

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

[Docket No. FR-4410-C-03]

**FY 1999 Super Notice of Funding
Availability (SuperNOFA); Notice of
Extension of Application Deadline for
Applicants in Oklahoma and Kansas
Disaster Areas for Continuum of Care
Homeless Assistance, Housing
Counseling and Section 202 and
Section 811 Programs; and
Clarification to Sections 202 and 811
Programs**

AGENCY: Office of the Secretary, HUD.
ACTION: Notice.

SUMMARY: On February 26, 1999, HUD published its Fiscal Year (FY) 1999 Super Notice of Funding Availability (SuperNOFA) for HUD's Housing, Community Development, and Empowerment programs. This notice extends the application due date for applicants in certain counties of Oklahoma, Kansas and Texas (designated as disaster areas as a result of the tornados in early May 1999) who are seeking funding under the following SuperNOFA Programs: Continuum of Care Homeless Assistance, Housing Counseling, Section 202 Program of Supportive Housing for the Elderly and Section 811 Program of Supportive Housing for Persons with Disabilities. This notice also (1) republishes the Introduction and General Section of the FY 1999 SuperNOFA to reflect recent changes, such as the change in application due dates for the programs listed above, and the publication of a new Public Housing Drug Elimination NOFA, and (2) clarifies certain provisions of the Section 202 and Section 811 Programs.

DATES: The application due date for Continuum of Care Homeless Assistance Program applicants located in the disaster counties as identified in this notice is July 8, 1999. For all other Continuum of Care Homeless Assistance Program applicants, the due date remains June 2, 1999.

The application due date for the Housing Counseling Program for applicants located in the disaster counties identified in this notice is June 24, 1999. For all other Housing Counseling applicants, the application due date remains May 25, 1999.

The application due date for Section 202 Program applicants and Section 811 Program applicants located in the disaster counties identified in this notice is June 29, 1999. For all other Section 202 Program applicants and Section 811 Program applicants, the

application due date remains May 27, 1999.

FOR FURTHER INFORMATION CONTACT: For the programs listed in this notice, please contact the office or individual listed in the **FOR FURTHER INFORMATION** portion of the section of the individual programs that are part of the SuperNOFA, published on February 26, 1999 at 64 FR 9618.

SUPPLEMENTARY INFORMATION:

I. Background

On February 26, 1999 (64 FR 9618), HUD published its FY 1999 SuperNOFA for HUD's Housing, Community Development, and Empowerment programs. The FY 1999 SuperNOFA announced the availability of approximately \$2.4 billion in HUD program funds covering 32 grant programs and program components administered by the following HUD offices: the Office of Community Planning and Development (CPD); the Office of Housing-Federal Housing Administration (FHA); the Office of Public and Indian Housing (PIH); the Office of Policy Development and Research (PD&R); the Office of Fair Housing and Equal Opportunity (FH&EO); and the Office of Lead Hazard Control. On April 27, 1999 (64 22634), HUD published a notice that extended the application deadlines of two programs (HOPE VI and FHIP) and made certain corrections and clarifications to four programs (FHIP, Lead-Based Hazard Control Program, Section 202 Supportive Housing for the Elderly Program; and Section 811 Supportive Housing for Persons with Disabilities Program).

The purpose of this notice is to:

(1) Extend the application due date for applicants in certain counties in the States of Oklahoma, Kansas and Texas, that have been designated disaster areas (as a result of the tornados in early May 1999) who are seeking funding under the following SuperNOFA programs: Continuum of Care Homeless Assistance, Housing Counseling, Section 202, and Section 811;

(2) Republish the Introduction and General Section of the FY 1999 SuperNOFA which has been updated and reflects changes, such as the extended application due date for certain applicants in specified SuperNOFA programs;

(3) Clarify certain provisions in the Section 202 and Section 811 Programs.

II.A. Extension of Application Due Date for Certain SuperNOFA Programs for Applicants Affected by Recent Tornado Disasters

Certain programs in the FY 1999 SuperNOFA provide for extended application deadlines for applicants in

counties that have been designated disaster areas as a result of the tornados in early May 1999, and under the following disaster declarations: FEMA-1272-DR, FEMA-1273-DR, FEMA-1274-DR. This notice provides the list of counties designated disaster areas as of May 13, 1999. Additional counties may be designated as disaster areas as a result of the tornados that occurred in early May 1999. Any additional counties, if designated, will be posted on HUD's web page (www.hud.gov) and published by Federal Emergency Management Agency (FEMA) in the **Federal Register**. As of May 13, 1999, the following counties have been designated disaster areas:

- In the State of Oklahoma—Caddo, Canadian, Cleveland, Craig, Creek, Grady, Kingfisher, LeFlore, Lincoln, Logan, McClain, Noble, Oklahoma, Ottawa, Pottawatomie and Tulsa counties;
- In the State of Kansas—the counties of Reno, Sedgewick, and Sumner; and
- In the State of Texas—the county of Bowie. For these counties, application due dates for the following SuperNOFA programs are extended to the dates listed below:

1. *Continuum of Care Homeless Assistance Programs*. July 8, 1999.
2. *Housing Counseling Program*. June 24, 1999.
3. *Section 202 and Section 811 Programs*. June 29, 1999.

For all other applicants, the application due dates for these programs remain unchanged. For all other SuperNOFA programs (other than the three programs listed above), the application due dates remain unchanged. For the convenience of the reader, you may refer to the funding chart included in this notice.

B. Publication of a new Public Housing Drug Elimination Program NOFA

On May 12, 1999, HUD published in the **Federal Register** a notice withdrawing the Public Housing Drug Elimination Program (PHDEP) NOFA published as part of the FY 1999 SuperNOFA, and published a new PHDEP NOFA. The withdrawal and reissuance of a PHDEP NOFA is part of HUD's transition to providing PHDEP funding through formula allocation. On May 12, 1999, HUD also published a proposed rule to implement the distribution of PHDEP funding under a non-competitive formula. The information requested by the May 12, 1999 PHDEP funding will be used by HUD whether or not funds are distributed competitively, and will reduce the current reporting burden on applicants. This action is intended to

prevent an interruption in the funding process while issues related to the proposed rule are resolved.

The application deadline for the May 12, 1999 PHDEP NOFA is June 16, 1999.

III. Clarification to Section 811 Program

On April 27, 1999 (64 FR 22634), HUD published a **Federal Register** notice making certain clarifications and corrections to several of the program sections in the FY 1999 SuperNOFA, including the program section for the Section 811 Program of Supportive Housing for Persons with Disabilities. Among other corrections to the Section 811 Program, the April 27, 1999 notice provided that to obtain 5 rating points under Rating Factor 3 ("Soundness of Approach"), at least 51% of a Sponsor's board must consist of persons with disabilities (including persons who have disabilities similar to those of the prospective residents).

The language in the April 27, 1999 notice regarding this correction to the Section 811 program section of the SuperNOFA was accurate (see 64 FR 22634, 22638). However, the preamble discussion of this correction was unclear, and might have been incorrectly interpreted to mean that all Sponsors under the Section 811 Program are required to have boards with 51% membership consisting of persons with disabilities (including persons who have disabilities similar to those of the prospective residents). This notice clarifies that the 51% requirement only applies for purposes of obtaining 5 points under Rating Factor 3.

IV. Clarification to Section 202 and Section 811 Programs

Section 202 Program. The April 27, 1999 notice amending the FY 1999 SuperNOFA for the Section 202 Program specified that:

(1) If the contract of sale requires closing of the purchase on a date earlier than the 202 closing, the applicant must escrow the amount of the purchase price (see 64 FR 22638, middle column); and

(2) If renewal of the option agreement requires a payment or deposit for renewal, the applicant must escrow the amount of the payment or deposit (see 64 FR 22638, middle column);

Today's notice clarifies further that for both (1) and (2), the Section 202 applicant must submit documentation in Exhibit 4(d) of its application that the amount has been escrowed.

Section 811 Program. The April 27, 1999 notice amending the FY 1999 SuperNOFA for the Section 811 Program specified that:

(1) If the contract of sale requires closing of the purchase on a date earlier than the 811 closing, the applicant must escrow the amount of the purchase price (see 64 FR 22638, third column); and

(2) If renewal of the option agreement requires a payment or deposit for renewal, the applicant must escrow the amount of the payment or deposit (see 64 FR 22638, third column);

Today's notice clarifies further that for both (1) and (2), the Section 811 applicant must submit documentation in Exhibit 4(d) of its application that the amount has been escrowed. Additionally, the submission is necessary to be eligible for the 5 points for site control.

V. Introduction and General Section to the FY 1999 SuperNOFA

The Introduction and General Section to the FY 1999 SuperNOFA is updated and republished for the convenience of applicants for SuperNOFA programs for which the application periods have not yet closed.

HUD's Fiscal Year 1999 SuperNOFA Process

Background: the Introduction of the SuperNOFA—the FY 98 SuperNOFA

In Fiscal Year 1998, HUD introduced its first SuperNOFA. HUD's FY 1998 SuperNOFA represented a marked departure from, and HUD believes a significant improvement over, HUD's past approach to the funding process. Before the FY 1998 SuperNOFA, HUD had issued as many as 40 separate NOFAs. These 40 NOFAs had widely varying rules and application processing requirements, and were published at various times throughout the fiscal year. This individual program approach to funding, with different publication schedules, did not encourage and, at times, unintentionally interfered with local efforts directed at comprehensive planning as well as development of comprehensive local solutions. Additionally, the old approach seemed to require communities to respond to HUD's needs instead of HUD responding to local needs.

In his first year as Secretary of HUD, Secretary Andrew Cuomo immediately sought to change this outdated approach to funding. Secretary Cuomo brought to the leadership of HUD the experience of successfully implementing a consolidated planning process in HUD's community development programs. As Assistant Secretary for Community Planning and Development, Secretary Cuomo consolidated the planning, application, and reporting requirements of several community development programs. The Consolidated Plan rule,

published in 1995, established a renewed partnership among HUD, State, and local governments, public and private agencies, tribal governments, and the general citizenry by empowering field staff to work with other entities in fashioning creative solutions to community problems.

HUD's FY 1998 SuperNOFA promoted HUD's objective, under the direction of Secretary Cuomo, of improving customer service and providing the necessary tools for revitalizing communities and improving the lives of people within those communities. The SuperNOFA increased the ability of applicants to consider and apply for funding under a wide variety of HUD programs in response to a single NOFA. In addition to applicants, HUD believes that everyone interested in HUD's grant programs can benefit from having this information made available in one document, and that having the information on available funding one time will facilitate local planning and coordination.

Changes Made in the SuperNOFA Process for FY 1999

One SuperNOFA. For Fiscal Year 1999, HUD is taking the next step of improving its funding process by issuing one single SuperNOFA. In FY 1998, HUD issued three SuperNOFAs:

(1) The SuperNOFA for HUD's Housing and Community Development Programs;

(2) The SuperNOFA for HUD's Economic Development and Empowerment Programs; and

(3) The SuperNOFA for HUD's Targeted Housing and Homeless Assistance Programs.

HUD's FY 1999 SuperNOFA consolidates the programs in these three SuperNOFAs into one SuperNOFA—the SuperNOFA for HUD's Housing, Community Development and Empowerment Programs. The housing component of this SuperNOFA encompasses many of HUD's housing programs, including targeted housing and homeless assistance. The community development component of this SuperNOFA encompasses HUD's economic development programs, and the empowerment component encompasses HUD's youthbuild and self-help programs.

Plain Language. In addition to increased consolidation, HUD strived to make the FY 1999 SuperNOFA simpler and easier to understand. On June 1, 1998, President Clinton issued a memorandum to all Federal agencies that directs agencies to use plain language in all of their documents. HUD

prepared its FY 1999 SuperNOFA to comply with the plain language principles. These principles include using common, everyday words (except for necessary technical terms), the active voice and short sentences.

Earlier Publication and More Time to Prepare Applications. Finally, HUD is publishing its SuperNOFA earlier than in FY 1998. By publishing earlier in the Federal Fiscal Year, HUD can provide you, the applicant, more time to prepare and submit your SuperNOFA application(s).

Program Changes to Note: (1) HOPWA-TA. This year technical assistance under the Housing Opportunities for Persons with AIDS (HOPWA) has been consolidated into the Community Development Technical Assistance (CD-TA) Program section of the SuperNOFA. If you are interested in applying for this program, please see the CD-TA Program section.

(2) *Youth Sports Program.* This year, youth sports activities are eligible under the PIH Drug Elimination Grant Program.

(3) *Possible Formula Funding for Public Housing Drug Elimination Program.* On February 18, 1999, HUD published in the **Federal Register** an Advance Notice of Proposed Rulemaking (ANPR) announcing HUD's intention to develop, through proposed rulemaking, a formula allocation funding for HUD's Public Housing Drug Elimination Program (PHDEP). The February 18, 1999 ANPR solicits comments in advance of this rulemaking on a method, components of a method, or methods that would result in reliable and equitable funding to public housing agencies with drug elimination programs and ensure that this funding is allocated to agencies meeting certain performance standards. On May 12, 1999, HUD published a proposed rule on formula allocation for PHDEP funding. The May 12, 1999 proposed rule describes HUD's proposal for non-competitive allocation of PHDEP funds, and solicits public comment. On May 12, 1999, HUD also withdrew the PHDEP NOFA that was part of HUD's FY 1999 SuperNOFA, published on February 26, 1999, and republished a new NOFA for which the information provided under this May 12, 1999 NOFA will reduce the current reporting burden on applicants, and will be used by HUD whether or not funds are distributed competitively.

Similarities Between FY 1998 and FY 1999 SuperNOFAs

The FY 1999 SuperNOFA, like the FY 1998 SuperNOFA, places heavy emphasis on the coordination of activities to provide:

- (1) Greater flexibility and responsiveness in meeting local housing and community development needs, and
- (2) Greater flexibility to applicants to determine what HUD program resources best fit the community's needs, as identified in local Consolidated Plans and Analysis of Impediments to Fair Housing Choice ("Analysis of Impediments" (AI)).

The FY 1999 SuperNOFA is designed to:

- Simplify the application process;
- Promote effective and coordinated use of program funds in communities;
- Reduce duplication in the delivery of services and economic development and empowerment programs;
- Allow applicants to seek to deliver a wider, more integrated array of services; and
- Improve the system for potential grantees to be aware of, and compete for program funds.

Once again, HUD strongly encourages applicants to work together to coordinate and, to the maximum extent possible, join their activities to form a seamless and comprehensive program of assistance to meet identified needs in their communities. This coordination also should help applicants jointly address barriers to fair housing and equal opportunity that have been identified in the community's Consolidated Plan and Analysis of Impediments in the geographic area(s) in which they are seeking assistance.

As part of the simplification of this funding process, and to avoid duplication of effort, the SuperNOFA provides for consolidated applications for several of the programs that are part of this SuperNOFA. HUD programs that provide assistance for, or complement, similar activities (for example, the Continuum of Care programs and CPD Technical Assistance programs) have a consolidated application that reduces the administrative and paperwork burden applicants would otherwise encounter in submitting a separate application for each program. The Program Chart in this introductory section of the SuperNOFA identifies the programs that have been consolidated

and for which a consolidated application is made available to eligible applicants. Eligible applicants are able, as they have been in the past, to apply for funding under as few as one or as many as all programs for which they are eligible.

The specific statutory and regulatory requirements of the programs that are part of this SuperNOFA continue to apply to each program. The SuperNOFA will identify, where necessary, the statutory requirements and differences applicable to the specific programs. Please pay careful attention to the individual program requirements that are identified for each program. Also, you will note that not all applicants are eligible to receive assistance under all programs identified in this SuperNOFA.

The SuperNOFA is divided into two major sections. The General Section of the SuperNOFA describes the procedures and requirements that are applicable to all applications. The Programs Section of the SuperNOFA describes each program that is part of this SuperNOFA. For each program, the Programs Section describes the eligible applicants, eligible activities, factors for award, and any additional requirements or limitations that apply to the program.

Please read carefully both the General Section and the Programs Section of the SuperNOFA for the program(s) to which you are applying. Your careful reading will ensure that you apply for program funding for which your organization is eligible to receive funds and you fulfill all the requirements for that program(s).

The Programs of This SuperNOFA and The Amount of Funds Allocated

The programs that are part of this SuperNOFA are identified in the chart below. The approximate available funds for each program are expected funding levels based on appropriated funds. In the event HUD recaptures funds or other funds become available for any program, HUD reserves the right to increase the available program funding amounts by the amount available.

The chart also includes the application due date for each program, the OMB approval number for the information collection requirements contained in the specific program, and the Catalog of Federal Domestic Assistance (CFDA) number.

HUD FY 1999 SUPERNOFA FUNDING

NOTE: The chart below reflects the updates made by HUD in its April 27, 1999 notice (64 FR 22634), as well as the extension of the application due date for Continuum of Care applicants in the Oklahoma and Kansas disaster counties.

Program Name	Funding Available	Due Date	Submission Location and Room
<i>HOUSING AND COMMUNITY DEVELOPMENT</i>			
Community Development Technical Assistance	\$ 24.25 million		
Community Development Block Grant (CDBG) TA CFDA No: 14.227 OMB Approval No.:2506-0166	\$ 2.5 million	May 26, 1999	HUD Headquarters Room 7251, and copies to appropriate local HUD Field Offices
Community Housing Development Organization (CHDO) TA CFDA No. 14.239 OMB Approval No.:2506-0166	\$ 9 million	May 26, 1999	HUD Headquarters Room 7251, and copies to appropriate local HUD Field Offices
HOME TA CFDA No. 14.239 OMB Approval No.:2506-0166	\$ 8 million	May 26, 1999	HUD Headquarters Room 7251, and copies to appropriate local HUD Field Offices
Supportive Housing Program (SHP) TA CFDA No. 14.235 OMB Approval No.:2506-0166	\$ 2.5 million	May 26, 1999	HUD Headquarters Room 7251, and copies to appropriate local HUD Field Offices
HOPWA TA CFDA No. 14.241 OMB Approval No.:2506-0133	\$ 2.25 million	May 26, 1999	HUD Headquarters Room 7251

Program Name	Funding Available	Due Date	Submission Location and Room
UNIVERSITY AND COLLEGE PARTNERSHIPS			
University and College Programs	\$ 22.15 million		
Community Outreach Partnership Centers (COPC) CFDA No: 14511 OMB Approval No.:2528-0180	\$ 7.5 million	June 9, 1999	HUD Headquarters Room 7251
Historically Black Colleges and Universities (HBCUs) Program CFDA No.: 14.237 OMB Approval No.: 2506-0122	\$ 9 million	June 9, 1999	HUD Headquarters Room 7251 and copies to local HUD Field Office
Hispanic-Serving Institutions Assisting Communities (HSIAC) Program CFDA No.: 14.514 OMB Approval No.:2528-0198	\$ 5.65 million	June 9, 1999	HUD Headquarters Room 7251
FAIR HOUSING OUTREACH, ENFORCEMENT AND ASSISTED HOUSING COUNSELING			
Fair Housing and Housing Counseling Programs	\$ 31.6 million		
Education and Outreach Initiative (EOI) CFDA No.: 14.409 OMB Approval No.: 2529-0033	\$ 4.5 million	June 30, 1999	HUD Headquarters Room 5234
Private Enforcement Initiative (PEI) CFDA No.: 14.410 OMB Approval No.: 2539-0033	\$ 9.3 million	June 30, 1999	HUD Headquarters Room 5234
Fair Housing Organizations Initiative (FHOI) CFDA No.: 14.413 OMB Approval No.: 2539-0033	\$ 1.2 million	June 30, 1999	HUD Headquarters Room 5234

Program Name	Funding Available	Due Date	Submission Location and Room
Local Housing Counseling Agencies CFDA No.: 14.169 OMB Approval No.: 2502-0261	\$ 5.6 million	May 25, 1999 June 24, 1999 (Only for applicants located in Oklahoma, Kansas, & Texas, disaster counties - see final page of chart for counties)	Appropriate HUD Homeownership Center (HOC)
National, Regional, and Multi-State Intermediaries CFDA No.: 14.169 OMB Approval No.: 2502-0261	\$ 7.5 million	May 25, 1999 June 24, 1999 (Only for applicants located in Oklahoma, Kansas, & Texas disaster counties - see final page of chart for counties)	HUD Headquarters Room 9166
State Housing Finance Agencies CFDA No.: 14.169 OMB Approval No.: 2502-0261	\$ 3.5 million	May 25, 1999 June 24, 1999 (Only for applicants located in Oklahoma, Kansas, & Texas disaster counties - see final page of chart for counties)	Appropriate HUD Homeownership Center (HOC)
LEAD HAZARD CONTROL			
Lead-Based Paint Hazard Control Programs	\$ 62.5 million		
Lead-Based Paint Hazard Control Program CFDA No.: 14.900 OMB Approval No.: pending	\$ 56 million	May 26, 1999	Postal Service: HUD Headquarters, Office of Lead Hazard Control, Room P3206

Program Name	Funding Available	Due Date	Submission Location and Room
Research to Improve Evaluation and Control of Residential Lead-Based Paint Hazards CFDA No.: 14.900 OMB Approval No.: 2529-0011	\$ 2.5 million	May 26, 1999	Postal Service: HUD Headquarters, Office of Lead Hazard Control, Room P3206
Mold and Moisture Control in Inner City Housing CFDA No.: 14.900 OMB Approval No.: pending	\$ 4 million	May 26, 1999	Postal Service: HUD Headquarters, Office of Lead Hazard Control, Room P3206
<i>PUBLIC AND INDIAN HOUSING REVITALIZATION AND DEMOLITION</i>			
Revitalization and Demolition Programs	\$ 583 million		
Hope VI Revitalization Grants CFDA No.: 14.866 OMB Approval No.: 2577-0208	\$ 523 million	May 27, 1999	HUD Headquarters Room 4138 and copies to appropriate local HUD Field Office
HOPE VI Demolition Grants CFDA No.: 14.866 OMB Approval No.: 2577-0208	\$ 60 million	July 29, 1999	HUD Headquarters Room 4138 and copies to appropriate local HUD Field Office

Program Name	Funding Available	Due Date	Submission Location and Room
<i>DRUG ELIMINATION IN PUBLIC AND ASSISTED HOUSING</i>			
Drug Elimination Programs	\$ 289.30 million		
Public Housing Drug Elimination Program (including Youth Sports Eligible Activities) * A new PHDEP NOFA was published on May 12, 1999. The application due date is unchanged. CFDA No.: 14.854 OMB Control No.: 2577-0124	\$ 242.75 million	June 16, 1999	Appropriate local HUD Field Office or Area Office of Native American Programs
Public Housing Drug Elimination New Approach (Formerly Safe Neighborhood Grant) CFDA No.: 14.854 OMB Control No.: 2577-0124	\$ 28.3 million	July 1, 1999	Appropriate local HUD Field Office or Area Office of Native American Programs
Public Housing Drug Elimination TA CFDA No.: 14.854 OMB Control No.: 2577-0124	\$ 2 million	June 16, 1999	HUD Headquarters Room 4206
Drug Elimination Grants for Multifamily Low Income Housing CFDA No.: 14.193 OMB Approval No.: 2502-0476	\$ 16.25 million	June 16, 1999	Appropriate local HUD Field Office or Area Office of Native American Programs

Program Name	Funding Available	Due Date	Submission Location and Room
<i>ECONOMIC DEVELOPMENT AND EMPOWERMENT</i>			
Economic and Empowerment Programs	\$ 120 million		
Economic Development Initiative CFDA No.: 14.246 OMB Approval No.: 2506-0153	\$ 35 million	June 11, 1999	HUD Headquarters Room 7251 and copy to appropriate local HUD Field Office
Brownfields Economic Development Initiative CFDA No.: 14.246 OMB Approval No.: 2506-0153	\$ 25 million	June 25, 1999	HUD Headquarters Room 7251 and copy to appropriate local HUD Field Office
Self-Help Homeownership Opportunity Program (SHOP) CFDA No.: 14.247 OMB Approval No.: N/A	\$ 20 million	April 29, 1999	HUD Headquarters Room 7251
Youthbuild CFDA No.: 14.243 OMB Approval No.: 2508-0142	\$ 40 million	April 30, 1999	HUD Headquarters Room 7251 and copy to appropriate local HUD Field Office

Program Name	Funding Available	Due Date	Submission Location and Room
TARGETED HOUSING AND HOMELESS ASSISTANCE			
Targeted Housing and Homeless Assistance Programs	\$ 1,224.27 million		
Continuum of Care Homeless Assistance - Supportive Housing CFDA No.: 14.235 - Shelter Plus Care CFDA No.: 14.238 - Section 8 Moderate Rehabilitation Single Room Occupancy (SRO) CFDA No.: 14.249 OMB Approval No.: 2506-0112	\$ 750 million	June 2, 1999 July 8, 1999 (Only for applicants located in Oklahoma, Kansas, & Texas disaster counties*)	HUD Headquarters Room 7270 and copies to appropriate local HUD Field Offices
Housing Opportunities for Persons with AIDS CFDA No.: 14.241 OMB Approval No.: 2506-0133	\$ 22.27 million	June 2, 1999	HUD Headquarters Room 7251 and copies to appropriate local HUD Field Office
Section 202 Supportive Housing for the Elderly CFDA No.: 14.157 OMB Approval No.: 2502-0267	\$ 434.8 million	May 27, 1999 June 29, 1999 (Only for applicants located in Oklahoma, Kansas, & Texas disaster counties*)	Appropriate local HUD Multifamily HUB or Multifamily Program Center
Section 811 Supportive Housing for Persons with Disabilities CFDA No.: 14.181 OMB Approval No.: 2502-0462	\$ 87.2 million	May 27, 1999 June 29, 1999 (Only for applicants located in Oklahoma, Kansas, & Texas disaster counties*)	Appropriate local HUD Multifamily HUB or Multifamily Program Center

* These counties are as follows: in the State of Oklahoma -- Caddo, Canadian, Cleveland, Craig, Creek, Grady, Kingfisher, LeFlore, Lincoln, Logan, McClain, Noble, Oklahoma, Pottawatomie, and Tulsa counties; in the State of Kansas -- Reno, Sedgewick, and Sumner counties; and in the State of Texas -- Bowie county (and such other counties that may be designated as disaster areas as a result of the tornados that occurred in early May 1999).

Paperwork Reduction Act Statement

The information collection requirements in this SuperNOFA have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). The chart shown above provides the OMB approval number for each program that is part of this SuperNOFA. Where the chart notes that an OMB number is pending, this means that HUD has submitted the information to OMB to obtain an approval number and HUD's request for the number is pending. As soon as HUD receives the approval number, the number will be published in the **Federal Register** and provided to the SuperNOFA Information Center. Under the Paperwork Reduction Act, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

General Section of the SuperNOFA

I. Authority; Purposes of the FY 1999 SuperNOFA; Funding Amount; Eligible Applicants and Eligible Activities

(A) *Authority.* HUD's authority for making funding under this SuperNOFA is the Fiscal Year 1999 Department of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 1999 (Pub.L. 105-276, 112 Stat. 2461, approved October 21, 1998) (FY 1999 HUD Appropriations Act).

(B) *Purposes.* The purposes of this SuperNOFA are to:

(1) *Make funding available to empower communities and residents.* The funding made available by this SuperNOFA will assist community residents, particularly the poor and disadvantaged, to develop viable communities and provide decent housing for all citizens, without discrimination.

(2) *Simplification of the application process for funding under HUD programs.* This year's SuperNOFA continues to provide a single, uniform set of rating factors and submission requirements. This year's SuperNOFA also allows, as did last year's, for you, the applicant, to apply for more than one program with a single application.

(3) *Promote comprehensive approaches to housing and community development.* Through the SuperNOFA process, HUD encourages you, the applicant, to focus on the interrelationships that exist in a community and in HUD's funding programs, and to build community-wide efforts that coordinate the resources of

multiple applicants and programs. The needs and problems of a community rarely, if ever, stand in isolation from each other. Due to this fact, it is very difficult to address these problems and to provide opportunities to use existing community resources in a piecemeal fashion. To successfully address community needs and solve community problems, and to take advantage of existing resources, HUD encourages members of a community to join together and pool all available resources in a common, coordinated effort. In 1998, HUD began structuring its funding process to help its community partners take this coordinated, holistic approach. Further, by making all of HUD's competitive funding available in one document, HUD allows you, the applicant, to be able to relate the activities proposed for funding under this SuperNOFA to the community's Consolidated Plan and Analysis of Impediments to Fair Housing Choice.

(C) *Funding Available.* As noted in the Introduction Section to the SuperNOFA, the HUD programs that are part of this SuperNOFA are allocated amounts based on appropriated funds. If HUD recaptures funds in any program, HUD reserves the right to increase the available funding amounts by the amount of funds recaptured.

(D) *Eligible Applicants and Eligible Activities.* The Programs Section of the SuperNOFA describes the eligible applicants and eligible activities for each program.

II. Requirements and Procedures Applicable to All Programs

Except as may be modified in the Programs Section of this SuperNOFA, or as noted within the specific provisions of this Section II, the principles listed below apply to all programs that are part of this SuperNOFA. Please be sure to read the Programs Section of the SuperNOFA for additional requirements or information.

(A) *Statutory Requirements.* To be eligible for funding under this SuperNOFA, you, the applicant, must meet all statutory and regulatory requirements that are applicable to the program or programs for which you are seeking funding. If you need copies of the program regulations, they are available from the SuperNOFA Information Center or through the Internet at the HUD web site located at <http://www.HUD.gov>. Among the reasons that HUD may reject an application from further funding consideration is if the activities or projects proposed in the application are not eligible activities and projects, or (with the exception of the Section 202

and 811 programs) HUD may eliminate the ineligible activities from funding consideration and reduce the grant amount accordingly.

(B) *Threshold Requirements—Compliance with Fair Housing and Civil Rights Laws.* With the exception of Federally recognized Indian tribes, all applicants and their subrecipients must comply with all Fair Housing and civil rights laws, statutes, regulations and executive orders as enumerated in 24 CFR 5.105(a). If you are a Federally recognized Indian tribe, you must comply with the Age Discrimination Act of 1975, section 504 of the Rehabilitation Act of 1973, and the Indian Civil Rights Act.

If you, the applicant —

(1) Have been charged with a systemic violation of the Fair Housing Act by the Secretary alleging ongoing discrimination;

(2) Are a defendant in a Fair Housing Act lawsuit filed by the Department of Justice alleging an ongoing pattern or practice of discrimination; or

(3) Have received a letter of noncompliance findings under Title VI, Section 504, or Section 109,—

HUD will not rank and rate your application under this SuperNOFA if the charge, lawsuit, or letter of findings has not been resolved to the satisfaction of the Department before the application deadline stated in the individual program NOFA. HUD's decision regarding whether a charge, lawsuit, or a letter of findings has been satisfactorily resolved will be based upon whether appropriate actions have been taken to address allegations of ongoing discrimination in the policies or practices involved in the charge, lawsuit, or letter of findings.

(C) *Additional Nondiscrimination Requirements.* You, the applicant and your subrecipients, must comply with the Americans with Disabilities Act, and Title IX of the Education Amendments Act of 1972.

(D) *Affirmatively Furthering Fair Housing.* Unless otherwise specified in the Programs Section of this SuperNOFA, if you are a successful applicant, you will have a duty to affirmatively further fair housing. Again, except as may be provided otherwise in the Programs Section of this SuperNOFA, you, the applicant, should include in your application or work plan the specific steps that you will take to:

(1) Address the elimination of impediments to fair housing that were identified in the jurisdiction's Analysis of Impediments (AI) to Fair Housing Choice;

(2) Remedy discrimination in housing; or

(3) Promote fair housing rights and fair housing choice.

Further, you, the applicant, have a duty to carry out the specific activities provided in your responses to the SuperNOFA rating factors that address affirmatively furthering fair housing. Please see the Programs Section of this SuperNOFA for further information.

(E) *Economic Opportunities for Low and Very Low-Income Persons (Section 3)*. Certain programs in this SuperNOFA require recipients of assistance to comply with section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u (Economic Opportunities for Low and Very Low-Income Persons in Connection with assisted Projects) and the HUD regulations at 24 CFR part 135, including the reporting requirements subpart E. Section 3 requires recipients to ensure that, to the greatest extent feasible, training, employment and other economic opportunities will be directed to (1) low and very low income persons, particularly those who are recipients of government assistance for housing and (2) business concerns which provide economic opportunities to low and very low income persons. As noted in the Programs Section of this SuperNOFA, Section 3 is applicable to the following programs:

1. Historically Black Colleges and Universities (HBCU);
2. Hispanic Serving Institutions Assisting Communities (HSIAC);
3. Lead-Based Paint Hazard Control;
4. Mold and Moisture Control in Inner City Housing Program;
5. HOPE VI Public Housing Revitalization;
6. Public Housing Drug Elimination Program (PHDEP);
7. Public Housing Drug Elimination Program—New Approaches
8. Multifamily Housing Drug Elimination;
9. Economic Development Initiative (EDI);
10. Brownfields Economic Development Initiative (BEDI);
11. Self-Help Homeownership Opportunity Program (SHOP);
12. Youthbuild;
13. Continuum of Care Homeless Assistance Programs;
14. Housing Opportunities for Persons with AIDS (HOPWA);
15. Section 202 Supportive Housing for the Elderly; and
16. Section 811 Supportive Housing for Persons with Disabilities.

(F) *Relocation*. Any person (including individuals, partnerships, corporations or associations) who moves from real property or moves personal property from real property directly (1) because of a written notice to acquire real property in whole or in part, or (2) because of the acquisition of the real property, in whole or in part, for a HUD-

assisted activity is covered by Federal relocation statute and regulations. Specifically, this type of move is covered by the acquisition policies and procedures and the relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), and the implementing governmentwide regulation at 49 CFR part 24. The relocation requirements of the URA and the governmentwide regulations cover any person who moves permanently from real property or moves personal property from real property directly because of rehabilitation or demolition for an activity undertaken with HUD assistance.

(G) *Forms, Certifications and Assurances*. You, the applicant, are required to submit signed copies of the standard forms, certifications, and assurances listed in this section, unless the requirements in the Programs Section specifies otherwise. Additionally, the Programs Section may specify additional forms, certifications, assurances or other information that may be required for a particular program in this SuperNOFA. As part of HUD's continuing efforts to improve the SuperNOFA process, several of the required standard forms have been simplified this year. The standard forms, certifications, and assurances are as follows:

- (1) Standard Form for Application for Federal Assistance (SF-424);
- (2) Standard Form for Budget Information—Non-Construction Programs (SF-424A) or Standard Form for Budget Information—Construction Programs (SF-424C), as applicable;
- (3) Standard Form for Assurances—Non-Construction Programs (SF-424B) or Standard Form for Assurances—Construction Programs (SF-424D), as applicable;
- (4) Drug-Free Workplace Certification (HUD-50070);
- (5) Certification and Disclosure Form Regarding Lobbying (SF-LLL); (Tribes and tribally designated housing entities (TDHEs) established by an Indian tribe as a result of the exercise of the tribe's sovereign power are not required to submit this certification. Tribes and TDHEs established under State law are required to submit this certification.)
- (6) Applicant/Recipient Disclosure Update Report (HUD-2880);
- (7) Certification that the applicant will comply with the requirements of the Fair Housing Act, Title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, and will affirmatively further fair housing. CDBG recipients applying for funds under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 *et seq.*) also must certify to compliance with section 109 of the Housing and Community Development Act. Federally recognized

Indian tribes must certify that they will comply with the requirements of the Age Discrimination Act of 1975, section 504 of the Rehabilitation Act of 1973, and the Indian Civil Rights Act.

(8) Certification required by 24 CFR 24.510. (The provisions of 24 CFR part 24 apply to the employment, engagement of services, awarding of contracts, subgrants, or funding of any recipients, or contractors or subcontractors, during any period of debarment, suspension, or placement in ineligibility status, and a certification is required.)

(H) *OMB Circulars*. Certain OMB circulars also apply to this SuperNOFA. The policies, guidance, and requirements of OMB Circular No. A-87 (Cost Principles Applicable to Grants, Contracts and Other Agreements with State and Local Governments), OMB Circular No. A-122 (Cost Principles for Nonprofit Organizations), 24 CFR part 84 (Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations) and 24 CFR part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local, and Federally recognized Indian tribal governments) may apply to the award, acceptance and use of assistance under the programs of this SuperNOFA, and to the remedies for noncompliance, except when inconsistent with the provisions of the FY 1999 HUD Appropriations Act, other Federal statutes or the provisions of this SuperNOFA. Compliance with additional OMB Circulars may be specified for a particular program in the Programs Section of the SuperNOFA. Copies of the OMB Circulars may be obtained from EOP Publications, Room 2200, New Executive Office Building, Washington, DC 10503, telephone (202) 395-7332 (this is not a toll free number).

(I) *Environmental Requirements*. If you become a grantee under one of the programs in this SuperNOFA that assist physical development activities or property acquisition, you are generally prohibited from acquiring, rehabilitating, converting, leasing, repairing or constructing property, or committing or expending HUD or non-HUD funds for these types of program activities, until one of the following has occurred:

- (1) HUD has completed an environmental review in accordance with 24 CFR part 50; or
- (2) For programs subject to 24 CFR part 58, HUD has approved a grantee's Request for Release of Funds (HUD Form 7015.15) following a Responsible Entity's completion of an environmental review.

You, the applicant, should consult the Programs Section of the SuperNOFA for the applicable program to determine the

procedures for, timing of, and any exclusions from environmental review under a particular program. For applicants applying for funding under the Sections 202 or 811 Programs, please note the environmental review requirements for these programs.

(J) *Conflicts of Interest.* If you are a consultant or expert who is assisting HUD in rating and ranking applicants for funding under this SuperNOFA, you are subject to 18 U.S.C. 208, the Federal criminal conflict of interest statute, and the Standards of Ethical Conduct for Employees of the Executive Branch regulation published at 5 CFR part 2635. As a result, if you have assisted or plan to assist applicants with preparing applications for this SuperNOFA, you may not serve on a selection panel and you may not serve as a technical advisor to HUD for this SuperNOFA. All individuals involved in rating and ranking this SuperNOFA, including experts and consultants, must avoid conflicts of interest or the appearance of conflicts. Individuals involved in the rating and ranking of applications must disclose to HUD's General Counsel or HUD's Ethic Law Division the following information if applicable: the selection or non-selection of any applicant under this SuperNOFA will affect the individual's financial interests, as provided in 18 U.S.C. 208; or the application process involves a party with whom the individual has a covered relationship under 5 CFR 2635.502. The individual must disclose this information prior to participating in any matter regarding this SuperNOFA. If you have questions regarding these provisions or if you have questions concerning a conflict of interest, you may call the Office of General Counsel, Ethics Law Division, at 202-708-3815 and ask to speak to one of HUD's attorneys in this division.

III. Application Selection Process

(A) *Rating Panels.* To review and rate your applications, HUD may establish panels. These panels may include persons not currently employed by HUD. HUD may include these non-HUD employees to obtain certain expertise and outside points of view, including views from other Federal agencies.

(1) *Rating.* HUD will evaluate and rate all applications for funding that meet the threshold requirements and rating factors for award described in this SuperNOFA. The rating of you, as the "applicant," or of your organization, "the applicant's organization and staff," for technical merit or threshold compliance will include any sub-contractors, consultants, sub-recipients,

and members of consortia which are firmly committed to the project.

(2) *Ranking.* HUD will rank applicants within each program (or, for Continuum of Care applicants, across the three programs identified in the Continuum of Care section of this SuperNOFA). HUD will rank applicants only against other applicants that applied for the same program funding. Where there are set-asides within a program competition, you, the applicant, only will compete against applicants in the same set-aside competition.

(B) *Threshold Requirements.* HUD will review your application to determine whether your application meets all of the threshold requirements described in Section II(B), above. Only if your application meets all of the threshold requirements will it be eligible to be rated and ranked.

(C) *Factors For Award Used To Evaluate and Rate Applications.* For each program that is part of this SuperNOFA, the points awarded for the rating factors total 100. Depending upon the program for which you the applicant seek funding, the program may provide for up to four bonus points as provided in paragraphs (1) and (2) of this Section III(C).

(1) *Bonus Points.* The SuperNOFA provides for the award of up to two bonus points for eligible activities/projects that the applicant proposes to be located in high performing federally designated Empowerment Zones (EZs) or Enterprise Communities (ECs). To be eligible to receive the two bonus points, you must certify that the proposed activities/projects: (a) will be located in a Federally designated Empowerment Zone or Enterprise Community and will serve residents of the EZ/EC; and (b) are consistent with the strategic plan of the EZ/EC. If you provide this certification and HUD determines that the area is a high performing EZ/EC, as announced in HUD's list to be published in the **Federal Register** in March 1999, you will be awarded the two points. A listing of the high performing federally designated EZs/ECs will be available from the SuperNOFA Information Center, or through the HUD web site on the Internet at <http://www.HUD.gov>, as well as in the **Federal Register**.

(2) *Court-Ordered Consideration.* For any application submitted by the City of Dallas, Texas, for funds under this SuperNOFA for which the City of Dallas is eligible to apply, HUD will consider the extent to which the strategies or plans in the city's application or applications will be used to eradicate the vestiges of racial segregation in the Dallas Housing Authority's low income housing programs. The City of Dallas

should address the effect, if any, that vestiges of racial segregation in Dallas Housing Authority's low income housing programs have on potential participants in the programs covered by this NOFA, and identify proposed actions for remedying those vestiges. HUD may add up to 2 points to the score based on this consideration. This special consideration results from an order of the U.S. District Court for the Northern District of Texas, Dallas, Division. (This Section III(C)(2) is limited to applications submitted by the City of Dallas.)

(3) *The Five Standard Rating Factors.* Additional details about the five rating factors listed below, and the maximum points for each factor, are provided in the Programs Section of the SuperNOFA. You, the applicant, should carefully read the factors for award as described in the Programs Section of the SuperNOFA. HUD has established these five factors as the basic factors for award in every program that is part of this SuperNOFA. For a specific HUD program, however, HUD may have modified these factors to take into account specific program needs, or statutory or regulatory limitations imposed on a program. The standard factors for award, except as modified in the program area section are:

Factor 1: Capacity of the Applicant and Relevant Organizational Staff
Factor 2: Need/Extent of the Problem
Factor 3: Soundness of Approach
Factor 4: Leveraging Resources
Factor 5: Comprehensiveness and Coordination

The Continuum of Care Homeless Assistance Programs have only two factors that receive points: Need and Continuum of Care.

(D) *Negotiation.* After HUD has rated and ranked all applications and has made selections, HUD may require, depending upon the program, that all winners participate in negotiations to determine the specific terms of the grant agreement and budget. In cases where HUD cannot successfully conclude negotiations with a selected applicant or a selected applicant fails to provide HUD with requested information, an award will not be made to that applicant. In this instance, HUD may offer an award to the next highest ranking applicant, and proceed with negotiations with the next highest ranking applicant.

(E) *Adjustments to Funding.*

(1) HUD reserves the right to fund less than the full amount requested in your application to ensure the fair distribution of the funds and to ensure that the purposes of a specific program are met.

(2) HUD may choose not to fund any portion of your application that is not eligible for funding under specific program statutory or regulatory requirements, or which do not meet the requirements of this SuperNOFA or which may be duplicative of other funded programs or activities from previous years' awards. HUD may choose to fund only the eligible portions of your application.

(3) If funds remain after funding the highest ranking applications, HUD may fund part of the next highest ranking application in a given program. If you, the applicant, turn down the award offer, HUD will make the same determination for the next highest ranking application. If funds remain after all selections have been made, remaining funds may be available for other competitions for each program where there is a balance of funds.

(4) In the event HUD commits an error that, when corrected, would result in selection of an otherwise eligible applicant during the funding round of this SuperNOFA, HUD may select that applicant when sufficient funds become available.

(F) *Performance and Compliance Actions of Grantees.* HUD will measure and address the performance and compliance actions of grantees in accordance with the applicable standards and sanctions of their respective programs.

IV. Application Submission Requirements

As HUD discussed earlier in the introductory section of this SuperNOFA, part of the simplification of this funding process is to reduce the duplication of effort that has been required of applicants in the past. Before the SuperNOFA process, many of HUD's applicants were required to complete and submit similar applications for HUD funded programs. As the Program Chart above shows, the FY 1999 SuperNOFA provides, as did the FY 1998 SuperNOFA, for consolidated applications for several of the programs for which funding is available under this SuperNOFA.

V. Corrections to Deficient Applications

After the application due date, HUD may not, consistent with its regulations in 24 CFR part 4, subpart B, consider any unsolicited information you, the applicant, may want to provide. HUD may contact you, however, to clarify an item in your application or to correct technical deficiencies. You should note, however, that HUD may not seek clarification of items or responses that improve the substantive quality of your

response to any selection factors. In order not to unreasonably exclude applications from being rated and ranked, HUD may, however, contact applicants to ensure proper completion of the application and will do so on a uniform basis for all applicants.

Examples of curable (correctable) technical deficiencies include your failure to submit the proper certifications or your failure to submit an application that contains an original signature by an authorized official. In each case, HUD will notify you in writing by describing the clarification or technical deficiency. HUD will notify applicants by facsimile or by return receipt requested. You must submit clarifications or corrections of technical deficiencies in accordance with the information provided by HUD within 14 calendar days of the date of receipt of the HUD notification. If your deficiency is not corrected within this time period, HUD will reject your application as incomplete, and it will not be considered for funding. (Note that the Sections 202 and 811 Programs, by regulation, provide for appeal of rejection of an application on technical deficiency. Please see the Programs Sections for these programs for additional information and instructions.)

VI. Promoting Comprehensive Approaches to Housing and Community Development

(A) *General.* HUD believes the best approach for addressing community problems is through a community-based process that provides a comprehensive response to identified needs. By making these grant programs available in one document, applicants may be able to relate the activities proposed for funding under this SuperNOFA to the recent and upcoming NOFAs and the community's Consolidated Plan and Analysis of Impediments to Fair Housing Choice. There are certain HUD grant programs that are not part of this SuperNOFA (primarily those for which funding is allocated by lottery).

(B) *Linking Program Activities With AmeriCorps.* You are encouraged to link your proposed activities with AmeriCorps, a national service program engaging thousands of Americans on a full or part-time basis to help communities address their toughest challenges, while earning support for college, graduate school, or job training. For information about AmeriCorps, call the Corporation for National Service at (202) 606-5000.

(C) *Encouraging Visitability in New Construction and Substantial Rehabilitation Activities.* In addition to

applicable accessible design and construction requirements, you are encouraged to incorporate visitability standards where feasible in new construction and substantial rehabilitation projects. Visitability standards allow a person with mobility impairments access into the home, but do not require that all features be made accessible. Visitability means at least one entrance at grade (no steps), approached by an accessible route such as a sidewalk; the entrance door and all interior passage doors are at least 2 feet 10 inches wide, allowing 32 inches of clear passage space. Allowing use of 2'10" doors is consistent with the Fair Housing Act (at least for the interior doors), and may be more acceptable than requiring the 3 foot doors that are required in fully accessible areas under the Uniform Federal Accessibility Standards (UFAS) for a small percentage of units. A visitable home also serves persons without disabilities, such as a mother pushing a stroller, or a person delivering a large appliance. Copies of the UFAS are available from the SuperNOFA Information Center (1-800-HUD-2209) and also from the Office of Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development, Room 5230, 451 Seventh Street, SW, Washington, DC 20410, telephone (202) 755-5404 or the TTY telephone number, 1-800-877-8399 (Federal Information Relay Service).

(D) *Developing Healthy Homes.* HUD's Healthy Homes Initiative is one of the initiatives developed by the White House Task Force on Environmental Health Risks and Safety Risks to Children that was established under Executive Order 13045 ("Protection of Children from Environmental Health Risks and Safety Risks"). HUD encourages the funding of activities (to the extent eligible under specific programs) that promote healthy homes, or that promote education on what is a healthy home. These activities may include, but are not limited to the following: educating homeowners or renters about the need to protect children in their home from dangers that can arise from items such as curtain cords, electrical outlets, hot water, poisons, fire, and sharp table edges, among others; incorporating child safety measures in the construction, rehabilitation or maintenance of housing, which include but are not limited to: child safety latches on cabinets, hot water protection devices, properly ventilated windows to protect from mold, window guards to protect children from falling, proper pest management to prevent cockroaches

which can cause asthma, and activities directed to control of lead-based paint hazards. The National Lead Information Hotline is 1-800-424-5323.

VII. Findings and Certifications

(A) Environmental Impact

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50 that implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332). The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the General Counsel, Regulations Division, Room 10276, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410-0500.

(B) Federalism, Executive Order 12612

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the policies contained in this SuperNOFA will not have substantial direct effects on States or their political subdivisions, or on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government. Specifically, the SuperNOFA solicits applicants to expand their role in addressing community development needs in their localities, and does not impinge upon the relationships between the Federal government and State and local governments. As a result, the SuperNOFA is not subject to review under the Order.

(C) Prohibition Against Lobbying Activities

You, the applicant, are subject to the provisions of section 319 of the Department of Interior and Related Agencies Appropriation Act for Fiscal Year 1991, 31 U.S.C. 1352 (the Byrd Amendment), which prohibits recipients of Federal contracts, grants, or loans from using appropriated funds for lobbying the executive or legislative branches of the Federal Government in connection with a specific contract, grant, or loan. You are required to certify, using the certification found at Appendix A to 24 CFR part 87, that you will not, and have not, used appropriated funds for any prohibited lobbying activities. In addition, you must disclose, using Standard Form LLL, "Disclosure of Lobbying Activities," any funds, other than

Federally appropriated funds, that will be or have been used to influence Federal employees, members of Congress, and congressional staff regarding specific grants or contracts. Tribes and tribally designated housing entities (TDHEs) established by an Indian tribe as a result of the exercise of the tribe's sovereign power are excluded from coverage of the Byrd Amendment, but tribes and TDHEs established under State law are not excluded from the statute's coverage.)

(D) Section 102 of the HUD Reform Act; Documentation and Public Access Requirements.

Section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545) (HUD Reform Act) and the regulations codified in 24 CFR part 4, subpart A, contain a number of provisions that are designed to ensure greater accountability and integrity in the provision of certain types of assistance administered by HUD. On January 14, 1992 (57 FR 1942), HUD published a notice that also provides information on the implementation of section 102. The documentation, public access, and disclosure requirements of section 102 apply to assistance awarded under this SuperNOFA as follows:

(1) Documentation and public access requirements

HUD will ensure that documentation and other information regarding each application submitted pursuant to this SuperNOFA are sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of support, will be made available for public inspection for a 5-year period beginning not less than 30 days after the award of the assistance. Material will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations in 24 CFR part 15.

(2) Disclosures

HUD will make available to the public for 5 years all applicant disclosure reports (HUD Form 2880) submitted in connection with this SuperNOFA. Update reports (also Form 2880) will be made available along with the applicant disclosure reports, but in no case for a period less than 3 years. All reports—both applicant disclosures and updates—will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 5.

(3) Publication of Recipients of HUD Funding

HUD's regulations at 24 CFR 4.7 provide that HUD will publish a notice in the **Federal Register** on at least a quarterly basis to notify the public of all decisions made by the Department to provide:

(i) Assistance subject to section 102(a) of the HUD Reform Act; or

(ii) Assistance that is provided through grants or cooperative agreements on a discretionary (non-formula, non-demand) basis, but that is not provided on the basis of a competition.

(E) Section 103 HUD Reform Act

HUD's regulations implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3537a), codified in 24 CFR part 4, apply to this funding competition. The regulations continue to apply until the announcement of the selection of successful applicants. HUD employees involved in the review of applications and in the making of funding decisions are limited by the regulations from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR part 4.

Applicants or employees who have ethics related questions should contact the HUD Ethics Law Division at (202) 708-3815. (This is not a toll-free number.) For HUD employees who have specific program questions, the employee should contact the appropriate field office counsel, or Headquarters counsel for the program to which the question pertains.

VIII. The FY 1999 SuperNOFA Process and Future HUD Funding Processes

In FY 1998, Secretary Cuomo took the first significant step in changing HUD's funding process to better promote comprehensive, coordinated approaches to housing and community development by developing the SuperNOFA process. The three SuperNOFAs published in FY 1998 reflected a marked improvement over HUD's previous funding process and assisted communities to make better use of available resources through a coordinated approach.

This FY 1999 SuperNOFA takes HUD's funding process to the next step—a single SuperNOFA. The FY 1999 SuperNOFA was developed based on comments received from HUD clients and the Department believes it

represents a significant improvement over HUD's approach to the funding process in prior years. For FY 2000, HUD may take even further steps to enhance this process. HUD welcomes comments from applicants and other members of the public on this process, and how it may be improved in future years.

The description of programs for which funding is available under this SuperNOFA follows.

Dated: May 13, 1999.

Saul N. Ramirez, Jr.,

Deputy Secretary.

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