



**U.S. Department of Housing and Urban Development**

Office of Housing

Notice of Funding Opportunity (NOFO) for the Department's Fiscal Year 2022 Supplemental  
Comprehensive Housing Counseling Grant Program

FR-6600-N-33

03/13/2023

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**Program Office:**

Office of Housing

**Funding Opportunity Title:**

Notice of Funding Opportunity (NOFO) for the Department's Fiscal Year 2022 Supplemental Comprehensive Housing Counseling Grant Program

**Funding Opportunity Number:**

FR-6600-N-33

**Assistance Listing Number (formerly CFDA Number):**

14.169

**Due Date for Applications:**

03/13/2023

**OVERVIEW**

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

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

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

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

**OMB Approval Number(s):**

2502-0261

**I. FUNDING OPPORTUNITY DESCRIPTION****A. Program Description****1. Purpose**

**a. Program Description.** The purpose of HUD’s Comprehensive Housing Counseling (CHC) Grant Program is to provide funds to HUD-approved housing counseling agencies that provide counseling and advice to tenants and homeowners, with respect to property maintenance, financial management and literacy, and other matters as may be appropriate to assist program clients in improving their housing conditions, meeting their financial needs, and fulfilling the responsibilities of tenancy or homeownership. This NOFO plays an integral role in helping individuals and families obtain housing and stay in their homes through responsible homeownership or affordable rental housing. Housing counseling agencies are an important safeguard in the prevention of housing scams and discrimination and serve as an important gateway to local, state, Federal, and private housing assistance and resources.

**b. Objectives and Priorities of this NOFO.** The objectives and priorities of this NOFO include but are not limited to:

1. Distributing Federal financial support to eligible housing counseling agencies to enable them to provide quality services to consumers to address their housing and financial needs.
2. Distributing Federal financial support to eligible Historically Black Colleges and Universities (HBCU), Tribal Colleges and Universities, and other Minority Serving Institutions (MSI) to provide quality services to consumers to address their housing and financial needs.
3. Distributing Federal financial support to eligible housing counseling agencies based on past performance.
4. Reducing the costs to program participants when applying for and reporting on HUD funding while maintaining accountability for Federal funds.
5. Leveraging external resources and funding to increase the sustainability of quality housing counseling programs.
6. Supporting the housing counseling industry in supporting ongoing counselor certification to increase the quality, consistency, and effectiveness of housing counseling.
7. Ensuring distribution of funding amounts for rural areas with low levels of access to housing counseling services.
8. Providing housing counseling services to traditionally underserved populations, such as people of color, seniors, veterans, persons with disabilities, and persons with limited English proficiency.

## **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. 1B: Reduce Homelessness**

Strengthen Federal, State, Tribal, and community implementation of the Housing First approach to reducing the prevalence of homelessness, with the ultimate goal of ending homelessness.

#### **4. 1C: Invest in the Success of Communities**

Promote equitable community development that generates wealth-building for underserved communities, particularly for communities of color.

### **5. Strategic Goal 2: Ensure Access to and Increase the Production of Affordable Housing**

Ensure housing demand is matched by adequate production of new homes and equitable access to housing opportunities for all people.

#### **6. 2A: Increase the Supply of Housing**

Enhance HUD's programs that increase the production and supply of housing across the country.

#### **7. 2B: Improve Rental Assistance**

Improve rental assistance to address the need for affordable housing.

### **8. Strategic Goal 3: Promote Homeownership**

Promote homeownership opportunities, equitable access to credit for purchase and improvements, and wealth-building in underserved communities.

#### **9. 3A: Advance Sustainable Homeownership**

Advance the deployment of tools and capital that put sustainable homeownership within reach.

#### **10. 3A ♦ Major Initiative: Expand Homeownership Opportunities**

Promote financing for innovative ownership models to increase the availability of affordable housing.

#### **11. 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.

### **12. 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.

#### **13. 4A: Guide Investment in Climate Resilience**

Invest in climate resilience, energy efficiency, and renewable energy across HUD programs.

#### **14. 4B: Strengthen Environmental Justice**

Reduce exposure to health risks, environmental hazards, and substandard housing, especially for low-income households and communities of color.

#### **15. 4C: Integrate Health and Housing**

Advance policies that recognize housing's role as essential to health.

## **3. Changes from Previous NOFO**

### **Limited Eligibility for FY 2022 Supplemental Comprehensive Housing Counseling NOFO.**

Agencies that were awarded FY 2021 funds through the NOFO for the Department's FY 2021

Comprehensive Housing Counseling Grant Program funds are not eligible for this FY 2022 Supplemental NOFO, except under limited circumstances (described in Section III of this NOFO). For agencies awarded FY 2021 Comprehensive Housing Counseling Grant Program funds, HUD has directly contacted eligible FY 2021 grantees to determine their interest in FY 2022 funds. HUD will use the applications received under the FY 2021 NOFO and the corresponding scores and funding methodology to distribute the majority of the FY 2022 funding to those grantees.

**Change to the Period of Performance.** The period of performance for grants awarded under this program is October 1, 2022, through September 30, 2023.

**Changes to Preference Points.** There are no longer preference points for Opportunity Zones. Preference points are now available for Minority Serving Institutions (MSI) rather than solely offered to Historically Black Colleges and Universities (HBCU).

**Form HUD-424-B, Assurances and Certifications.** All applicants must complete the HUD-424-B providing assurances and certifications that, if selected to receive an award, the applicant will comply with U.S. statutory and other requirements, which includes but is not limited to civil rights requirements.

**Racial Equity and Affirmative Marketing.** Applicants are required to provide a description of a meaningful action they will take that is consistent with the obligation to advance racial equity and affirmatively market the housing counseling services provided by this grant.

#### **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](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.

**Promise Zones (PZs)** are high poverty areas in select urban, rural and tribal communities designated from 2014-2016 where the federal government partners with local leaders to increase economic activity, improve educational opportunities, leverage private investment, reduce violent crime, enhance public health and address other priorities identified by the community. [See Promise Zones.](#)

**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 specific definitions are available in Appendix A, Definitions.

## **B. Authority**

HUD's Housing Counseling Program is authorized by Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. § 1701x) (Section 106) and Section 4 of the Department of Housing and Urban Development Act (42 U.S.C. § 3533) as amended. The Housing Counseling Program regulations are codified at 24 CFR Part 214. The Home Equity Conversion Mortgage

Program (HECM) is authorized by Section 255 of the National Housing Act (12 U.S.C. § 1715z-20), and its regulations are codified at 24 CFR Part 206. Funding for this program 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 **\$3,000,000** 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.

HUD's estimate of \$3,000,000 is based on the projected number of agencies that will be eligible and apply for funds under this FY 2022 Supplemental NOFO; HUD anticipates that the majority of FY 2022 Comprehensive Housing Counseling Grant Program funding will be distributed to those FY 2021 grantees who remained eligible and were interested in second year CHC and MSI grant funding. HUD reserves the right to award more or less than this amount, in one or more phases, depending upon the number of eligible applicants and other factors.

Applicants requesting funds dedicated to HBCUs and other MSIs (and partnerships therewith) should review the HBCU/MSI initiative information and procedures in this NOFO, including Section V.B.4., *Historically Black Colleges and Universities, Tribal Colleges and Universities, and Other Minority Serving Institutions*.

### B. Number of Awards

HUD expects to make approximately 30 awards from the funds available under this NOFO.

The number of awards under this NOFO will depend on the number of eligible applicants and other factors. For information on the methodology used to make award determinations under this NOFO, see Section V.B.

### C. Minimum/Maximum Award Information

1. **Total Grant Request.** Applicants are not required to request a specific award amount, nor provide a proposed budget for a grant amount but should enter a response of \$1.00 in line 18a of the SF-424, Application for Federal Assistance.
2. **Award Adjustments.** Once Applicants are selected for award, HUD will determine the total amount to be awarded to each grantee. HUD reserves the right to adjust funding levels for each grantee.
3. **Minimum and Maximum Award Amounts.** Applicants may indicate a maximum grant request that will be considered as a cap in establishing the maximum Comprehensive Housing Counseling award, up to \$3 million.

HBCU and other MSI funds will be awarded to HUD-approved housing counseling agencies in addition to the maximum award amount.

Estimated Total Funding:

\$3,000,000

Minimum Award Amount:

\$1

Per Project Period

Maximum Award Amount:

\$3,000,000

Per Project Period

#### **D. Period of Performance**

Estimated Project Start Date:

10/01/2022

Estimated Project End Date:

09/30/2023

Length of Project Periods:

12-month project period and budget period

Length of Periods Explanation of Other:

The initial period of performance for grants awarded under this program will be for a period of 12 months. For planning purposes, Applicants should assume that the period of performance is October 1, 2022, through September 30, 2023.

#### **E. Type of Funding Instrument**

Funding Instrument Type:

G (Grant)

HUD will use a cost reimbursement Grant Agreement, which means that grantees will receive funding for housing counseling services that were provided prior to a draw request for reimbursement. Grantees may not draw down on an award made through this NOFO until the prior year's award has been fully expended.

### **III. ELIGIBILITY INFORMATION**

#### **A. Eligible Applicants**

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

#### **Additional Information on Eligibility**

**1. Eligible applicants must satisfy the following criteria.** Applicant must be [approved to participate in the HUD Housing Counseling Program](#) prior to the NOFO issue date. In addition, SHEAs are eligible for this NOFO if they possess statutory authority to provide housing counseling throughout their entire state and adhere to all program requirements outlined in 24 CFR Part 214, HUD Handbook 7610.1 Rev-5, and other governing policies and requirements.

**2. Limits on Applicants.** Applicants and Subgrantees are prohibited from receiving FY 2022

Housing Counseling Program grant funding from multiple sources. For example, receiving funding under this NOFO as both a direct Grantee (e.g. LHCA) and as a Subgrantee of an Intermediary or SHFA is prohibited. Likewise, receiving funding under this NOFO as a Subgrantee of two different Intermediaries/SHFAs is prohibited.

### **3. Affiliations.**

Agencies that were awarded FY 2021 funds as a subgrantee of an SHFA or Intermediary may:

- maintain their FY 2021 affiliation,
- join a different network,
- apply as a direct grantee, if the agency is a HUD-approved LHCA, or
- apply as a direct grantee as a newly approved MSO or Intermediary (approved on or after September 14, 2021).

LHCAs that were awarded FY 2021 funds as a direct grantee may:

- express interest in FY 2022 funding, when contacted by HUD, or
- affiliate with an Intermediary or SHFA for FY 2022 funding.

Faith-based organizations

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

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

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

## **B. Ineligible Applicants**

Applicants that do not meet the criteria of Section III.A. are ineligible. In addition, applicants must not have been awarded FY 2021 funds through the NOFO for the Department's Fiscal Year 2021 Comprehensive Housing Counseling Grant Program as a direct grant from HUD, subject to the following exception:

**Newly-approved MSO or Intermediary:** Agencies that were awarded FY 2021 funds as an LHCA or as a subgrantee of an SHFA or Intermediary and then received HUD approval as a

newly approved MSO or Intermediary on or after September 14, 2021 and prior to the publication of this NOFO, are eligible to apply for this NOFO using the MSO or Intermediary designation.

### **C. Cost Sharing or Matching**

This Program does not require cost sharing or matching, but provides points based on leverage as described below.

See Rating Factor 4: Leveraging Resources in Section V.A.

### **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.

### **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 CFR 170.110](#).

### **F. Program-Specific Requirements**

1. **Audits and Investigations.** Successful Applicants must provide the most recent audit of financial activities (e.g., a single or program-specific audit required under 2 CFR.



§200.501) completed no earlier than fiscal year 2019. All Applicants not required to complete a single or program-specific audit under 2 CFR §200.501 must submit their most recent independent financial audit. HUD will review individual circumstances upon request.

At the time of the NOFO application submission date and thereafter, all Applicants must disclose to HUD the status of active investigations as outlined in 24 CFR § 214.103(c)(3). HUD may determine that Applicants are not eligible for grant funding based on its review of HUD, HUD Office of Inspector General (OIG), or other government audits or investigations.

2. **Client Management System.** All Applicants, Branches, and Subgrantees must use a HUD-compliant Client Management System (CMS) that interfaces with HUD's Housing Counseling System (HCS). HUD will review individual circumstances when an agency is transitioning CMSs.
3. **Subgrant Allocation.** Applicants that manage networks of counseling agencies must submit a proposed sub-allocation plan indicating how they will divide their HUD CHC Grant funds among their Branches and Subgrantees, based on percentages of the grant rather than dollar amounts (see Form HUD-9906-P, Chart A2, Fields P1 and P2). Only Subgrantees and Branches that provide housing counseling services should be listed. Subgrantees or Branches that perform only administrative functions should not be listed. Intermediaries and SHFAs that award subgrants to counseling agencies that are not HUD-approved must ensure that they meet or exceed HUD's approval standards as outlined in 24 CFR Part 214 and clarified in HUD policy guidance. Further, a Subgrantee cannot be funded at 100% of its budget. During grant execution, Grantees will input this sub-allocation plan into HCS. If, after the grants are awarded, a Grantee would like to change its sub-allocation plan, the Grantee must make a request in writing and provide justification.
4. **Subgrant Agreement.** Intermediaries and SHFAs that award subgrants must execute subgrant agreements with Subgrantees that delineate the mutual responsibilities for program management, including appropriate time frames for reporting results to HUD and compliance with HUD rules and regulations. These records must meet the data requirements of the Federal Funding Accountability and Transparency Act of 2006 (FFATA) (P.L. 109-282), and must be made available to Subgrantees, Branches, and HUD within 30 days of making the subaward or allocation.
5. **Succession and Contingency Plans.** Grantees shall make available to HUD, upon request, plans demonstrating how they will ensure continuity of services to consumers.
6. **Documentation of Expenses.** All Grantees and Subgrantees must be able to demonstrate and document the actual cost of service provision. The amount billed cannot exceed the actual cost of providing the service. The Grantee and Subgrantees must maintain source documentation of direct costs, such as invoices, receipts, cancelled checks, and personnel activity reports, to support all Line of Credit Control System (LOCCS) draw requests for payment. This information must be made available upon request and maintained for a period of at least three years after the expiration of the Grant period or date of last payment, whichever occurs first.
7. **Documentation of Personnel Expenses.** Charges to Federal awards for salaries and wages must be based on records that accurately reflect the work performed and meet the standards required in 2 C.F.R Part 200.430(i). The records must support the distribution

of employee's salaries and wages among specific activities or cost objectives if the employee works on more than one Federal award; a Federal award and non-Federal award; an indirect cost activity and a direct cost activity; two or more indirect activities which are allocated using different allocation bases; or an unallowable activity and a direct or indirect cost activity. Budget estimates alone do not qualify as support for charges to awards. Records must reasonably reflect the total activity for which employees are compensated.

8. **Subcontracting.** Grantees and Subgrantees must deliver the housing counseling services set forth in the Applicant's Work Plan. It is not permissible to contract out housing counseling services, except as approved by HUD as specified in 24 C.F.R. § 214.103(i).
9. **Conflicts of Interest.** See 24 CFR Part 214 and Handbook 7610.1 for information about the Applicant's code of conduct and the prohibition against real and apparent conflicts of interest that may arise among officers, employees, agents, or other parties.
10. **Affirmatively Furthering Fair Housing (AFFH).** Under Section 808(e)(5) of the Fair Housing Act, HUD has a statutory duty to affirmatively further fair housing and requires the same of its funding recipients: As provided in the AFFH rule (24 CFR § 5.151), "Affirmatively Furthering Fair Housing" means "taking meaningful actions, in addition to combating discrimination, that 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 opportunity, replacing segregated living patterns with racially balanced living patterns, transforming racially or 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. "Meaningful actions" are significant actions that are designed and can be reasonably expected to achieve a material positive change that affirmatively furthers fair housing by, for example, increasing fair housing choice or decreasing disparities in access to opportunity. Specifically, action must be taken to fulfill, as much as possible, the goal of open, integrated residential housing patterns and to prevent the increase of segregation, of racial groups whose lack of opportunities the Act was designed to combat. Examples of housing counseling activities that would be consistent with the obligation to AFFH include, but are not limited to, the following:
  - a. Providing persons with counseling, education, or information on discriminatory housing and mortgage lending practices and the rights and remedies available.
  - b. Maintaining a database of accessible housing opportunities in the community for use by persons with disabilities and providing in-language counseling to help with the needs of LEP persons who may have trouble with lending, establishment of credit, or accessing relevant financial services.
  - c. Providing mobility counseling to help persons move to and access affordable housing in the community, including helping persons identify housing opportunities, helping them connect with landlords, and assisting them with applying for such housing.

11. **Prohibition Against Lobbying Activities.** Applicants are subject to the provisions of Section 319 of Pub L No. 101-121, 31 U.S.C. § 1352 (the Byrd Amendment), 24 CFR Part 87, and 2 CFR §200.450, which prohibit recipients of Federal awards and their contractors, subcontractors, at any tier, and Subgrantees at any tier, from using appropriated funds for lobbying the executive or legislative branches of the Federal government in connection with a Federal award. In addition, grant funds under this NOFO shall not be utilized to advocate or influence the outcome of any Federal, state or local election, referendum, initiative, or similar procedure or policy position through contributions, endorsements, publicity, or similar activity.
12. **Tax Exempt.** Applicants, Subgrantees, and Branches must be:
- a. exemption from taxation under Internal Revenue Code (IRC) Section 501 (a) as an entity described in IRC Section 501(c) (26 U.S.C. § 501 (a) and (c)), or units of local, county, or state government,
  - b. in good standing under the laws and regulations of the state of their organization, and
  - c. authorized to do business in the states in which they propose to provide housing counseling services.
13. **Provide Accessible Services.** Applicants receiving Federal financial assistance shall operate their housing programs or activities so that they are readily accessible to and usable by persons with disabilities. All programs or activities must be held in accessible locations, and successful applicants must give priority to methods that provide physical access to individuals with disabilities. Where accessibility for persons with disabilities is not possible, successful applicants must give priority to alternative participatory methods of delivery that are accessible to and usable by individuals with disabilities. Applicants receiving Federal financial assistance shall administer their housing programs or activities in the most integrated setting appropriate to the needs of individuals with disabilities in accordance with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) and HUD's implementing regulations at 24 CFR part 8; Titles II and III of the Americans with Disabilities Act (42 U.S.C 12101 et seq.) and its implementing regulations at 28 CFR parts 35 and 36.

In addition, counseling services must comply with effective communication and reasonable accommodation requirements pursuant to Section 504 of the Rehabilitation Act of 1973 and HUD's implementing regulations at 24 CFR part 8 and Titles II and III of the Americans with Disabilities Act of 1990, and the Department of Justice implementing regulations codified at 28 CFR parts 35 and 36.

Accessibility arrangements, auxiliary aids and services, and reasonable accommodations may include, but are not limited to, materials provided in different formats, including large print or Braille and interpreter services. Information on how to request available assistive services and reasonable accommodations must be available, as well as available in different formats. Regarding accessible technology, HUD requires its funding recipients to adopt the goals and objectives of Section 508 of the Rehabilitation Act of 1973 by ensuring, whenever electronic and information technology (EIT) is used, procured, or developed, that persons with disabilities have access to and use of the information and data made available through the EIT on a comparable basis as is made

available to and used by persons without disabilities.

Further, Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., and Executive Order 13166 require that grantees take reasonable steps to ensure meaningful access to services, programs, and activities by persons with Limited English Proficiency. For assistance, grantees should consult HUD's Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (HUD's LEP Guidance) published in the Federal Register on January 22, 2007 (72 Fed. Reg. 2732).

14. **[Sam.gov](https://sam.gov) and UEI Registration Requirement.** Applicants must have a valid, active registration in the SAM. In addition, applicants and subgrantees must have a UEI Number.
15. **Outstanding Performance Issues.** Applicants and Subgrantees must resolve all outstanding issues communicated by HUD in writing by the later of the application deadline date of this NOFO or the expiration date of any conditional re-approval or inactive status resulting from such written communication.
16. **Election for Federal Office Violation.** No Applicant, Subgrantee, or Branch that employs an individual who has been convicted of a violation under Federal law relating to an election for Federal office. *See* 12 U.S.C. 1701x(a)(4)(D).
17. **Housing Counseling Work Plan.** Applicants must have an approved Housing Counseling Work Plan on file with HUD. Activities specified in the form HUD-9906 Housing Counseling Charts must be consistent with activities previously approved in the work plan prior to the application due date. Applicants are reminded of the requirement to provide counseling to at least thirty clients annually (24 CFR § 214.303(b)).
18. **Compliance with Third Party Certifications and Licensing.** Applicants must comply with, and not in default under, any applicable state or other licensing and certification requirements. HUD will review individual circumstances upon request.
19. **Inherently Religious Activities.** If an organization engages in inherently religious activities, such as worship, religious instruction, or proselytization, these activities must be offered separately, in time or location, from the programs or services funded under this part, and participation must be voluntary and not a condition of the HUD programs or services in accordance with 24 CFR § 5.109(e).

### **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.**

### **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:

Email:

Housing.Counseling@hud.gov

HUD Organization:

Street:

City:

State:

Zip:

Waiver requests must be submitted with the subject line “NOFO - Request for Waiver of Electronic Application.”

NOFO applications and forms are available from <http://www.grants.gov/web/grants/applicants/apply-for-grants.html>. Below are basic instructions for obtaining the application instructions and package:

1. Go to the “Package” tab of the Grant Opportunity. Click “Preview” to view the instructions and application package. Click “Apply” and “Create a Workspace” to access fillable forms and begin the application process.
2. Click “Download Instructions” to download a WinZip folder containing the following files:
  1. Comprehensive Housing Counseling NOFO (PDF)
  2. Form HUD-9906-L, Local Housing Counseling Agency Application (PDF)
  3. Form HUD-9906-P, Intermediary, State Housing Finance Agency, and Multi-Sate Organization Application (PDF)
  4. Form HUD-9906, Chart A2 Supplement (for Intermediaries, SHFAs, and MSOs) (Excel)
  5. Form HUD-9906, Chart B: Leveraged Resources (Excel)
  6. Form HUD-9906, Chart E: Use of Funds (Excel)
  7. Form HUD-50153, Certification of Consistency with Promise Zone Goals and Implementation (PDF)
  8. Form HUD-424-B, Assurances and Certifications (PDF)
3. The Grants.gov Workspace will list mandatory and optional forms, fillable as PDFs or webforms, if available. Applicants must complete all required fields and upload the mandatory forms in order for Grants.gov to allow submission of the application package. Grants.gov may not permit submission of an incomplete or improperly filled-out form.
4. To add required attachments (like Form HUD-9906, supplemental spreadsheets, etc.), click "Include in Package" to use the “Attachments Form.” Click the “Add Attachment” box to attach documents and forms.
5. When the application is complete, you may click “Check Package for Errors.”
6. To submit the completed application on behalf of the organization, an Authorized Organization representative must click “Sign and Submit.” Applications may not be received by [Grants.gov](http://Grants.gov) or by HUD until they have been signed and submit by an AOR prior to the application deadline. For the SF-424, Form HUD-2880, and Certification Regarding Lobbying, the signature of the authorized representative and the date signed are completed upon submission.

If Applicants have difficulty accessing the information, Applicants may call the help desk at (800) 518-4726 or e-mail [support@grants.gov](mailto:support@grants.gov). 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](http://Federal Communications Commission).

## **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**

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

Forms/Assurances/Certifications	Submission Requirement	Notes/Description
	submission requirements.	
Form HUD-9906 Housing Counseling Charts	Review section IV.B.2.a.3., Application Checklist, for detailed submission requirements.	

See Application Checklist below for a list of required content.

**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.

\_\_\_\_\_ Pages maximum length of narratives

**a. Application Checklist (Required of all Applicants).** Below are forms, information, and certifications that all Applicants must complete. Failure to complete and submit these forms may result in loss of points or disqualification.

1. **SF-424, Application for Federal Assistance.** Applicants should check "new" for block 2 for "Type of Application." Applicants may leave blocks 4, 5a, and 5b blank. For block 8c of the form, ensure that your UEI is correct and is listed on [SAM.gov](http://SAM.gov) with an active registration. In block 8d, you must include a 9-digit number for your organization's zip code (zip plus 4 digits). Applicants are not required to request a specific grant amount but should enter a response of \$1.00 in block 18a.
2. **Form HUD-2880 Applicant/Recipient Disclosure/Update Report.** Applicants must complete the Form HUD-2880. Applicants should check the box "Initial Report." In block 4, "Amount of HUD Assistance Requested/Received" of this form, Applicants may enter \$1.00: HUD will not use this amount as a cap in establishing the maximum grant amount for the Applicant (Applicants may indicate a maximum grant amount in the Form HUD-9906). Applicants that have received or expect to receive HUD assistance for housing counseling in excess of \$200,000 during FY 2021 must select "yes" under the second question in "Part I Threshold Determinations." Detailed instructions for completing the form are found at this link: [http://portal.hud.gov/hudportal/documents/huddoc?id=2880 .pdf](http://portal.hud.gov/hudportal/documents/huddoc?id=2880.pdf).
3. **Form HUD-9906 Housing Counseling Charts.** LHCA applicants must complete and submit form HUD-9906-L (PDF). Intermediary/SHFA/MSO applicants must complete



and submit the HUD-9906-P (PDF) and the Chart A2 Supplement (Excel). All applicants must complete the form HUD-9906, Chart E: Use of Funds (Excel). All Applicants with leveraged funds must complete the Chart B: Leveraged Resources (Excel). Applicants may not reuse the form HUD-9906 from previous applications.

4. **Certification Regarding Lobbying (Grants.gov Lobbying Form).** All applicants must complete the Certification Regarding Lobbying to ensure applicants acknowledge the requirements in the Byrd Amendment and 24 CFR Part 87. These statutes and regulation prohibit the use of Federal award funds for lobbying the executive or legislative branches of the Federal government in connection with a specific award. This is separate from the requirement for Applicants to report lobbying activities using SF-LLL.
5. **Form HUD-424-B, Assurances and Certifications.** All applicants must complete the HUD-424-B providing assurances and certifications that, if selected to receive an award, the applicant will comply with U.S. statutory and other requirements, including, but not limited to, civil rights requirements. Review section IV.G. of this NOFO for more information.

**b. Application Checklist - Additional Items (Applicable Only to Certain Applicants).**

Below are forms, information, and certifications that certain Applicants must include depending on their individual circumstances:

1. **Form HUD-50153, Certification of Consistency with Promise Zone Goals and Implementation.** Applicants requesting Promise Zone preference points must submit a form signed by the authorized official for the designated Promise Zone.
2. **Form HUD-9902, Housing Counseling Agency Fiscal Year Activity Report, for the Period October 1, 2020, through September 30, 2021.** Applicants will be evaluated based on HUD-9902 data in HUD's HCS. Newly approved Applicants that received approval as HUD housing counseling agencies after September 30, 2021, and did not submit a Fiscal Year 2021 Quarter 4 HUD-9902 by April 30, 2022, must prepare and submit a form HUD-9902 as part of the application for the period October 1, 2020 through September 30, 2021.
3. **SF-LLL, Disclosure of Lobbying Activities.** If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the applicant shall complete and submit the SF-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions. Applicants must furnish an executed copy of the Certification Regarding Lobbying prior to award.
4. **SHFA Statutory Authority.** SHFAs must submit evidence of their statutory authority to operate as a SHFA, as defined in this NOFO, and must submit evidence of their authority to apply for funds and subsequently use any funds awarded. Applicants should verify that their agency profile information is accurately represented in HUD's HCS and validate the information prior to submitting the grant application. HUD will contact SHFA Applicants that are new to the program to establish their profiles in the HCS.
5. **Minority Serving Institutions (MSI): Preference Points.** An Applicant designated by the U.S. Department of Education as a MSI will receive up to two (2) preference points when the application includes documentation of the applicant's status as a MSI. An Applicant that is partnering with a MSI will receive up to two (2) preference points when

the application includes a Letter of Commitment certifying that a MSI Partnership is in place and signed by an authorizing official of the MSI and documentation of the college or university's status as an MSI. See Section I.A.4. for the MSI definition.

- 6. Historically Black Colleges and Universities (HBCU), Tribal Colleges and Universities, and other Minority Serving Institutions (MSI).** Applicants requesting funds dedicated for HBCUs and other MSIs (and partnerships therewith) must submit evidence of the college or university's status as an HBCU or MSI. Additionally, Applicants that are partnering with an HBCU or other MSI must submit a letter certifying that an HBCU or other MSI partnership is in place or that there is an intent to enter a partnership. The letter must be signed by the Applicant and an authorizing official of the HBCU or other MSI and the Applicant must provide documentation of the partnering college or university's status as an HBCU or other MSI.

## **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](http://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

03/13/2023

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

“Received by Grants.gov” means the applicant received a confirmation of receipt and an application tracking number from Grants.gov. Grants.gov then assigns an application tracking

number and date-and timestamp each application upon successful receipt by the Grants.gov system. A submission attempt not resulting in confirmation of receipt and an application tracking number is not considered received by Grants.gov.

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

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

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

## **2. Grants.gov Customer Support**

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

**Eligible Activities.** HUD requires Grantees to use grant funds for housing counseling and group education in accordance with 24 CFR Part 214 and [Handbook 7610.1](#). To be eligible for reimbursement as direct costs, costs must be incurred pursuant to one or more of the following activities:

1. Housing counseling and group education
2. Oversight, compliance, and quality control
3. Supervision of housing counseling staff
4. Housing counselor training and certification

## 5. Marketing and outreach of the CHC Program

HUD will respect cost classifications determined in a negotiated indirect cost rate agreement (NICRA) or cost allocation plan. HUD may require Applicants to provide documentation supporting classification of direct and indirect costs. HUD will not reimburse as direct costs those items that are classified as indirect costs in cost rate calculations and applications (See 2 CFR §§200.403, 200.412, and 200.414). Applicants may choose to take a 10% de minimis indirect cost rate as provided in the Uniform Guidance to cover indirect costs.

To be eligible for reimbursement, housing counseling must be provided by a HUD-certified housing counselor (See 24 CFR §214.103(n) Certification of Housing Counselors).

**Program Costs Incurred Prior to the Period of Performance.** Unless prior approval by HUD of allowability of costs is required under 2 CFR Part 200, Applicants may, pursuant to 2 CFR 200.308, revise budget and program plans and OHC may provide reimbursements for eligible costs incurred during the period prior to HUD making an award but no earlier than April 1, 2022. Applicants should indicate whether they intend to seek reimbursement for such costs on form HUD-9906, Chart A, Field R. All costs incurred before the Federal awarding agency makes the Federal award are at the recipient's risk (i.e., the Federal awarding agency is not required to reimburse such costs if the recipient does not receive a Federal award or if the Federal award is less than anticipated and inadequate to cover such costs).

**Prohibition of Rehabilitation or Construction Costs.** Building rent is eligible only under the following conditions: the rent must be for existing facilities not requiring rehabilitation or construction except for minimal alterations to make the facilities accessible for a person with disabilities; no repairs or renovations of the property may be undertaken with funds under this NOFO; and properties in the Coastal Barrier Resources System designated under the Coastal Barrier Resources Act (16 U.S.C. 3501) cannot be leased or rented with Federal funds.

### **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**

1. Rating Factors.

**Scope of Review.** HUD will review applications in accordance with the requirements of this NOFO and the Housing Counseling Program. HUD may rely on performance monitoring and audit reports, financial status information, and other information available to HUD to make score determinations. The maximum points for each factor are outlined below. Applicants that manage networks of counseling agencies should not submit a separate response for each proposed Subgrantee and Branch. Rather, such applicants will be directed to use the Chart A2 Supplement (Excel).

Unless otherwise specified, the term “Chart A” refers to Chart A1 for LHCA Applicants and to Chart A2 for Intermediary/SHFA/MSO Applicants. The same convention applies to all charts.

<b>RATINGS FACTOR</b>		<b>POINTS</b>	<b>CHART</b>
<b>Rating Factor 1. Capacity of the Applicant</b>			
Sub-factor A	HECM Average Hours	2	N/A
Sub-factor B	Training and Industry Standards	7	Chart A
Sub-factor C	Client Satisfaction and Progress	4	Chart A
<b>Rating Factor 2. Need / NOFO Priorities</b>			
Sub-factor A	Rural Communities	2	N/A
Sub-factor B	Vulnerable Populations: Fair Housing and Racial Equity	2	Chart C
Sub-factor C	Vulnerable Populations: Staff Training	2	Chart C
Sub-factor D	Vulnerable Populations: Disabilities	2	Chart C
Sub-factor E	Vulnerable Populations: Limited English Proficiency	2	Chart C
Sub-Factor F	Vulnerable Populations: Mobility Counseling	2	Chart C
Sub-factor G	Vulnerable Populations: Lead Paint	1	Chart C
Sub-factor H	Emergency Preparedness	2	Chart C
<b>Rating Factor 3. Soundness of Approach</b>			
Sub-factor A	Clients Served	14	N/A

Sub-factor B	Cost per Client	6	Chart E
Sub-factor C	Counseling Expense Ratio	3	Chart E
Sub-factor D	Grant to Total Program Expenses Ratio	5	Chart E
Sub-factor E	Allocation to Subgrantees	2	Chart A
Sub-factor F	Counseling and Education Services	4	N/A
Sub-factor G	Modes of Providing Services	8	Chart A
Sub-factor H	Oversight Activities	6	Chart D
<b>Rating Factor 4. Leveraging Resources</b>			
Sub-factor A	Itemized Leveraging	4	Chart B
<b>Rating Factor 5. Achieving Results and Program Evaluation</b>			
Sub-factor A	Performance and HCS Reporting	8	N/A
Sub-factor B	Grant Expenditure History	4	N/A
Sub-factor C	Counseling Outcomes	8	N/A
<b>Preference Points (maximum of 2 points total)</b>			
Option 1	Promise Zones	2	Chart A
Option 2	MSI	2	Chart A

**Rating Factors.** The maximum points available are outlined below. The total available is 102 points. HUD reminds applicants that responses are subject to verification.

**Rating Factor 1: Capacity of the Applicant**

**Maximum Points: 13**

<p><b>(a) Duration of HECM Counseling Session (2 points).</b> Agencies with HECM Roster counselors will be assessed on the average duration of a counseling session. HUD will use its own records to score this factor.</p> <p><b>(b) Counselor Training and Industry Standards (7 points).</b> Using Chart A, indicate by entering an “x” in the appropriate field if:</p> <ul style="list-style-type: none"> <li>- Agencies have counselors on staff that have received formal housing counseling training in the past two years, not including on-the-job training (Field I)</li> <li>- Agencies have counselors on staff who have passed the HUD Housing Counseling Certification Exam (Field J)</li> <li>- Agencies adopted the National Industry Standards for Homeownership Education and Counseling (<a href="http://homeownershipstandards.com">http://homeownershipstandards.com</a>) prior to the NOFO application submission date (Field K)</li> </ul> <p>Intermediaries, SHFAs, and MSOs must specify this information for each Branch or Subgrantee on the Supplemental Chart A2 Attachment (Excel), and then transfer the totals onto Chart A2.</p>
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In addition, Applicants that manage networks of counseling agencies and also provide housing counseling services at their main office must include this office in the list of Subgrantees and Branches. The main office will be treated as a Branch for scoring and funding formula purposes. When completing Chart A2, Applicants must only list offices that provide housing counseling services to a minimum of thirty clients per fiscal year. (This requirement does not apply to agencies that offer only reverse mortgage counseling.)

**(c) Client Satisfaction and Progress (4 points).** Scoring of this sub-factor will reward Applicants that measure customer satisfaction and progress. On Chart A, indicate if the Agency:

- Issued client exit surveys at the end of counseling or education sessions (Field L)
- Issued follow-up client surveys after the counseling was completed (Field M)
- Pulled credit reports as part of housing counseling follow-up prior to the termination of counseling (Field N)

Intermediaries, SHFAs, and MSOs must specify this information for each Branch/Subgrantee on the Chart A2 Supplement (Excel), and then transfer the totals onto Chart A2.

**Rating Factor 2: Need / NOFO Priorities**

**Maximum Points: 15**

**(a) Rural Communities (2 points).** HUD will use agency-reported data to determine the extent that an Applicant (and, if applicable, its network) serves rural clientele, as defined by the U.S. Department of Agriculture at 7 CFR § 3550.10.

**(b) Affirmatively Furthering Fair Housing (2 points).** Applicants must affirmatively further fair housing in their use of grant funds, per Section 808(e)(5) of the Fair Housing Act. Each recipient, consistent with HUD's AFFH regulations at 24 CFR §§ 5.151 and 5.152, is required to submit a certification that it will affirmatively further fair housing. Applicants must provide a brief description of any meaningful action the Applicant will take that is consistent with the obligation to AFFH (Chart C, Field A, 1).

In accordance with Executive Order [13985](#), Applicants must provide a description of any meaningful action they will take that is consistent with the obligation to advance racial equity (Chart C, Field A, 2). See III.F., *Advancing Racial Equity*, for more information, including information to provide in Chart C, Field A, 2.

Applicants must provide a description of any meaningful action that is consistent with the obligation to affirmatively market the housing counseling activities provided by this grant (Chart C, Field A, 3). See III.F., *Affirmative Marketing*, for more information.

**(c) Staff Training (2 points).** Applicants must describe how they will train their staff on fair housing issues, including promoting housing that is affordable, safe, decent, free of unlawful discrimination, and accessible as required under fair housing and civil rights laws (Chart C, Field B).

**(d) Persons with Disabilities (2 points).** Applicants must describe how access to programs and activities will be readily accessible to and usable by persons with disabilities. Applicants must also describe what appropriate steps will be taken to ensure effective communication with persons with disabilities and identify their policies and procedures for providing reasonable accommodations (Chart C, Field C).

**(e) Persons with Limited English Proficiency (2 points).** Applicants must describe how they will take reasonable steps to ensure persons with limited English proficiency have meaningful access to the program and activities (Chart C, Field D).

**(f) Mobility Counseling (2 points).** Applicants must describe how they will provide mobility counseling (Chart C, Field E).

**(g) Lead-Based Paint (1 point).** Applicants must describe how they will inform clients about the hazards of lead-based paint in homes (Chart C, Field F).

**(h) Emergency Preparedness (2 points).** Applicants must describe their emergency preparedness and/or disaster recovery activities (Chart C, Fields G and H).

**Rating Factor 3: Soundness of Approach / Scope of  
Housing Counseling Services**

**Maximum Points: 48**

**(a) Clients Served (14 points).** HUD will evaluate the total number of clients served by the Applicant as reported in its HUD-9902 for Fiscal Year 2021. Applicants who were approved after September 30, 2021, and therefore were not required to submit a form HUD-9902 covering this period must prepare and submit a Form HUD-9902 as part of the application (See *Section IV.B Content and Form of Application Submission* for more details). Such agencies must ensure that their HUD-9902 data reflects the entire fiscal year, and not just that portion for which the agency was HUD-approved.

**(b) Cost Per Client (6 points).** HUD will evaluate the Applicant's Housing Counseling Program actual expenses for the period October 1, 2020, through September 30, 2021, which includes salaries and fringe of housing counselors and staff who provide counseling or group sessions, other direct costs, and indirect costs. Applicants must document their total housing counseling program expenses in Chart E. MSOs, SHFAs, and Intermediaries must include total expenses for their entire proposed network. Agencies that became HUD-approved during the past year should ensure their expenses reflect the entire fiscal year 2021, and not just that portion for which the agency was HUD-approved.

**(c) Counseling and Education Expense Ratio (3 points).** HUD will calculate the ratio of counseling and education costs to total program expenses (Chart E).

**(d) Ratio of HUD Grant to Total Program Expenses (5 points).** HUD will calculate the ratio of an Applicant's previous HUD grant to its total Housing Counseling Program expenses (Chart E). Applicants without a previous HUD grant will be awarded full points.

**(e) Allocation to Subgrantees (2 points).** Intermediaries, SHFAs, and MSOs must indicate the percentage of the proposed award the Applicant intends to allocate to itself (Chart A2, Field P1) and to each Subgrantee and Branch (Chart A2, Field P2). Points are awarded to Applicants who sub-allocate a larger percentage of their award.

**(f) Services Provided (4 points).** HUD will consider the types of housing counseling and education services offered. HUD will use its own records to score this factor.

**(g) Methods of Service Delivery Provided (8 points).** HUD permits housing counseling agencies to provide various modes of counseling and education that reach a broader range of clients who would not otherwise receive housing counseling services. Applicants must indicate their methods of service provision in (Chart A, Fields S-V).

**(h) Oversight Activities (6 points).** Applicants must indicate their oversight and quality control activities (Chart D). Items selected in these charts must be included in an agency's quality control plan and may be verified by HUD staff prior to approving grant activity reports and drawdown requests, as well as during performance reviews.

Intermediaries, MSOs, and SHFAs should note that the number of subgrantees/branches they can enter in Chart D2, Question 2, a-c, is not limited to five.

**Rating Factor 4: Leveraging Resources**

**Maximum Points: 4**

HUD's CHC grants should not be the sole source of funds for a Housing Counseling Program. Grantees are expected to seek other sources of funding, both private and public, to supplement HUD grant funding. This rating factor will assess an Applicant's financial capacity per 24 CFR § 214.303(i) and is not tied to a voluntary or required cost-share assessment. HUD will calculate the ratio of an Applicant's anticipated HUD grant to its total qualified leveraged funding.

Applicants are evaluated based on the extent to which they have obtained non-Federal resources including direct financial assistance (grants), fees, program income, and in-kind contributions for the period of performance. Only include funds allocated for the CHC Program. Leveraging resources cannot consist of Federal funds, directly or indirectly. Federal funds that are passed through state and local governments are ineligible.

Evidence that leveraged funds were actually provided may be reviewed by HUD staff as a part of the performance reviews.

Applicants must list their leveraged resources in Chart B: Leveraged Resources (Excel) and complete all fields for each resource.

- In Field A, enter the name of the Applicant, Subgrantee, or Branch (not applicable to LHCA's).
- In Field B, enter the name of the organization providing the resources, including the point of contact who can verify that these resources are dedicated.
- In Field C, enter the type of contribution.
- In Field D, enter the use of the leveraged funds. For in-kind contributions, describe the goods or services contributed.

- In Field E, enter the amount of funds from this resource. Include only funds that will be available during the period of performance. If Applicant's funding is available outside of the grant period, the Applicant must pro-rate the funding to reflect the amount that is available during the grant period. For example, if funds are only available for three months, then only include 25% of the total amount. Funds available for multiple years must also be pro-rated (e.g., \$100,000 leverage available January 1, 2021, through December 31, 2022, only \$12,500 should be entered on Chart B for the 3 months of October 1, 2022, through September 30, 2023).

While agencies are strongly encouraged to leverage funds from other private and public sources, they are permitted to charge fees to counseling recipients (See 24 CFR Part 214 for more information). Agencies are not permitted to charge fees for default counseling or homeless counseling. To receive credit for the fee income, it must be identified as program income in field 18.f, Program Income, of the SF-424 as well as in Chart B: Leveraged Resources (Excel). Program income will be treated using the addition method (2 CFR 200.307(e)(2)).

**Rating Factor 5: Achieving Results**

**Maximum Points: 20**

<p><b>(a) Performance and HCS Reporting (8 points).</b></p> <ul style="list-style-type: none"> <li>• HUD will evaluate Applicant compliance with programmatic requirements and oversight results. HUD will use its own records to score this factor.</li> <li>• Applicants will be assessed on timely validation of their agency profile in HCS, timely submission of form HUD-9902 reports, and use of their CMS to submit form HUD-9902 reports. HUD will use its own records to score this factor.</li> </ul> <p><b>(b) Grant Expenditure History (4 points).</b> HUD will evaluate the Applicant's use of previously awarded grant funds. Significant delays in grant execution and expenditure, including the need to recapture funding, will be taken into consideration. HUD will use its own records to score this factor. Applicants without a previous HUD grant will be awarded full points.</p> <p><b>(c) Counseling Outcomes (8 points).</b> HUD will evaluate the positive impacts that an Applicant's housing counseling services had on clients. HUD will use its own records to score this factor.</p>	

**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.

### **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 designated by the U.S. Department of Education as an MSI will receive up to two (2) preference points when the application includes documentation of the applicant'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.

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.

The Applicant should indicate if they are requesting MSI preference points (Chart A, Field O3, Historically Black Colleges and Universities).

### **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.

The Applicant should indicate if they are requesting Promise Zone preference points (Chart A, Field O2).

## **B. Review and Selection Process**

### **1. Past Performance**

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

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

The 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. Review and Selection Process.**

**Technical Review.** First, a technical sufficiency review will determine whether each application meets the threshold requirements set forth in this NOFO and whether all required forms have been properly submitted. Section IV.D.4 provides the procedures to correct a deficient



application.

**General Review.** The second review will evaluate the responses to each Rating Factor outlined above and other relevant information. Applications will be evaluated competitively and ranked against other Applicants that applied in the same funding category.

**Minimum Fundable Score.** All applications will be scored on a 102-point scale, including preference points, as outlined in Section V.A of this NOFO. For FY22, HUD anticipates making awards to all Applicants scoring 75 points or greater from this section. To be eligible for any funding under the NOFO, Applicants must meet the minimum fundable score. If available funds are insufficient to provide grants to all Applicants achieving the minimum fundable score, grants will be awarded in rank order until all available funds have been distributed. HUD reserves the right to adjust the minimum fundable score.

**Funding Methodology.** This methodology awards grantees a base award determined by the size and nature of their counseling networks. The methodology then augments that amount based on performance within HUD's CHC Program and other relevant criteria.

Applicants may also indicate a maximum grant request (Chart A, Field Q) that will be considered as a cap in establishing the maximum CHC award. Separately, Applicants applying for the HBCUs, Tribal Colleges and Universities, and other MSIs initiative must indicate their desired award amount on Chart F.

Although HUD will determine the total award amount for each Applicant, Grantees themselves will determine the actual funding amounts to be distributed to Subgrantees and/or Branches.

**(a) Base Award.** The funding methodology provides a Base Award for successful Applicants.

1. LHCA's applying independently are not eligible to manage a network of subgrantees. While LHCA's applying independently may sub-allocate HUD grant funds to their Branch offices, the funding formula will not augment the award for such offices.
2. For Intermediaries, SHFA's, and MSO's that provide subgrants or fund their own Branches, the award will be calculated based on the size of the Applicant's funded network. In the Chart A2 Supplement (Excel), Applicants must list and describe their funded network. If the entity is a Branch of the Applicant's organization, place an "X" in Field D. If the entity is a Subgrantee, place an "X" in Field E. For each member of the Applicant's funded network, there should be one and only one box checked (i.e., either Field D or Field E, not both). If an Intermediary, SHFA, or MSO provides counseling services at their main office, Applicants should list their main office as a Branch.

Subgrantees and Branches that did not provide housing counseling services to a minimum of thirty clients in the previous fiscal year must not be listed. Branches that are part of a Subgrantee's organization must not be listed. Awards may be adjusted based on an Applicant's funded network.

**(b) Competitive Funding Amount.** Higher scoring submissions may receive incentive funding

on top of the base funding.

**(c) Funding to Monitor a Network.** HUD may augment the award for oversight and quality control activities. HUD may base a portion of this calculation on an Applicant's plan to review members of its funded network using form HUD-9910 and to share results and follow-up actions with HUD (Chart D2, Field 1). Chart D2 includes a space for Applicants to indicate the number of funded Subgrantees and Branches that they propose to review during the upcoming performance period. The bonus will be capped at the lesser of a) five reviews, or b) 50% or less of the Applicant's funded network.

**(d) Number of Counselor FTEs.** HUD may augment the award based on the number of Housing Counselor Full-Time Equivalents (FTEs) that provide housing counseling services as of September 30, 2021 (Chart A, Field F). Applicants that provide counseling services at their main office may count the number of housing counselor FTEs at the main office in addition to the offices of Subgrantees and/or Branches.

**(e) Funding of Reverse Mortgage Counseling.** HUD may augment the award based on the number of HECM Roster Counselors that provide housing counseling services as of September 30, 2021 (Chart A, Field G).

**(f) Funding of Default Counseling for Reverse Mortgages.** HUD may augment the award based on an Applicant's commitment to providing reverse mortgage default counseling. Applicants are asked to indicate how many of their counselors will provide default counseling for reverse mortgage borrowers from October 1, 2022, to September 30, 2023 (Chart A, Field H). The bonus will be capped at five such counselors per Agency, Branch, and Subgrantee. As a reminder, default counseling for reverse mortgages can be provided by non-HUD HECM Roster Counselors.

By the end of the period of performance, such counselors should have:

1. Attended at least eight hours of training in reverse mortgages in the three years prior to the end of the grant period; and
2. Provided services to a minimum of ten reverse mortgage default counseling clients during the grant period.

Grantees must provide documentation supporting these activities in grant activity reports.

**Funds Recapture.** HUD may decrease the award amount if changes to the network size, number of housing counselor FTEs, or services provided would result in a lower amount than was awarded and reserves the right to recapture all or part of the resulting grant. Additionally, HUD may recapture funds unspent in the time allotted.

**Mergers, Acquisitions, and Other Changes in Organizational Structure.** Anticipated mergers, acquisitions, or other changes in Grantee(s) legal or organizational structure must be reported to Grantee's Point of Contact in HUD's Office of Housing Counseling within 15 days of implementation of such changes. However, HUD encourages grantees to report such changes as early as possible to ensure that the organization remains eligible for grant funds. In the case of a simple name change, HUD may make the award in the name of the newly named entity. In the

case of a merger, the new or merged entity may be eligible to receive grant funding made to the original Grantee(s), provided they meet certain conditions, including but not necessarily limited to:

1. The new or merged entity receives HUD approval as a housing counseling agency and demonstrates in its application that it meets all eligibility requirements for a HUD-approved housing counseling agency in Section 106, 24 CFR part 214, and HUD Handbook 7610.1, including oversight and reporting, housing counseling experience and staffing;
2. The newly named entity has a UEI, has registered in SAM and has passed the IRS check conducted as part of the SAM registration process;
3. The Name Check review process has been conducted for the proposed new awardee;
4. An amendment to the award agreement assigning the award to the new entity is completed; and
5. A new LOCCS access form has been filed with the HUD Accounting Office.

#### **4. Historically Black Colleges and Universities, Tribal Colleges and Universities, and other Minority Serving Institutions.**

**Purpose.** The purpose of this initiative is to expand opportunities for wealth building and financial stability in underserved minority communities, by increasing access to safe affordable housing, financial education, and homeownership. Historically Black Colleges and Universities (HBCU), Tribal Colleges and Universities, and other Minority Serving Institutions (MSI) have strong relationships with stakeholder communities and have a vested interest in improving socio-economic outcomes for minorities. Specifically, this initiative is designed to expand these institutions' roles and effectiveness in addressing the needs of their local communities, expand partnerships with housing counseling agencies, and provide housing counseling services. HUD seeks to leverage expert experience and social position of MSIs within minority communities to help remove any barriers to housing services and increase financial education for this targeted population.

**Eligible Applicants.** Applicants requesting funds dedicated for HBCUs and other MSIs (and partnerships therewith) must submit proof of the college or university's status as an HBCU or MSI. Additionally, Applicants that are partnering with an HBCU or MSI must submit a letter certifying that an HBCU or other MSI partnership is in place or that there is an intent to enter a partnership. The letter must be signed by the Applicant and an authorizing official of the HBCU or other MSI and the Applicant must provide documentation of the partnering college or university's status as an HBCU or other MSI.

When executing the grant, you must submit a Memorandum of Understanding (MOU) or similar agreement signed by all partners to signify their formal commitment. The MOU should at least clearly specify the partnership's purpose and activities; each organization's role and responsibilities for funding, participation, management and organizational structure, and compliance; and integrating data sharing or reporting capabilities.

**Eligible Activities.** The eligible activities are outlined in Section IV.F, Funding Restrictions.

**Maximum Award Amounts.** Eligible Applicants must indicate a maximum grant request that will be considered as a cap in establishing the maximum award. An eligible Applicant can request up to \$250,000 as an HBCU or other MSI, or for its partnership and/or its subgrantee partnership with an HBCU or other MSI. The Applicant may also request up to \$150,000 for each additional partnership and/or its subgrantee partnership with an HBCU or other MSI. HUD will use the NOFO score; narrative response on the Form HUD-9906, Chart F; and other factors to rate and rank applications. Depending on factors such as the number of eligible Applicants and other factors, HUD reserves the right to fund less than the amount requested in the application.

**Review and Selection Process.** Eligible Applicants interested in this funding must complete the following information on Form HUD-9906, Chart F.

1. **Number of Clients Served.** How many housing counseling clients the Applicant or the Applicant's network of HBCUs or other MSIs partners plan to serve with the funding.
2. **Award Amount (Budget).** Provide the total amount of funds requested for these purposes, and if applicable, indicate the amount allocated to each partnership.
3. **Statement of Work.** Applicants must describe the following.
4. All proposed eligible activities and major tasks required to successfully implement the proposed initiative.
5. The extent to which there is a need to fund the proposed initiative and the importance of meeting the need(s).
6. The relevant experience and capacity of the Applicant, its staff, and HBCU or other MSI partners in implementing the proposed eligible activities.
7. How the Applicant will measure the outcomes on the target population by the end of the grant performance period.
8. How the Applicant proposes to integrate the institution's students and faculty into proposed eligible activities.
9. How the community (e.g., businesses, residents, and others) will be involved in the implementation of the program and how the institution will expand its role in the target community.
10. The other resources (not including HUD's CHC Grant) that support or fund the Applicant's existing housing counseling related partnerships with HBCUs or other MSIs. Include the dollar amounts of support provided, if applicable.

### **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.

## **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 waste, fraud, and abuse requirements, including whistleblower protections (see [HUD's webpage](#))

### **Environmental Review**

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

### **Prohibition on Surveillance**

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

### **Remedies for Noncompliance**

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

### **Lead-Based Paint Requirements**

When providing education or counseling on buying or renting housing that may include pre-1978 housing under your grant you must inform clients of their rights under the Lead Disclosure Rule ([24 CFR part 35, subpart A](#)), and, if the focus of the education or counseling is on rental or

purchase of HUD-assisted pre-1978 housing, the Lead Safe Housing Rule (subparts B, R, and, as applicable, F - M).

## **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.

### **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](http://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**

## **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.

The debriefing period will be no more than 150 days after the announcement of awards.

## **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:

Melissa Noe

Phone:

Email:

Housing.Counseling@hud.gov

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

## **VIII. OTHER INFORMATION**

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

This NOFO provides funding published at 24 CFR Part 214 or 72 FR 55648, which does not contain environmental review provisions because it concerns activities that are listed in 24 CFR 50.19(b) as categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321) ("NEPA"). Accordingly, under 24 CFR 50.19(c)(5)(ii), this NOFO is categorically excluded from environmental review under NEPA.

### **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 Definitions

1. **Affiliate.** See definition at 24 CFR 214.3.
2. **Applicant.** A HUD-approved housing counseling agency or SHFA, MSO or local government applying for a CHC grant from HUD through this NOFO. The term Applicant includes the agency's branches identified in its application.
3. **Branch.** See definition at 24 CFR 214.3.
4. **Continuity of Operations Plan (COOP).** An organization's internal efforts to ensure that a viable capability exists to continue essential functions across a wide range of potential emergencies. COOP plans and procedures delineate essential functions, specify succession to office and the emergency delegation of authority, provide for the safekeeping of vital records and databases, identify alternate operating facilities, and provide for interoperable communications.
5. **Counseling.** See definition at 24 CFR 214.3.
6. **Education.** See definition at 24 CFR 214.3.
7. **Full-time equivalent.** The number of total hours worked divided by the maximum number of compensable hours in a full-time schedule as defined by law. For example, if the normal schedule for a quarter is defined as 411.25 hours ([35 hours per week \* 52

weeks per year 5 weeks regulatory vacation)] / 4), then someone working 100 hours during that a quarter represents  $100/411.25 = 0.24$  FTE. Two employees working in total 400 hours during that same quarterly period represent 0.97 FTE.

8. **Grantee.** A HUD-approved housing counseling agency or SHFA that receives housing counseling funds from HUD through this NOFO. The term Grantee includes the Grantee's branches identified in its application.
9. **Historically Black College and University (HBCU).** 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.
10. **Homeownership Counseling.** See definition at 24 CFR 5.100.
11. **HUD HECM Roster Counselor.** A housing counselor that has met the requirements pertaining to HUD's HECM Counseling Standardization and Roster (24 CFR 206, Subpart E) and appears on the HUD HECM Counselor Roster.
12. **Intermediary.** See definition at 24 CFR 214.3.
13. **Local Housing Counseling Agency (LHCA).** A housing counseling agency that directly provides housing counseling services. An LHCA may have a main office, and one or more branch offices, in no more than two contiguous states.
14. **Multi-State Organization (MSO).** See definition at 24 CFR 214.3.
15. **Participating Agency.** See definition at 24 CFR 214.3.
16. **State Housing Finance Agency (SHFA).** See definition at 24 CFR 214.3.
17. **Subgrantee.** See definition at 24 CFR 214.3.
18. **Reverse Mortgage.** See definition at 24 CFR 214.3.