paid to receive a certificate of completion of an accredited lead professional course or relevant course. Trainer contributions must be supported and verified by a third party: for example, training course and course materials or labor required to conduct a lead professional training course such as lead abatement worker, lead supervisor, etc., published online or company materials.
- The value of in-kind donated items, such as lead, outreach and marketing materials or equipment that are used to recruit clients, partners, stakeholders to participate in lead-based paint hazard control programs, must be established at market rates.
- For services or products provided at a discounted rate and used for an eligible use under the grant, the discounted part of the fee or price is the eligible match, not the entire value of the services or products. For example: if a supply company provides a product to the contractor at a lower rate, the difference in the cost of the product the supplier would typically charge, and the discounted rate is a match if otherwise eligible. You must document that the vendors that provide discounts are knowingly providing support for this federal award.
- Third Party In-Kind Contributions. See 2 CFR 200.306 for additional information on third party in-kind contributions.

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. Affirmatively Furthering Fair Housing. With some exceptions for federally recognized Indian tribes and their instrumentalities, the application must discuss how the applicant will carry out the proposed activities in a manner that affirmatively furthers fair housing in compliance with the Fair Housing Act and its implementing regulations. Applicants may propose activities that are consistent with their jurisdiction's Analysis of Impediments (AI), an Assessment of Fair Housing (AFH), or other means of fair housing planning that meaningfully supports their AFFH certification. If the applicant will carry out proposed activities in a jurisdiction with an accepted Assessment of Fair Housing (AFH), the proposed activities should be consistent with the AFH's fair housing goals and with fair housing strategies specified in the jurisdiction's "Consolidated Plan or Public Housing Agency Plan."

4. Other Threshold Requirements:

a. Request Funding Amount. You must clearly document the requested federal funding amount on line 18a of SF-424 (Application for Federal Assistance), and the Form HUD_424_CBW (HUD Detailed Budget Worksheet including Total Budget).

b. Duplicate Application. Only one application will be accepted from any given state, tribal or local government under this NOFO. Title X requires that each award be made to "A State or unit of local government" (42 U.S.C. § 4852(b)) or, by extension based on an EPA determination, to a federally recognized tribe that is authorized by that Agency to administer its lead activities certification program, rather than to an individual agency of such a government, so that only one award may be made to an eligible government. If more than one application is received from a state, tribal or local government, whether from the same or a different government agency, the most recent application that was received by Grants.gov that meets the timely receipt requirements will be considered for review and funding, and the other applications will not be reviewed.

c. Match Requirement. If the application does not include documentation that details the minimum ten percent (10%) matching requirement as described in the Cost Sharing or Matching in Section III.C, above, it will not be reviewed.

d. Required Documents. If the application does not contain each of the required application documents as indicated in Section IV, below, it will not be reviewed.

e. Consolidated Plan. Substitute a web site address where the Consolidated Plan(s) is(are) located and identify the location of the lead-based paint element within the Plan(s) (e.g., section/subsection number, page number). The web site must contain the lead-based paint element of the current Consolidated Plan(s). Be sure to verify the web address is active.

f. If the jurisdiction does not have a currently approved Consolidated Plan, you must include the jurisdiction's abbreviated Consolidated Plan, which includes a lead-based paint hazard control strategy developed in accordance with 24 CFR 91.235. You should include the discussion of any lead-based paint issues in your jurisdiction's Analysis of Impediments to Fair Housing Choice, particularly as it addresses your target areas.

g. If your Consolidated Plan is not developed during the time of application, your program can be developed once awarded.

- Applicants shall ensure that the requested grant amount is consistent on all forms and materials submitted, and that rounding errors do not result in a request that exceeds the maximum grant award ($2,500,000.00). Applications for amounts larger than the maximum grant award will be deemed ineligible and will not be reviewed or funded.
- Applications with project periods longer than the applicable maximum duration (36 months) will be deemed ineligible and will not be reviewed or funded.

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

1. Allowable Costs and Activities. This section applies to allowable costs and activities funded under this NOFO. Allowable costs are determined in accordance with the cost principles in 2 CFR part 200, subpart E - Cost Principles. Costs and activities outlined in (a)(iii)Direct Lead Cost and (a)(iv) Other Allowable Cost sections, do not count as part of section "2.a. Administrative Costs" ten percent (10%) administrative cost cap of this program.

** For more information on Allowable Costs, please see Policy Guidance 2015-01 Clarification of Costs for Lead Based Paint Hazard Reduction Programs. While some of the costs may be the same, some may differ since this is a capacity building program and not the actual lead hazard reduction program. Available at https://www.hud.gov/sites/documents/201501 COST CATEGORIES.pdf

2. For the purposes of application under this NOFO, you should consider the minimum and maximum funding amounts as you develop your program approach and budget for consideration. See Section II.C, above.

a. Administrative Costs. You can utilize up to ten percent (10%) of the federal award for payments of reasonable grant administrative costs related to planning and executing the project, preparation/submission of HUD reports, etc. Administrative costs must be reflected under each appropriate line item (e.g., salaries, fringe, supplies, on Form HUD_424_CBW) and a detailed cost element breakdown in the budget narrative must be provided. The ten percent (10%) administrative cost cap for this program must include any indirect cost rates placed in the HUD share budget columns, as well as the sum of the budget line items that have inherent administrative costs per OLHCHH Policy Guidance 2015-01, plus any administrative costs of sub recipient organizations (also detailed by budget line item and budget narrative). There are two categories of administrative costs: direct administrative costs and indirect costs. For the purposes of this grant, all direct administrative costs and all indirect costs count towards the ten percent (10%) administrative cost limit.

(i). Direct Administrative Costs. Direct administrative costs are the reasonable, necessary, allocable, and otherwise allowable costs of general management, oversight, and coordination of the grant (i.e., program administration). Such costs include, but are not necessarily limited to, expenditures for: salaries, wages, fringe benefits, and related costs of the recipient's staff engaged in program administration that can be specifically identified with the grant. (https://www.hud.gov/sites/documents/2015-01 COST CATEGORIES.pdf).

(ii) Indirect Costs, if applicable. Indirect facilities and administrative (F&A) costs are, by nature, administrative and represent the expenses of doing business that are not readily identified exclusively with a specific grant, contract, project function or activity, but are necessary for the general operation of the organization and the conduct of activities it performs. 2 CFR 200, subpart E Cost Principles, establishes the federal requirements for the determination of allowable and unallowable direct and indirect (F&A) costs, and is available at https://www.ecfr.gov/current/title-2/part-200/subpart-e . Indirect (F&A) costs may only be charged to an OLHCHH grant award under a cost allocation plan, an indirect cost rate agreement or by using the 10% de minimis in accordance with the requirements of 2 CFR 200.414.

b. Lead Direct Costs. Lead direct costs are defined as activities that support developing the infrastructure necessary to undertake comprehensive programs to identify and control lead-based paint hazards in eligible privately owned rental or owner-occupied housing. Awardees must spend at least sixty-five percent (65%) of grant funds on the following direct lead-activities.

i. Marketing and outreach. Conducting targeted outreach, marketing, and education, or development of outreach programs on lead hazard control and lead poisoning prevention that

are designed to increase the ability of the program to deliver lead hazard control services to local targeted communities.

ii. Eligible targeted outreach activities include, client enrollment, lead awareness and education, health fairs and community events, landlord and contractor training, and building housing intake pipeline(s) (e.g., referrals of children under age six years with elevated blood lead levels (EBLs)) and delivery systems.

iii. Building local Lead Hazard Control partnerships to create sustainability coalitions that will result in a model applicant referral process (tool) (e.g. housing authorities, community action groups, neighborhood housing services, healthy homes coalitions).

iv. Educating entities on the benefits of program participation and lead-based paint hazards regulations. These entities include owners of rental properties, landlord associations, tenants, and other local entities that will be educated on the Residential Lead-Based Paint Hazard Reduction Act, Lead Disclosure Rule, Lead Safe Housing Rule (24 CFR part 35, subparts A, and B-R, respectively), and the EPA Renovation, Repair and Painting (RRP) Rule (40 CFR 745, especially subpart E).

v. In addition, educating entities on applicable provisions of the Fair Housing Act, especially as it pertains to familial status (e.g., families with children) and disability discrimination, providing meaningful access to these program benefits and information to Limited English Proficient (LEP) individuals through language assistance strategies and services, in accordance with Title VI of the Civil Rights Act of 1964 and Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons published on January 22, 2007 in the Federal Register (72 FR 2732), and providing training on lead-safe maintenance and renovation practices and management. Grant recipients must also take appropriate steps to ensure that communications with individuals with disabilities are as effective as communications with individuals without disabilities, such as by providing appropriate auxiliary aids and services (e.g., interpreters, computer-assisted real time transcription, captioned videos with audible video description, etc.) and making materials available in alternative formats (e.g., Braille, audio recording, and large type) pursuant to 24 CFR 8.6(b), Section 504 of the Rehabilitation Act of 1973, and Titles II and III of the Americans with Disabilities Act, as applicable.

vi. Training/contractor pool development such as providing resources to build capacity and a pool of eligible licensed contractors for lead-safe housing and lead hazard control, including free delivery of HUD-approved lead-safe work practices training courses for housing rehabilitation contractors, rehabilitation workers, renovators, remodelers, homeowners, renters, painters, maintenance staff, and others conducting renovation, rehabilitation, maintenance, hazard control, or other work in private housing.

vii. Building program contractor capacity with emphasis on Section 3 eligible individuals (For more reference on Section 3 requirements, please review: “Program Requirements and Prohibitions” below).

viii. Establishing and collaborating with key partnerships/subgrantees; to enter formal arrangements with organizations for capacity building objectives (e.g., faith-based, health departments, coalitions, or other community-based organizations).

ix. Integrating strategies to incorporate lead hazard control into existing housing repair programs; (e.g., housing rehabilitation, local housing ordinance, property maintenance, weatherization, housing-related health hazard interventions, and energy conservation activities).

x. Targeting program implementation in areas that meet the Justice40 Initiative Executive Order 14008, Tackling the Climate Crisis at Home and Abroad, section 22. The Justice40 Initiative (J40) sets an Administration "goal that 40 percent of the overall benefits [of covered programs] flow to disadvantaged communities." See section III.G.4, below.

xi. Developing the mechanism or capacity for data sharing and linking eligible families.

xii. Within 6 months of the end of the Period of Performance, completing lead inspections/risk assessments and lead hazard control unit activities to identify and assess the effectiveness of a targeted jurisdiction.

- **Lead Inspections/Risk Assessments**. A complete lead-based paint inspection and lead hazard risk assessment, evaluating each housing unit, common area, exterior surface, and bare soil (and not a sample of any of them), including either separate reports or a combined report is required for all properties enrolled under this program. Presumption of the presence of lead-based paint or lead-based paint hazards is not permitted. Paint inspections and risk assessments must follow the procedures in the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, as defined by the policies of the Lead Hazard Reduction Grant Program. Refer to Policy Guidance 2013-01 the OLHCHH website, posted at PGI_2013-01 for additional requirements.
- **Lead Hazard Control Unit Activities.** The control or elimination of all lead-based paint hazards identified in housing units and in common areas of multi-family housing by either of the following strategies (or a combination), through either interim controls or lead-based paint abatement.

c. Other Allowable Costs. Costs for the activities below are allowable costs but should not be counted as direct costs towards the minimum sixty-five (65%) requirement;

i. Training Courses Development and Certifications: Assist with the development of accredited Lead Hazard Control training courses and provide subsidies for licensing or certification fees to low-income persons seeking credentials as lead-based paint workers or contractors, lead sampling technicians or certified renovators; and completion of other recognized training courses that further promote the lead hazard control activities;

ii. Purchasing of equipment and supplies to support completion of lead inspections/risk assessments;

iii. Purchasing or leasing items having a per-unit cost under $5,000;

iv. Developing and implementing procedures/guidelines governing program elements;

v. Training and development to build qualified staff and organizational experience;

vi. Developing appropriate financing mechanisms;

vii. Obtaining high quality data to target resources where need is greatest; and

viii. Developing systems for sustaining a viable lead hazard control program after the grant.

3. Additional Program Requirements and Prohibitions

a. Blood Lead Testing. The applicant should request testing of each child under the age of six years who resides in a housing unit under contract to receive lead hazard control work, or document that a child has been tested for blood lead levels within the six months preceding the lead hazard control work, unless it is documented that the child's parent or legal guardian chooses not to have the child tested. You must refer any child with an elevated blood lead level for appropriate medical follow-up with his or her health care provider or local health department. See also, the CDC Response to Advisory Committee on Childhood Lead Poisoning Prevention Recommendations in Low Level Lead Exposure Harms Children: A Renewed Call of Primary Prevention (2012) and the Advisory Committee's recommendations report. Please continue to document if the child's parent or legal guardian chooses not to have the child tested.

b. Code of Conduct. If you are awarded a grant, you must be prepared to submit a copy of your Organization's Code of Conduct and describe the methods you will use to ensure that all officers, employees, and agents of their organization are aware of your Code of Conduct, prior to entering into a grant agreement with HUD.

c. Public Private Partnerships. You must work to further collaboration and coordination with public and private partnerships to assist in meeting your program goals. HUD encourages collaboration and coordination with other agencies and partners to identify and eliminate lead-based paint. You are encouraged to enter into formal arrangements with partners, such as childhood lead poisoning prevention programs, health agencies, community development agencies, public housing agencies (noting, however, that lead hazard control funds may not be used for evaluating or controlling lead-based paint hazards in public housing but may be used in housing choice voucher units), weatherization assistance agencies, fair housing organizations, code enforcement agencies, state Medicaid agencies, community-based non-profit organizations, and faith-based or other community-based organizations. These formal arrangements may be in the form of a contract, a Memorandum of Understanding (MOU), a Memorandum of Agreement (MOA), or other comparable documentation of agreement. Such relationships must be established prior to the execution of an award or be contingent upon the award, becoming effective within 60 days after award. Your workplan to be developed after award must include implementing a mechanism for providing rapid response (i.e., several business days) to requests from a public housing agency participating in the HUD housing choice voucher program (see Policy Guidance PG 2017-05, Income Verification Guidance). Agreements for goods and services to be paid for the award must be eligible and must be procured through a competitive process as defined in 2 CFR sections 200.317 and 200.326 as applicable.

d. Compliance with HUD Regulations and Guidelines. You must conduct lead hazard evaluation and control work in compliance with HUD's Title X, the current HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (current HUD Guidelines, applicable OLHCHH Program Policies, and applicable federal, state, and local regulations and guidance, including, but not limited to the EPA's Renovation, Repair, and Painting (RRP) Rule (found within 40 CFR part 745; see https://www.epa.gov/lead/renovation-repair-and-painting-program-resources).

e. Prohibited Practices. Grantees are not permitted to engage in practices prohibited under HUD's Lead Safe Housing Rule at 24 CFR 35.140, EPA's RRP Rule at 40 CFR 745.83(a)(3), or EPA's lead abatement rule at 40 CFR 745.227(e)(6).

f. Compliance with Section 504 of the Rehabilitation Act. Facilities where program participants come for assistance (e.g., for intake and enrollment in the program), training or education, must be held in facilities that are accessible to persons with disabilities in accordance with Section 504 of the Rehabilitation Act and its implementing regulations at 24 CFR Part 8, and with Titles II and III of the Americans with Disabilities Act, as applicable.

g. Compliance with Title VI of the Civil Rights Act of 1964 and Limited English Proficiency. You must take steps to ensure meaningful access for persons with Limited English Proficiency (LEP). As an aid to grantees, HUD published the Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (LEP Guidance) in the Federal Register on January 22, 2007 (72 FR 2732). The LEP guidance and additional LEP information is available here. Grantees must take steps to ensure meaningful access for persons with LEP when program participants come for assistance, training, or education, or when grantees conduct outreach activities.

h. Consolidated Plans. You must submit Form_HUD2991 once the grant program is awarded. (By submitting Form_HUD2991, you certify that the work will be conducted in accordance with your and other jurisdictions' Consolidated Plans for areas where the project will be carried out. You must also submit, as an attachment, the current lead-based paint element from your approved Consolidated Plan or a website address where the Consolidated Plan is located and provide page number). Be sure to verify that the web address is active and available without cost. If the jurisdiction does not have a currently approved Consolidated Plan, but is otherwise eligible for this grant program, you must include the jurisdiction's abbreviated Consolidated Plan that includes a lead-based paint hazard control strategy developed in accordance with 24 CFR 91.235. (An Indian tribe applying for a grant for which the target area for projects under the grant will be located on a reservation of the tribe need not submit a Consolidated or abbreviated Consolidated Plan. (24 CFR 583.155(c)). If your Consolidated Plan is not developed during the time of application, your program can be developed once awarded.

i. Continued Availability of Lead-Safe Housing to Low-Income Families with children under 6 years of age. Units in which lead hazards have been controlled under this program must be occupied by or continue to be available to low-income residents with children under 6 years of age for a minimum of three years as required by Title X, Section 1011. You must describe previous efforts, whether on your own or in partnership with others, such as the organizations listed in paragraph c, above, if applicable, to maintain a publicly accessible registry (listing) of low-income units made lead-safe because of previous activities. You must also describe the plans you have on your own or in partnership with others, for continuing an existing registry or establishing a new registry, and procedures for monitoring and affirmatively marketing these units to low-income families with children less than six years of age. Your approach must include the entire period of performance, the process, persons responsible and actions that will occur when violations are noted.

j. Economic Opportunities for Low- and Very Low-Income Persons (Section 3). Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. § 1701u) is applicable to grants funded under this lead hazard reduction capacity building program NOFO (see 24 CFR 75.3(a)(2)(i))). All grantees under this NOFO that conduct any lead hazard reduction project exceeding $100,000 are required to comply with Section 3 for those projects. The lead hazard reduction project is residential dwelling(s) that are under common ownership, management, and financing. If you plan to hire any new employees or award contracts to carry out the project(s), you must comply with the Section 3 requirements found at 24 CFR part 75, subpart C. If a project will also have housing and community development financial assistance, you must also comply with 24 CFR part 75, subpart D. For projects for which you are required to comply with Section 3, any contractor, subcontractor, or sub-grantee must also comply with the Section 3 requirements for any new training, hiring or sub-contracting opportunities provided under those contracts. Applicants for this grant program must plan to recruit and collect the level of detailed information to report out to the federal government the success of their efforts to meet these goals annually. For more information about Section 3, see HUD's Section 3 website, https://www.hud.gov/program_offices/field_policy_mgt/section3, particularly its Frequently Asked Questions document, which discusses lead hazard control and healthy homes grants, and HUD's Section 3 regulations (24 CFR Part 75) https://www.ecfr.gov/current/title-24/subtitle-A/part-75.

k. Institutional Review Board (IRB). For the program in this NOFO, HUD does not expect research that could affect human subjects to be conducted. However, if such research is conducted, it shall be conducted in accordance with 24 CFR part 60, Protection of Human Subjects, which invokes the Department of Health and Human Services' Common Rule at 45 CFR part 46, subpart A.

l. Procurement Requirements. All goods and services must be procured through a competitive process. Recipients must follow federal procurement requirements as defined in 2 CFR 200.317 through 200.326, as applicable. The designation of an entity as a subrecipient or contractor must follow program policies and 2 CFR 200.330.

m. Written Policies and Procedures. You will be required to develop written policies and procedures during the first 60 days. The policies and procedures must describe how your program will handle items such as, but not limited to, procurements (contracting), unit eligibility, unit selection and prioritization, all phases of lead hazard evaluation and control, including risk assessments, inspections, development of specifications for contractor bids, pre-hazard control blood lead testing, financing, temporary relocation and clearance examinations, unit monitoring and sub recipient monitoring. You, and your subcontractors, sub-grantees, sub-recipients, and their contractors at all tiers must adhere to these policies and procedures.*Disclosure: Lead Risk Assessments requirements and Unit activities should begin 6 months prior to the end of the Period of Performance date *

n. Lead-Based Paint and Lead-Based Paint Hazard Identification. A complete lead-based paint inspection and lead hazard risk assessment, evaluating each housing unit, common area, exterior surface, and bare soil (and not a sample of any of them), including either separate reports or a combined report is required for all properties enrolled under this program. Presumption of the presence of lead-based paint or lead-based paint hazards is not

permitted. Paint inspections and risk assessments must follow the procedures as defined in paragraph d, above, the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, and as defined by the policies of the Lead Hazard Reduction Grant Program. Refer to Policy Guidance 2013-01 the OLHCHH website, posted at PGI_2013-01 for additional requirements.

o. Notification Requirements. A copy of EPA's Renovate Right brochure (available in English and Spanish; see the EPA RRP homepage below) must be provided to the owner of the unit and to an adult occupant of the unit (whether or not RRP work will be conducted). All lead-based paint testing results, summaries of lead-based paint hazard control treatments, and clearances must be provided to the owner of the unit, together with a notice describing the owner's legal duty to disclose the results to tenants and buyers (see 24 CFR 35.88 of the Lead Disclosure Rule). Grantees must ensure that this information is provided in a manner that is effective for persons with disabilities (24 CFR 8.6) and, also that persons with limited English proficiency (LEP) will have meaningful access to it (see Executive Order 13166). Grant files must contain verifiable evidence of providing lead hazard evaluation and control reports to owners and tenants, such as a signed and dated receipt. You must also describe how you will provide owners with lead hazard evaluation and control information generated by activities under this grant, so that the owner can comply with the Lead Disclosure Rule (24 CFR part 35, subpart A, or the equivalent 40 CFR part 745, subpart F), the Lead Safe Housing Rule (24 CFR part 35, subparts B-R), and the EPA's Renovation, Repair, and Painting (RRP) Rule (see 40 CFR part 745 and http://www2.epa.gov/lead/renovation-repair-and-painting-program).

p. Testing, sampling, and laboratory analysis. All testing, sampling and laboratory analysis for lead must comply with Title X, Section 1011, and conform to the current HUD Guidelines, the EPA lead-based paint and lead-based paint hazard standards and clearance levels at 40 CFR part 745, and OLHCHH Program Policy 2017-01: Revised Dust-Lead Action Levels for Risk Assessment and Clearance of Porch Floors (https://www.hud.gov/sites/documents/LEADDUSTLEVELS_REV1.PDF). In addition, your program must follow federal, state, or tribal regulations developed as part of the appropriate contractor certification program, whichever is most protective of children. Paint chip sampling alone is not a cost effective or practical method for grantees to use alone in the identification of all lead hazards for the purposes of this grant. It is expected that an XRF will be utilized to complete each Lead Inspection / Risk Assessment in combination with dust wipes, paint sampling, and soil sampling as applicable. Paint chip sampling in accordance with the HUD Guidelines chapters 5 and 7(https://www.hud.gov/sites/documents/CH05_12-13-12.PDF and https://www.hud.gov/sites/documents/LBPH09.pdf) may be used in certain cases. All laboratory analyses conducted on paint chips, soil and/or dust samples must be performed by an environmental laboratory recognized by EPA under the National Lead Laboratory Accreditation Program pursuant to the Toxic Substances Control Act (15 U.S.C. 2685) (See the list of laboratories https://www.epa.gov/lead/national-lead-laboratory-accreditation-program-list).

q. Control/Elimination Strategies. All lead-based paint hazards identified in housing units and in common areas of multifamily housing enrolled in this grant program must be controlled or eliminated by either of the following strategies or a combination of the two methods below within 10 days or less:

- Interim Controls. Interim controls of lead-based paint hazards including paint-lead hazards, dust-lead hazards, and soil-lead hazards, as defined by EPA at 40 CFR §§ 745.65 and 745.227, shall be conducted in accordance with the current HUD Guidelines, and shall be completed by conducting and passing clearance, including visual inspection and, on applicable interior and patio surfaces, dust-lead sampling and analysis demonstrating residual dust lead below the lower of EPA's or HUD's dust lead hazard standards or clearance levels.
- Abatement. Abatement means any set of measures designed to permanently eliminate lead-based paint hazards in accordance with standards established by the EPA. Abatement includes the removal of lead-based paint and lead contaminated dust, the permanent containment or encapsulation of lead-based paint, the replacement of lead painted surfaces or fixtures, and the removal or covering of lead contaminated soil; and all preparation, cleanup, disposal, and post-abatement clearance testing activities associated with such measures; however, for clearances under this NOFO on applicable interior and patio surfaces, dust-lead sampling and analysis shall demonstrate residual dust lead below the lower of EPA's or HUD's dust lead hazard standards or clearance levels (40 CFR 745.227, or 24 CFR 35.1320 and 35.1340).

r. Temporary Relocation. HUD expects that the lead hazard control work and temporary relocation will take 10 days or less. Assisting with reasonable costs of temporary relocation for those persons required to vacate housing while participating in this voluntary maintenance program for lead hazard reduction is an eligible activity of the program described in this NOFO. Occupants who enroll in the programs described in this NOFO must be treated fairly and equitably regarding removing participation barriers created by relocation requirements if housing must be vacated while lead hazard reduction measures are being conducted. Such tenant-occupants may be entitled to receive temporary relocation assistance where applicable if relocation is required more than 15 days to complete the lead hazard control work pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), 42 U.S.C. §§ 4601-4655, as described in regulations at 49 CFR 24.2(a)(9)(ii)(D)) and the corresponding Appendix A to Part 24. (These regulations can be accessed from the Government Publishing Office website at 49 CFR Part 24).

s. Owner-occupants temporarily relocating while hazard reduction measures are conducted pursuant to a program described in this NOFO may receive assistance but are not entitled to URA relocation assistance for relocation based on needs assessment completed at enrollment and based on the discretion of the program policy and procedures approved by the Government Technical Representative (GTR) for this grant. When tenant occupants with physical disabilities are temporarily relocated, they must be offered housing that is compliant with Section 504 of the Rehabilitation Act. For additional information on relocation requirements, see the HUD Handbook 1378 (Real Estate Acquisition and Relocation Policy and Guidance). All relocation assistance is expected to support the approved occupant protection plan received and approved by the program manager for each unit under this award.

t. Waste Disposal. You must handle waste disposal according to the requirements of the appropriate local, state, and federal regulatory agencies, and the HUD Guidelines. The HUD Guidelines are available https://www.hud.gov/program_offices/healthy_homes/lbp/hudguidelines

u. Worker Protection Procedures. You must observe the procedures for worker protection established in the current HUD Guidelines, as well as the requirements of the Occupational Health and Safety Administration (OSHA) (in particular, 29 CFR 1910.1025, Lead, and/or 29 CFR 1926.62, Lead Exposure in Construction, as applicable), or the state or local occupational safety and health regulations, whichever are most protective.

v. Occupant protection plan. The grantee shall ensure that an occupant protection plan is written and implemented for each housing unit in which hazard reduction work will be conducted. For lead hazard control work, the plan shall conform to the HUD Guidelines chapter 8, Resident Protection and Worksite Preparation.

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.

Affirmative Marketing

You must submit a narrative demonstrating that the housing, services, or other benefits provided under this grant will be affirmatively marketed broadly throughout the local area and nearby areas to any demographic groups that would be unlikely or least likely to apply absent such efforts. Such demographic groups may include, for example, Black and Brown persons or communities, individuals with limited English proficiency, individuals with disabilities, or families with children. Such activities may include outreach through community contacts or service providers or at community centers serving the target population; and marketing on websites, social media channels, television, radio, and print media serving local members of the targeted group. Documentation for this factor consists of a narrative describing the activities that will fulfill the factor requirements.

G. Criteria for Beneficiaries.

Funds must only be used under this grant program to provide assistance (lead-based paint inspections/risk assessments and lead hazard control work) for pre-1978, privately owned housing that is not federally assisted and that meets the following criteria:

1. For rental housing occupants, at least fifty percent (50%) of the units must be occupied by or made available to families with incomes at or below fifty percent (50%) of the area median income level and the remaining units must be occupied or made available to families with incomes at or below eighty percent (80%) of the area median income level, and in all cases the landlord must give priority in renting units assisted under this section,

for not less than three years (3) following the completion of lead abatement activities, to families with a child under the age of six years (6), except that buildings with five (5) or more units may have twenty percent (20%) of the units occupied by families with incomes above eighty percent (80%) of area median income level; or

2. For housing owned by owner-occupants, all units assisted with grants under this section must be the principal residence of families with income at or below eighty percent (80%) of the area median income level, and not less than ninety percent (90%) of the units assisted with grants must be occupied by a child under the age of six years or must be units where a child under the age of six years (6) spends a significant amount of time visiting. See Policy Guidance PG 2014-01, Eligibility of Units for Assistance, https://www.hud.gov/sites/documents/2014-01_UNIT_ELIGIBILITY.pdf for additional information. The income requirements above are considered on a program-wide basis (cumulatively), not a project-by-project basis.
3. Procedures for determining if a family is income-eligible are found in Policy Guidance PG 2017-05, Income Verification Guidance.
4. In accordance with environmental justice requirements under Executive Orders 12898 and 14008, and OMB Memorandum M-21-28, which implements the Justice40 Initiative, section 223 of Executive Order 14008, specifically, an Administration "goal that 40 percent of the overall benefits [of covered programs] flow to disadvantaged communities:"

   a. Under this Lead Hazard Reduction Capacity Building grant program, at least 40 percent of the housing units in which lead hazard control is performed (including passing clearance) must be in disadvantaged communities in your target area.

   b. During the period of performance of your grant, you must report on whether each such housing unit is within a census tract that is a disadvantaged community area; to do this, you may use the selection tool described in Appendix C. The rating of your performance will reflect whether or not you meet or exceed the goal described in paragraph III.G.4.a, above.

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:
Victoria L. Jackson

Email:
victoria.l.jackson@hud.gov

HUD Organization:
OLHCHH

Street:
451 7th Street SW

City:
Washington

State:
DC DISTRICT OF COLUMBIA

Zip:
20410

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.	

Forms/Assurances/Certifications	Submission Requirement	Notes/Description
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.
Form HUD-424 CBW Detailed Budget Worksheet	Must submit with your application	Amounts on HUD-424 CBW must be consistent with the requested and matched amounts on lines 18b-f of the SF-424; Application for federal assistance.

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

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.

15 Pages maximum length of narratives

Other

The narrative responses to Rating Factors 1 to 3, below, are limited to:

1. A **maximum of fifteen (15) pages** (excluding appendices, budget forms/narrative, and worksheets)
2. Double Spaced
3. Letter sized paper, 8-½ x 11 inches
4. 12-point (minimum) Times New Roman font
5. At least 1-inch margins on all sides

NOTE: **Any information submitted in response to the Rating Factors beyond the page limit will not be reviewed.**
Appendices and Attachments:

1. Budget Narrative. Your application must include a budget narrative separate from the rating factor narrative that details the eligible cost amounts and items for each budget line proposed. The narrative must provide details on administrative costs, which are a maximum of ten percent (10%) and details on which costs are included in the minimum sixty-five percent (65%) direct cost requirement and match (10% minimum) requirement. See section IV.F, Funding restrictions, below, regarding restrictions on the use of funds. A Sample Budget Narrative for this NOFO is provided in Appendix B.
2. Consolidated Plan Lead-Based Paint Element. Provide a copy of your jurisdiction's Lead-Based Paint Element or the link to the website identifying where the Lead-Based Paint Element can be found, from its Consolidated Plan or abbreviated Consolidated Plan (as applicable; see section III.C.5.g, above) or describe how you will incorporate the lead element in your consolidated plan. If your Consolidated Plan is not developed during the time of application, your program can be developed once awarded.
3. Résumés for key staff or position descriptions for vacant positions. Please do not include any Personally Identifiable Information (PII). (See 2 CFR 200.1 for more on PII).

Material provided in the appendices must support Rating Factor narrative information and will not be used in lieu of information provided in the fifteen (15) page limited response to the Rating Factors. You are strongly urged to submit only information that is required and/or requested in the NOFO or relevant to a specific narrative response. All attachments must identify the related Rating Factor in the page footer by providing the related Rating Factor number and the page number of the attachment (e.g., Factor 1 Attachment, page 1).

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

01/17/2024

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 - XXXXXXXXXXX). 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

Administrative Costs. Administrative costs may not exceed 10 percent of the grant award.

1. Ineligible Use of Funds:
    1. Purchase or leasing real property.
    2. Purchase or lease of equipment having a per-unit cost more than $5,000, except for the purchase or lease of up to two (2) X-ray fluorescence analyzers to be used exclusively by the grant program.
    3. Chelation or other medical treatment costs, including case management, related to children with elevated blood lead levels (EBLs). Non-federal funds used to cover these costs may not be counted as part of the matching contribution.
    4. Lead hazard evaluation or control activities in public housing, project-based Section 8 housing, housing for the elderly, housing for persons with disabilities, or any 0-bedroom dwelling or housing built after 1977. However, elderly, disabled or 0-bedroom dwellings are eligible for grant funds if a child who is less than six years of age resides or is expected to reside in such housing.
    5. Complete or gut rehabilitation, demolition of housing units or detached buildings.
    6. Lead hazard evaluation or control activities in housing covered by a pending or final HUD, EPA, and/or Department of Justice (DOJ) settlement agreement, consent decree, court order or other similar action regarding violation of the Lead Disclosure Rule (24 CFR part 35, Subpart A, or the equivalent 40 CFR part 745, subpart F), or by HUD or DOJ regarding the Lead Safe Housing Rule (24 CFR part 35, subparts B–R).
    7. Activities that do not comply with the Coastal Barrier Resources Act (16 U.S.C. § 3501).
    8. Lead-hazard control or rehabilitation of a building or manufactured home that is in an area identified by the Federal Emergency Management Agency (FEMA) under the Flood Disaster Protection Act of 1973 (42 U.S.C. §§ 4001– 4128) as having special flood hazards unless:

- The community in which the area is situated is participating in the National Flood Insurance Program in accordance with the applicable regulations (44 CFR parts 59–79), or less than a year has passed since FEMA notification regarding these hazards; and
- Where the community is participating in the National Flood Insurance Program, flood insurance on the property is obtained in accordance with section 102(a) of the Flood Disaster Protection Act (42 U.S.C. § 4012a(a)). You are responsible for assuring that flood insurance is obtained and maintained for the appropriate amount and term.

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.

Applicants other than state and local governments. If you have a Federally negotiated indirect cost rate, your application must clearly state the approved rate and distribution base and must include a letter or other documentation from the cognizant agency showing the approved rate. If your organization does not have a current negotiated rate (including provisional rate) and elects to use the de minimis rate, your application must clearly state you intend to use the de minimis rate of 10% of Modified Total Direct Costs (MTDC), as defined at 2 CFR 200.1. Costs must be consistently charged as either indirect or direct costs but may not be double charged or inconsistently charged as both, as described in 2 CFR 200.403. Once elected, the de minimis rate must be applied consistently for all Federal awards until the organization chooses to negotiate a rate, which the organization may apply to do at any time. Documentation of the decision to use the de minimis rate must be retained on file for audit.

State and local governments. If your department or agency unit has a Federally negotiated indirect cost rate, your application must include that rate, the applicable distribution base, and a letter or other documentation from the cognizant agency showing the negotiated rate. If your department or agency unit receives more than $35 million in direct Federal funding per year, you may not claim indirect costs until you receive a negotiated rate from your cognizant agency for indirect costs as provided in Appendix VII to 2 CFR part 200.

If your department or agency unit receives no more than $35 million in direct Federal funding per year and your department or agency unit has developed and maintains an indirect cost rate proposal and supporting documentation for audit in accordance with 2 CFR Part 200, Appendix VII, you may use the rate and distribution base specified in that indirect cost rate proposal.

Alternatively, if your department or agency unit receives no more than $35 million in direct Federal funding per year and does not have a current negotiated rate (including provisional) rate, you may elect to use the de minimis rate of 10% of MTDC. As described in 2 CFR 200.403, costs must be consistently charged as either indirect or direct costs but may not be double charged or inconsistently charged as both. Once elected, the de minimis rate must be applied consistently for all Federal awards until your department or agency chooses to negotiate for a rate, which you may apply to do at any time. Documentation of the decision to use the de minimis rate must be retained on file for audit.

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

With some exceptions for Federally recognized Indian tribes and their instrumentalities, the application must discuss how the applicant will carry out the proposed activities in a manner that affirmatively furthers fair housing in compliance with the Fair Housing Act and its implementing regulations, and how applicants will meet the requirements of the definition of AFFH at 24 CFR 5.151. Applicants may propose activities that are consistent with their jurisdiction's Analysis of Impediments (AI), an Assessment of Fair Housing (AFH), or other means of fair housing planning that meaningfully supports their AFFH certification.

If the applicant will carry out proposed activities in a jurisdiction with an AFH, the proposed activities should be consistent with the AFH's fair housing goals and with fair housing strategies specified in the jurisdiction's Consolidated Plan or Public Housing Agency Plan.

2. Other Program-Specific Requirements

V. APPLICATION REVIEW INFORMATION

A. Review Criteria

1. Rating Factors

HUD will consider whether your application is clear, concise, and well organized. Each rating factor is reviewed independently. Applications scoring seventy-five (75) points or more will be eligible to receive an award. Applications will be scored and ranked, based on the total number of points allocated for each of the rating factors described in Section V.A of this NOFO. The maximum number of points to be awarded is 104. Be sure your response for each rating factor does not include information that belongs with another rating factor.

Summary of Applicant Scoring, point distribution	
Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience	40 points
Rating Factor 2: Justification of Applicant Need	40 points
Rating Factor 3: Budget Proposal (including 2 points for Section 3)	20 points
Preference Points	4 points
Total Points Possible	104 Points

When determining score for the narrative response's reviewers will utilize the following scale to apply % of points available consistently for each applicant reviewed.

Qualitative Rating	**Rating level explanation**	**%**
Outstanding	Answer is thorough and provides high confidence that the criteria are surpassed, or that the applicant will likely surpass the performance criteria covered by the question within the time and cost established. There were no weaknesses noted. The description gives confidence of high probability of success.	100%
Excellent	No significant weakness noted. Weaknesses or concerns can be corrected with just a moderate amount of effort. In general, the answer gives confidence that the applicant will likely meet the performance criteria covered by the question with the time and cost established.	75%
Good	Answer provided generally meets the standards required, but has information weaknesses, or design or concept flaws that, while correctable, will likely require considerable effort. The applicant may not have fully answered the question. The answer is mediocre, and therefore, gives concern whether the applicant will meet the performance criteria covered by the question within the time and cost established	50%
Fair	Answer is vague or has substantial programmatic weaknesses that would require substantial efforts to correct. There is a low likelihood that the applicant will meet the performance criteria covered by the question within the time and cost established.	25%
Poor or Non-Responsive	Applicant did not address question or answer shows a lack of understanding of requirements and/or concepts. Poor design concept and no or very little confidence that the applicant will meet the performance criteria covered by the question within the time and cost established. Success regarding this element is very unlikely.	0%

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience.

Maximum Points: 40

The applicant must demonstrate that its organization has sufficient qualified personnel or will actively retain qualified experts or professionals within 90 days of the grant award to successfully implement and complete the project. Applicants must submit resumes or job descriptions as separate documents to receive up to the full points for this rating factor.

a. Program Administration and Oversight (10 Points)

1. Your key personnel must include at a minimum a Project Director (PD), and a dedicated day-to-day Program Manager (PM). The Program Manager must dedicate 75 percent of his/her time to the proposed project. Describe the roles and responsibilities of each key personnel and include their resumes up to three (3) pages in length. The Program Manager must have experience in housing rehabilitation, public health, lead hazard control, childhood lead poisoning prevention, project management, or related work. The Program Manager must be trained and certified to lead hazard control activities, or explain how they will receive the training and certification within 90 to 120 days of being hired.

2. Describe program start-up activities during the first 90 days of the grant (hiring/training staff, outreach/education activities). Provide information about internal and external capacity-building steps necessary to ensure a smooth and timely start-up phase.

3. Describe how you will administer this program, including how you will address oversight and financial management and provide examples of current financial reports.

4. Discuss how funding will flow from you to those who will perform work under this program, as well as whether and, if so, how you will ensure that acceptable work is conducted, and acceptable products or services were provided before you pay invoices and before you submit invoices to HUD.

5. Describe the procedures and electronic database systems you will use to ensure proper program oversight and monitoring of all sub-recipients and contractors to ensure conformity to the terms, conditions and specifications of contracts or other formal agreements.

b. Community Outreach/Marketing of Program (10 Points)

1. Discuss your proposed outreach activities and expected outcomes, as it relates to unit enrollment, program sustainability, partnership building, coalition building and short and long-term reduction of childhood lead poisoning in the target area.
2. Describe how your program will coordinate with health, early childhood education or childcare provides, State Medicaid, or other healthcare partner organizations to identify children with elevated blood lead levels in housing and families eligible of enrollment in a Lead Hazard Reduction grant program.
3. Describe in detail the methods and strategies you will use, including the subrecipients responsible for performing affirmative marketing and outreach of the program to your intended target area(s) and/or residents with Limited English Proficiency.

c. Contractor Capacity and Public Private Parentships (10 points)

1. Provide examples or types of activities that will be used to build contractor capacity. Include such activities as coordinating with an EPA or state certified training provider to host

training courses for general contractors, firms, or individuals to become lead professionals.

2. List and describe in detail sub-recipients and consultants that will provide services and carry out critical activities for the proposed grant program. For example, partnering with accredited lead paint providers to build lead practitioner capacity.

3. Higher Education, Community Organizations and Agencies. Describe how your program will engage community-based organizations, agencies, community college or vocational schools/programs, and/or local home improvement/general contractor businesses, nonprofit organizations, including faith-based organizations in your grant program's activities. These activities may include outreach, community education, marketing, referrals, training and certification, program sustainability activities.

4. Detail each subrecipient's experience in initiating and implementing related environmental, health, or building capacity to implement housing repair programs.

d. Relevant Organization Experience (10 points)

1. Applicants must describe prior experience in initiating and implementing lead hazard control or related environmental, health or housing programs. Lists the relevant and most recent experience (last three years) in initiating and implementing lead hazard control or related environmental, health or housing projects.

2. Provide examples of relevant programs that the applicant currently manages or has previously managed within the past three years (e.g., CDBG Housing Rehabilitation, Childhood Lead Poisoning Prevention Program, Weatherization, etc.).

Rating Factor 2: Need/Extent of the Problem.

Maximum Points: 40

This factor addresses the extent to which there is a need for the proposed lead hazard reduction program and how it will be based on the evidence or predicted prevalence of lead poisoning, the presence of lead hazards, high risk children, and high-risk housing in any proposed target area(s). For you to receive maximum points for this factor, there must be a direct relationship between your proposed activities in the target area(s) and the documented community needs on addressing capacity/barriers issues.

1. Document the following target area(s) data in the chart below (20 points)

Table 1A: Target Area Data (20 Points)					
Maximum Points	Target Area Data	Target Area Results	Comparison Data	Comparison Data Results	Justification of need percentage
4 points	# of Pre-1940 Housing Units	#	Total Housing Units	#	%

3 points	# of Pre-1978 Housing Units	#	Total Housing Units (ALL)	#	%
3 points	# of Housing Choice Vouchers in target area	#	Total Housing Units	#	%
3 points	# of Children under six (6) years of age	#	Total Population (ALL AGES)	#	%
3 points	# or % of families ≤ 80% AMI in target area	#	Total population (all ages)	#	%
4 points	# or % of families ≤ 50% AMI in target area	#	Total populations (all ages)	#	%
Data Sources, including Website Addresses, for Table 1A:					
	Housing Data Source				
	Population and Children Data Source				
	Area Median Income Data Source				

2) Narrative Response (Other Barriers/Capacity Issues) (20 points) Summarize specific capacity issues and barriers your community is facing which has prevented the implementation of a lead hazard control program in your jurisdiction (e.g., lack of contractor pool, lack of quality EBL data, lack of clinical case management program, etc.) and how this funding will be used to address these issues. The summary should also include specifics about plans/activities to resolve barrier(s) and the relationship to the community capacity needs if you are awarded funding. Applicants need to describe their work plan to address key capacity issues related to a minimum of five or more of the following program components:

a. Training /contractor pool development;
b. Community outreach/marketing of program;
c. Developing and implementing procedures/guidelines governing program elements;
d. Qualified staff and organizational experience;
e. Building housing intake pipeline(s) (e.g., EBL referrals) and delivery systems;
f. Developing key partnerships/subgrantees;
g. Developing data systems and evaluation matrices;
h. Developing appropriate financing mechanisms;
i. Integrating lead hazard control into existing housing repair programs;
j. Obtaining high quality data in order to target resources where need is greatest; and
k. Developing systems for sustaining a viable lead hazard control program after the grant.

Rating Factor (3) Budget Proposal

Maximum Points: 20

Budget Planning Documentation (Require separate attachment): (10 points).
You must provide a HUD Detailed Budget Worksheet (**HUD_424 CBW)** to estimate the cost of your program. They will be evaluated on the extent to which resources seem reasonable and appropriate for this type of project. Estimate of all applicable costs, to include direct, indirect, and administrative expenses. (For more details on allowable costs, please reference section F. Program Specific Requirements).

Budget Justification Narrative (Required separate attachments): (10 points)

You must provide and thoroughly estimate all applicable costs, including direct, indirect, and administrative expenses, and present them in a clear and coherent format. **Note that HUD is not required to approve or fund all proposed activities if awarded.** In completing your estimations, you must document and justify all budget categories and costs and all major tasks of your organization, sub-recipients, major sub-contractors, joint venture participants, or others contributing resources to the project.

a. Fiscal Oversight and Management (8 points)

A detailed description of how the grant program funds will be managed. What fiscal system will be used and the people responsible for oversight and management of the budget? How will the grant program funds be kept separate from other funding the agency receives? What controls will be in place to ensure integrity, fiscal management and minimize co-mingling or mismanagement of funds?

b. Section 3 Strategy (2 Points):

1. Describe your strategy for hiring local low-income residents, providing training opportunities, and awarding contracts to local Section 3 businesses.
2. Applicants should:

a) outline their plan to notify residents and contractors about jobs and contracts that may become available;
b) notify potential contractors about the requirements of Section 3;
c) hire community residents and award contracts to local businesses; and
d) assist in obtaining compliance among contractors and subcontractors.

Section 3
In accordance with HUD's Section 3 regulations at 24 CFR 75.7, your application will receive up to 2 points based the quality of Section 3 plans submitted. The program office will consider the following in evaluating the quality of the Section 3 plan: where relevant and exclude Section 3 scoring where the nature of the grant being awarded is incompatible with Section 3 endeavors. If points are included, the applicable program office/area will be responsible for determining how the “quality of Section 3 plans” will be evaluated.

2. Other Factors

Preference Points
This NOFO supports the following policy initiatives. If your application demonstrates the appropriate information for the policy initiative, your application will receive up to two (2)

points for each initiative, and will receive no more than a total of four (4) points. These points are added to your application's overall score.

Promise Zones (PZ) (2 points)

Minority-Serving Institutions (2 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 Environmental Justice.

This program does not offer preference points related to HBCUs.

Minority-Serving Institutions

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.

An applicant partnering with an HBCU, Hispanic-Serving Institution, Tribal-controlled postsecondary institution, Alaskan Native-serving or Native-Hawaiian-serving institution, Predominantly Black Institution, Asian and Pacific Islander-serving institution, or Native American-serving nontribal institution will receive up to two (2) Preference Points when the application includes a Letter of Commitment certifying that a partnership is in place and signed by an authorizing official of the MSI and documentation of the college or university's status as an HBCU, Hispanic-serving institution, Tribal-controlled postsecondary institution, Alaska Native-serving or Native-Hawaiian-serving institution, Predominantly Black Institution, Asian and Native American Pacific Islander-serving institution, or Native American-serving nontribal institution.

Promise Zones

HUD encourages activities in Promise Zones (PZ). To receive Promise Zones Preference Points, applicants must submit form HUD-50153, “Certification of Consistency with Promise Zone Goals and Implementation,” signed by the Promise Zone Official authorized to certify the project meets the criteria to receive preference points. To view the list of designated Promise Zones and persons authorized to certify, see the Promise Zone pages on HUD’s website.

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:

The ability to account for funds in compliance with applicable reporting and recordkeeping requirements

Timely use of funds received from HUD

Timely submission and quality of reports submitted to HUD

Meeting program requirements

Meeting performance targets as established in the grant agreement

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

Timely completion of activities and receipt and expenditure of promised matching or leveraged funds

The number of persons served or targeted for assistance

Promoting self-sufficiency and economic independence

Producing positive outcomes and results

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.

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.

4. Applicants Selected for Award

a. Successful applicants will receive a letter from the Office of Lead Hazard Control and Healthy Homes Grant Officer providing details regarding the effective start date of the grant agreement and any additional data and information to be submitted to execute the grant. This letter is not an authorization to begin work or incur costs under the grant.

b. HUD may require that a selected applicant participate in negotiations to determine the specific terms of the grant agreement and budget. Should HUD not be able to successfully conclude negotiations with a selected applicant within a period determined by HUD, an award will not be made. If you accept the terms and conditions of the grant agreement, you must return a signed grant agreement by the date specified.

Instructions on how to have the grant agreement account entered into HUD's Line of Credit Control System (LOCCS) payment system will be provided. Other forms and program requirements will be provided. In accordance with OMB Circular A-133 (Audits of States, Local Governments and Nonprofit Organizations), if you expend $500,000 in federal funds in a single year, you must follow the requirements of the Single Audit Act and must submit your completed audit-reporting package along with the Data Collection Form (SF-SAC) to the Single Audit Clearinghouse. The address can be obtained from their website. The SF-SAC can be downloaded at: http://harvester.census.gov/sac/.

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 Economic Opportunities for Low-and Very Low-income Persons (Section 3) requirements, including those listed at 24 CFR part 75
8. 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)
9. Compliance with Accessible Technology requirements, including those listed on in HUD's Policy on Section 508 of the Rehabilitation Act and Accessible Technology
10. Compliance with Equal Access Requirements (see 24 CFR 5.105(a)(2) and 5.106)
11. Compliance with Ensuring the Participation of Small Disadvantaged Business, and Women-Owned Business requirements at 2 CFR 200.321
12. Compliance with Energy Efficient, Sustainable, Accessible, and Free from Discrimination by Design
13. Compliance with Real Estate Acquisition and Relocation requirements (see 49 CFR part 24 and applicable program regulations)
14. Compliance with Participation in HUD-Sponsored Program Evaluation (see Federal Register Notice, FR-6278-N-01)
15. Compliance with OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (see 2 CFR part 200)
16. Compliance with Drug-Free Workplace requirements (see 2 CFR part 2429, which is HUD's implementation of 41 U.S.C. 701, et seq.)
17. Compliance with the requirements related to safeguarding resident/client files
18. Compliance with the Federal Funding Accountability and Transparency Act of 2006 (2 CFR part 170) (FFATA), as amended
19. Compliance with Eminent Domain
20. Compliance with Accessibility for Persons with Disabilities requirements on HUD's Disability Overview webpage
21. Compliance with Violence Against Women Act at 24 CFR part 5, subpart L and applicable program regulations
22. 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
23. Compliance with the Build America, Buy America (BABA) Act procurement requirements and implementing guidance available on HUD's dedicated webpage
24. Compliance with System for Award Management and Universal Identifier Requirements at 2 CFR part 25
25. Compliance with section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 USC 7104(g)) and implementing regulations at 2 CFR part 175 (Award Term for Trafficking in Persons)
26. Compliance with Award Term and Condition for Recipient Integrity and Performance Matters (see Appendix XII to 2 CFR part 200)
27. Compliance with Suspension and Debarment (see 2 CFR part 2424 and 2 CFR part 180)

28. Compliance with environmental justice requirements under Executive Orders 12898 and 14008, and OMB Memorandum M-21-28, which implements the Justice40 Initiative, section 223 of Executive Order 14008.
29. 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)
30. Compliance with equity requirements, which include compliance with racial equity and underserved communities and LGBTQ+ requirements under Executive Orders 13985 and 13988

31. Compliance with 41 U.S.C. § 4712, which includes informing your employees in writing of their rights and remedies in the predominant native language of the workforce. Under 41 U.S.C. § 4712, employees of a contractor, subcontractor, grantee, subgrantee, and personal services contractor may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing information that the employee reasonably believes is evidence of gross mismanagement of a Federal contract or grant, a gross waste of Federal funds, an abuse of authority relating to a Federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant. (See Federal Contractor or Grantee Protections | Office of Inspector General, Department of Housing and Urban Development (hudoig.gov).

Environmental Review

Compliance with environmental requirements, including regulations at 24 CFR part 50 or 58:

Environmental Requirements for this NOFO are provided in Appendix D.

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.

Lead-Based Paint Requirements

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

Discrepancies between the NOFO on Grants.gov and other Documents

The Program NOFO posted at the Grants.gov website is the official document HUD uses to solicit applications. Applicants are advised to review their application submission against the requirements in the posted Program NOFO. If there is a discrepancy between the Program NOFO posted on Grants.gov and other information provided in any other copy or version or supporting documentation, the posted Program NOFO located at Grants.gov prevails. If discrepancies are found, please notify HUD immediately by calling the program contact listed in

the Program NOFO. HUD will post any corrections or changes to a Program NOFO on the Grants.gov website. Applicants must enroll an email address at the application download page to receive an e-mail alert from Grants.gov in the event the opportunity is changed.

Eliminating Barriers That May Unnecessarily Prevent Individuals with Criminal Histories from Participation

In accordance with HUD Secretary Fudge's April 12, 2022, memorandum, *Eliminating Barriers That May Unnecessarily Prevent Individuals with Criminal Histories from Participating in HUD Programs*, you must not exclude a person's housing unit or property from enrollment in this grant program, nor exclude a person from participating in a program, service, or activity under this grant program, based on arrest records only. You must ensure that any reliance on a person's conviction history is based on records and evidence showing that it will actually promote safety. You must also ensure that no person is excluded for criminal history without taking into account mitigating circumstances, such as the length of the time since the offense, the nature and severity of the offense, and evidence of rehabilitation. Before excluding an individual because of a criminal record, you should offer that individual the opportunity to provide evidence of mitigating circumstances or that the record is inaccurate.

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.

FOIA Reporting. HUD makes frequently requested materials, including information on the highest-scoring funding grant applications available on its Freedom of Information Act (FOIA)

website . To avoid disclosure of personally identifiable information (45 CFR 75.2; PII), proprietary information, business confidential information, or other content that should not be disclosed to the public, HUD will only post applications redacted pursuant to FOIA. Those recipients who receive the highest score in each competition must provide a redacted version of their applications within 30 days of notification from HUD that they submitted the highest-scoring application. If multiple applicants receive the same score, all of them will be asked to submit redacted applications. When submitting a redacted version, recipients may black out information that would be considered trade secrets and commercial or financial information and the information is privileged or confidential, as provided in 5 U.S.C. §552(b)(4), should the information be disclosed to the public. HUD will take the recipient's proposed redactions under advisement when determining what information should be released to the public.

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

If you execute a grant under this NOFO, reports must comply with the specific program reporting requirements as described below:

-If you purchase X-ray fluorescence (XRF) analyzers in excess of $5,000 a piece, you must complete and submit to OLHCHH the General Services Administration's annual Tangible Personal Property Report, This report has five components: cover sheet (SF-428), Annual Report (SF-428-A), the Final (Award Closeout) Report (SF-428-B), the Disposition Report/Request (SF-428-C), and, if needed, the Supplemental Sheet (SF-428-S); these forms can be accessed through https://www.gsa.gov/reference/forms?search_keyword=tangible. Generally, the average estimated time to complete each of these components is 0.5 hours; it is likely to be less for this grant program.
-Transparency Act Reporting. You must report on funding and expenditures for yourself and sub recipients to meet the requirements of the Federal Funding Accountability and Transparency Act of 2006.

-Quarterly Progress Reports - Quarterly reports will be due 30 days after the quarter ends following the initiation of the grant through project close-out but should be submitted as soon as possible after the end of the quarter. Quarterly reports must reflect activities undertaken, obstacles encountered, solutions achieved, and accomplishments in each calendar quarter. Also, a separate document illustrating the match contribution for each quarter is required (See section 6, Amount of Cost Share). Contracts, training materials, protocols, rosters of persons trained, outreach and educational materials prepared, and other

significant products developed to implement, analyze, or control the project or disseminate information shall be submitted with the quarterly reports as attachments.

-Federal Financial Report (FFR) Standard Form-425 - Grantee shall submit an FFR for each grant quarterly. FFRs are due 30 days after the quarter ends. A final FFR shall be required after the award agreement and shall use the end date of the project or grant period as the reporting end date. Final FFRs shall be submitted no later than 120 days after the project or grant period end date. Extensions of reporting due dates may be approved by the GTR upon request of the recipient.

-Final Report - The Final Report shall summarize the applicant's plans, execution of the plans, achievements noted, and lessons learned. The report need not be lengthy but should be of quality and detail to provide a freestanding description to any outside reader of all the applicant's work and achievements under the grant and compare the grantee's proposal of achievements with actual results. Specific and detailed guidance on preparing the forms and the narratives may be obtained from the GTR identified on form HUD-1044. See section II.10 "Closeout" and Policy Guidance Number 2020-06 – "Closeout procedures for OLHCHH Grantees."

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:
Victoria L Jackson

Phone:
202-402-3167

Email:
victoria.l.jackson@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)

A Finding of No Significant Impact (FONSI) with respect to the environment has been made for this NOFO in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). The FONSI is available for inspection at HUD's Funding Opportunities web page.

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

APPENDIX A: Program Definitions
APPENDIX B: Sample Budget Narrative
APPENDIX C: Targeting Disadvantaged Communities for Lead Hazard Reduction Capacity Building Grants

APPENDIX D: Environmental Requirements