U.S. Department of Housing and Urban Development

Community Planning and Development

Continuum of Care (CoC) Builds
FR-6800-N-25A
11/21/2024

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Funding Opportunity Title:
Continuum of Care (CoC) Builds

Funding Opportunity Number:
FR-6800-N-25A

Assistance Listing Number:
14.267

Due Date for Applications:
11/21/2024

OVERVIEW

The U.S. Department of Housing and Urban Development (HUD) issues this Notice of Funding Opportunity (NOFO) to invite applications from eligible applicants for the program and purpose described within this NOFO. You, as a prospective applicant, should carefully read all instructions in all sections to avoid sending an incomplete or ineligible application. HUD funding is highly competitive. Failure to respond accurately to any submission requirement could result in an incomplete, ineligible, 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 announcement of the selection of recipients 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 who 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 the applicable OMB control number, unless the collection of information is excluded from these requirements under 5 CFR Part 1320.

OMB Control Number(s):
2506-0112

I. FUNDING OPPORTUNITY DESCRIPTION

A. Program Description

1. Purpose

The Continuum of Care (CoC) Builds (CoCBuilds) NOFO targets efforts within CoC geographic areas to address and reduce persons experiencing homelessness by adding new units of permanent supportive housing (PSH) through new construction, acquisition, or rehabilitation through one-time CoCBuilds awards under the CoC Program. Through the CoCBuilds NOFO,

HUD is encouraging CoCs to leverage funds provided for construction, acquisition, or rehabilitation of new PSH units with other funding sources to maximize the amount of housing that can directed to meeting the needs of individuals and families experiencing homelessness. PSH is permanent housing in which supportive services are provided to assist individuals with a disability and families where at least one household member has a disability and is experiencing homelessness to live independently. Additionally, no more than 20 percent of each award may be used for other eligible CoC Program activities associated with the PSH project (e.g., supportive services, operating costs (Section IV.G.3 of this NOFO)), and no more than 10 percent of an award may be used for project administration.

Permanent supportive housing is beneficial for several reasons:

- Stability: It provides stable housing for individuals who may otherwise be experiencing homelessness or precariously housed, offering a foundation for stability in their lives.
- Support Services: It offers on-site or readily accessible, voluntary support services such as counseling, healthcare, substance abuse treatment, and job training, tailored to the individual's needs.
- Cost-Effectiveness: It can reduce overall public costs by decreasing the use of emergency services, such as hospitals, shelters, and law enforcement, which are often utilized at higher rates by individuals experiencing homelessness.
- Improved Health Outcomes: Stable housing contributes to better physical and mental health outcomes for residents, as they have a safe and consistent environment in which to address health issues and access regular care.
- Community Integration: Permanent supportive housing allows individuals to become integrated into their communities, fostering a sense of belonging and social connection, which are crucial for overall well-being.
- Prevention of Recidivism: For individuals who have experienced incarceration or cycles of homelessness, permanent supportive housing can break these cycles by providing a stable environment and support systems to prevent relapse into previous patterns.

Overall, permanent supportive housing addresses both the immediate need for shelter and the underlying factors contributing to homelessness, leading to better outcomes for individuals and communities alike.

Rural areas often lack the resources and infrastructure for providing services to persons experiencing homelessness and permanent housing. Additionally, rural areas often require unique strategies to solve challenges specific to their geography. Available funds from this NOFO may assist rural areas in the development of new PSH units for eligible individuals and families.

Indian Tribes and Tribally Designated Housing Entities (TDHEs) also lack resources and infrastructure needed to address the needs of individuals and families experiencing homelessness where a member of the household has a disability. Therefore, this NOFO provides incentives for Indian Tribes and TDHEs to apply for funds to develop units of new PSH.

Converting hotels or motels from their original use to permanent supportive housing may be more cost-effective than constructing new units. HUD’s Office of Policy Development and Research (PD&R) highlighted the conversion of abandoned hotel properties to permanent supportive housing which greatly reduced the costs (Learning From the Pandemic Response:

Converting Hotels to Shelter or Housing) and additional research has demonstrated that conversion of hotel or motel properties to permanent supportive housing is cost-effective.

Applicants should consider whether there is an opportunity to use properties made available through the Title V Process. More information can be found at: https://www.hud.gov/program_offices/comm_planning/titlev.

The Continuum of Care (CoC) Program (24 CFR part 578) (the Rule) is designed to promote a community-wide commitment to the goal of ending homelessness; to provide funding for efforts by nonprofit providers, states, Indian Tribes, tribally designated housing entities (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103) (TDHEs)), and local governments to quickly rehouse individuals and families experiencing homelessness, persons fleeing or attempting to flee domestic violence, dating violence, sexual assault, or stalking, and youth experiencing homelessness while minimizing the trauma and dislocation caused by homelessness; to promote access to and effective utilization of mainstream programs by individuals and families experiencing homelessness; and to optimize self-sufficiency among those experiencing homelessness.

HUD has the following six goals for this competition:

1. Increase housing opportunities for people with high risk of levels of need.
2. Increase the supply of permanent supportive housing units within CoC geographic areas to address individuals and families experiencing homelessness where one member of the household has a disability.
3. Encourage coordination between housing providers, health care organizations, and social service providers.
4. Ensure access to resources for projects to expand opportunities for new PSH units in States with populations less than 2.5 million.
5. Ensure new PSH units are conveniently located near local services; e.g., walking distance, near reliable transportation services, provide access to telehealth.
6. Affirmatively further fair housing by addressing barriers which perpetuate segregation, hinder access to areas of opportunity for protected class groups and concentrate affordable housing in under-resourced areas.

2. HUD and Program-Specific Goals and Objectives

HUD's Strategic Plan sets the direction and focus of our programs and staff to create strong, sustainable, inclusive communities and quality, affordable homes for all. 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.

HUD will pursue two overarching priorities focused on increasing equity and improving customer experience across all HUD programs. Five strategic goals and several objectives undergird the Plan; however the following goals are applicable to this NOFO.

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

Strategic Goal 1: Support Underserved Communities

Fortify support for underserved communities and support equitable community development for all people.

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.

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.

2A: Increase the Supply of Housing

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

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.

4B: Strengthen Environmental Justice

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

4C: Integrate Health and Housing

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

The following are policy priorities specific to this NOFO:

- *Increasing Affordable Housing Supply.* The lack of affordable housing is the main driver of homelessness. This NOFO provides funding for new construction, rehabilitation, or acquisition that can increase permanent supportive housing stock in a CoC's geographic area. CoCs, applicants, and developers should partner to determine an economical way to increase permanent supportive housing supply for individuals and families experiencing homelessness that considers adaptive reuse and conversion of hotel properties. Additionally, CoCs and applicants should engage local leaders to mitigate zoning and land use issues that may impact adding permanent supportive housing units to the CoC's housing stock.
- *Ensuring Access to Supportive Services and Public Services.* Providing voluntary supportive services to individuals and families experiencing homelessness, particularly for these households that also include a family member who has a disability, can ensure the households have the tools and resources needed to successfully maintain permanent housing. Applicants must ensure households that will reside in the units developed under this NOFO will have access to CoC Program supportive services as well as other public services such as easy access to local parks and recreation, post office, etc. Additionally, applicants proposing projects in rural areas are encouraged to consider the most cost-effective method for supportive services delivery (e.g., use of internet for check-ins with program participants) and access to public services.

- Partnering with Housing, Health, and Service Agencies. Using cost performance and outcome data, applicants should improve how all available resources are utilized to end homelessness. This is especially important as the CARES Act and American Rescue Plan have provided significant new resources to help end homelessness. HUD encourages CoCs to maximize the use of mainstream and other community-based resources when serving persons experiencing homelessness and should:
    - Work closely with public and private healthcare organizations and assist program participants who are interested in assistance with receiving primary care, housing related services, and with obtaining medical insurance to address healthcare needs. This includes developing close partnerships with public health agencies to analyze data and design approaches that reduce homelessness, improve the health of people experiencing homelessness, and prevent and address disease outbreaks, including HIV/AIDS.
    - Partner closely with PHAs and state and local housing organizations to utilize coordinated entry, develop housing units, and provide housing subsidies to people experiencing homelessness. These partnerships can also help CoC Program participants exit permanent supportive housing through Housing Choice Vouchers and other available housing options. CoCs and PHAs should especially work together to implement targeted programs such as Emergency Housing Vouchers, HUD-VASH, Mainstream Vouchers, Family Unification Program (FUP) Vouchers, and other housing voucher programs targeted to people experiencing homelessness. CoCs should coordinate with their state and local housing agencies on the utilization of new program resources provided through the HOME Investment Partnerships - American Rescue Plan Program (HOME-ARP) that was created through the American Rescue Plan.
    - Partner with local workforce development centers to improve employment opportunities.
    - Work with Tribes and Tribal organizations to ensure that Tribal members can access CoC funded assistance when a CoC's geographic area borders a Tribal area.

3. Changes from Previous NOFO

This is the first CoCBuilds NOFO; therefore, no changes from a previous NOFO.

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 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 individual associated with the applicant organization who is responsible for the administration and management of award activities for the applicant 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 environmental laws and policies in a manner that advances equity and provides meaningful involvement for people and communities that have been environmentally underserved or overburdened, such as Black and Brown communities, indigenous groups, and individuals with disabilities. This definition does not alter the requirements under HUD's regulations at 24 CFR 58.5(j) and 24 CFR 50.4(l) implementing Executive Order 12898. E.O. 12898 requires a consideration of how Federally assisted projects may have disproportionately high and adverse human health or environmental effects on minority and/or low-income populations. For additional information on environmental review compliance, refer to: https://www.hud.gov/program_offices/comm_planning/environment_energy/regulations.

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

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

(1)

(a) The Federal financial assistance that a recipient receives directly from a Federal awarding agency or 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.

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.

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.

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 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.

The following definitions are defined in 24 CFR 578.3.

1. Applicant
2. Centralized or Coordinated Assessment System (also known as Coordinated Entry)
3. Collaborative Applicant
4. Continuum of Care
5. Consolidated Plan
6. Homeless Management Information System (HMIS)
7. HMIS Lead
8. Homeless. Although not reflected in the regulation, section 605 of the Violence Against Women Reauthorization Act of 2022 amended Section 103(b) of the McKinney-Vento Homeless Assistance Act and requires HUD to consider certain individuals and families as homeless. This amendment took effect on October 1, 2022. Notwithstanding anything to the contrary contained elsewhere in this NOFO, where 24 CFR 578.3 of the homeless definition, paragraph (4) is referenced, you may apply to serve the population as defined in Section 103(b) of the Act.
9. Permanent Housing
10. Permanent Supportive Housing
11. Private Nonprofit Organization
12. Program Participant
13. Project
14. Recipient
15. Subrecipient
16. Unified Funding Agency
17. Victim Service Provider

c. CoCBuilds NOFO Concepts.

The following terms are not found in 24 CFR 578.3 but are used in other areas of the Rule or are used in this NOFO to define concepts that pertain specifically to this NOFO.

1. Adaptive Reuse. Refers to the process of reusing an existing building for a purpose other than which it was originally built or designed for. It is also known as recycling and conversion. Adaptive reuse is an effective strategy for optimizing the operational and commercial performance of built assets.
2. Annual Renewal Demand (ARD) (24 CFR 578.17(b)(2)). The total amount of all the CoC's projects that were eligible for renewal in the FY 2023 CoC Program Competition, before any required adjustments to funding for rental assistance, and operating Budget Line Items (BLIs) based on FMR changes.
3. Consolidated Plan Certification. The standard form HUD-2991, *Certification of Consistency with the Consolidated Plan* in which a state or local official certifies the proposed project, and activities are consistent with the jurisdiction's Consolidated Plan and, if the project applicant is state or unit of local government, that the jurisdiction is following its Consolidated Plan per the requirement of 24 CFR part 91.
4. Final Pro Rata Need. (24 CFR 578.17(b)(3)). The higher of Preliminary Pro Rata Need (PPRN) or ARD for the CoC is the FPRN, which determines the amount of CoCBuilds funds a project can apply for through this NOFO.
5. Formula. Defined in 24 CFR 578.17(a).
6. Formula Area. Defined in the Indian Housing Block Grant Program at 24 CFR 1000.302.
7. Indian Tribe. A federally recognized Tribe or a State recognized Tribe as defined in Section 4 of NAHASDA (25 U.S.C. 4103).
8. Low-income Housing Tax Credit. Provides a tax incentive to construct or rehabilitate affordable rental housing for low-income households.
9. Reservation. For purposes of this NOFO, reservations are a type of formula area as specifically delineated under HUD's IHBG program at 24 CFR 1000.302.
10. Rural Area. For this competition, a rural area is a county which:
    1. has no part of it within an area designated as a standard metropolitan statistical area by the office of Management and Budget;
    2. is within an area designated as a metropolitan statistical area or considered as part of a metropolitan statistical area and at least 75 percent of its population is local on U.S. Census blocks classified as non-urban; or
    3. is located in a state that has a population density of less than 30 persons per square mile (as reported in the most recent decennial census), and of which at least 1.25 percent of the total acreage of such State is under Federal jurisdiction, provided that no metropolitan city in such State is the sole beneficiary of the grant amounts awarded under this NOFO. A metropolitan city means a city that was classified as a metropolitan city under section 102(a) of the Housing and Community Development Act of 1974 (42.U.S.C. 5302(a)) for the fiscal year immediately preceding the fiscal year for which Emergency Solutions Grants program funds are made available.
11. Tribally Designated Housing Entity. For purposes of this NOFO, this term has the same meaning as in Section 4 of NAHASDA (25 U.S.C. 4103).

12. Trust land. For purposes of this NOFO, trust lands are a type of formula area as delineated under HUD's IHBG program at 24 CFR 1000.302.

d. CoC Geographic Area. 24 CFR 578.5 requires representatives from relevant organizations within a geographic area to establish a CoC to carry out the duties within the geographic area. The boundaries of identified CoC geographic areas cannot overlap, and any overlapping geographies are considered Competing CoCs. HUD follows the process at 24 CFR 578.35(d) to determine which CoC HUD will recognize in the case of CoC geographic areas that overlap. For the CoCBuilds competition, there are no Competing CoCs.

e. Centralized or Coordinated Assessment System. In general, 24 CFR 578.23(c)(9) and (11) requires all CoC program recipients and subrecipients to use the centralized or coordinated assessment system (coordinated entry) established by CoCs. The definition of Centralized or Coordinated Assessment is found at 24 CFR 578.3. 24 CFR 578.7(a)(8) details the responsibilities of the CoC to establish and operate this required system. In addition to the definition and responsibilities established in the Rule, HUD posted on its website, CPD-17-01: Notice Establishing Additional Requirements for a Continuum of Care Centralized or Coordinated Assessment System, establishing additional requirements related to the development and use of a centralized or coordinated entry assessment system. These systems help communities assess the needs of program participants and effectively match individuals and families experiencing homelessness with the most appropriate resources available to address their supportive service and housing needs. CoCs must operate the system with CoC Program funds, other funds, or a combination of the two. Section 578.23(c)(9) of the CoC Program Rule exempts, a victim service provider from using the CoC's centralized or coordinated assessment system if victim service providers use a centralized or coordinated assessment system that otherwise meets HUD's requirements.

f. CoC Program Components. 24 CFR 578.37 states CoC funds may be used to pay for the eligible costs listed in 24 CFR 578.39 through 578.63 when used to establish and operate projects under five components: Permanent Housing – Permanent Supportive Housing (PH-PSH) or Rapid Rehousing (PH-RRH); Transitional Housing (TH); Supportive Services Only (SSO); Homeless Management Information System (HMIS); and in some cases, homelessness prevention.

Only designated high performing communities (HPCs) may carry out homelessness prevention activities through the CoC Program. Unfortunately, no CoCs have applied for or been designated as a HPC, thus none of the funds in this NOFO can be used for homelessness prevention.

For this NOFO, the following will be considered for funding:

- new PH-PSH which must include a capital costs budget for new construction, acquisition, or rehabilitation; and
- the application may also request no more than 20 percent of an award for CoC Program eligible activities and costs associated with such new PH-PSH projects (see Section IV.G.1 of this NOFO), and no more than 10 percent for administrative costs.

g. Collaborative Applicant. HUD will only review CoCBuilds project applications submitted by the CoC-designated Collaborative Applicants. Each CoC-designated Collaborative Applicant may only submit one CoCBuilds application. However, if a CoC is working with a Tribe or TDHE to provide units of PSH on Tribal reservations or trust land, two applications may be submitted by the CoC-designated Collaborative Applicant, one for the CoC's geographic area not

including the Tribal reservations or trust lands and one where the units will be located on Tribal reservations or trust lands

h. Maximum Award. The maximum award amount under this CoCBuilds NOFO is based on each CoC's Final Pro Rata Need for the FY 2024 CoC Competition, which is the higher of the CoC's Preliminary Pro Rata Need or Annual Renewal Demand. CoCs that submit two project applications, with one project proposing new PSH units located on a Tribal reservation or trust land, may request an additional $2,000,000 above the maximum amount as indicated in the following chart. The maximum award amount for a single project may not exceed the maximum amount listed in the *Maximum Amount for a Single Project* column of the following chart.

FPRN Amount	**Maximum Amount for a Single Project**	**Maximum Amount for Projects Submitted by CoCs with Units Located on Tribal Reservations or Trust Lands**
$40,000,000 and above	$10,000,000	$12,000,000
$10,000,000 to $39,999,999	$7,500,000	$9,500,000
$0 to $9,999,999	$5,000,000	$7,000,000
CoCs that are the only CoC within their State or Territory	$10,000,000	$12,000,000

5. CoC Program Provisions. The following list highlights important information you should consider while preparing the CoCBuilds application. This is not an exhaustive list of considerations or requirements; therefore, you should carefully review this NOFO and the Rule for more comprehensive information.

a. Indian Tribes or Tribally Designated Housing Entities (TDHEs). The Consolidated Appropriations Act, 2021 amended title IV of the Act by adding section 435 so designated Indian Tribes or TDHEs (as defined in Section 4 of the Native American Housing Assistance and Self-Determination Action of 1996 (25 U.S.C. 4103) may:

(1) create a CoC;

(2) be a Collaborative Applicant;

(3) be an eligible project applicant; or

(4) receive grant amounts from another entity that receives a grant directly from HUD (i.e., be a CoC grant subrecipient).

However, under 42 U.S.C. 11383(g) only States, Units of General Local Government, nonprofit organizations, and Public Housing Agencies may administer permanent housing rental assistance.

6. Coordination with Housing and Healthcare. The Consolidated Appropriations Act, 2023 and the Consolidated Appropriations Act, 2024 directs HUD to provide incentives to create projects that coordinate with housing providers, healthcare organizations, and social service providers to provide permanent supportive housing.

7. Adaptive Reuse. Where possible, consider existing vacant structures that were initially designed for use other than housing (e.g., used as office space) if requesting funds for

rehabilitation or acquisition where the structure can be cost-effectively restructured to create new PH-PSH units for individuals and families experiencing homelessness.

8. Maximum Award and FMR Adjustments. The process for determining the maximum award amount is detailed in 24 CFR 578.17(b). HUD will adjust awards for operating and rental assistance BLIs based on changes to the FMR. HUD will make all adjustments prior to the award announcement as follows:

a. Funds awarded for rental assistance will be adjusted by applying the FMR in effect at the time of application submission to HUD.
b. HUD will increase funds awarded for operating costs based on the average increase in FMR amounts within the CoC's geographic area, weighted for population density.

9. Non-capital costs funds awarded under this NOFO may be eligible for renewal in the CoC Program Competition.

B. Authority

CoCBuilds is part of the CoC Program that is authorized by Subtitle C of Title IV of the McKinney-Vento Homeless Assistance Act, (42 U.S.C. 11381–11389) (the Act), and the CoC Program rule found in 24 CFR part 578 (the Rule). The CoCBuilds funds were provided by the Consolidated Appropriations Act, 2023 (Public Law 117-328, approved December 29, 2022) and the Consolidated Appropriations Act, 2024 (Public Law 118-42, approved March 9, 2024).

II. AWARD INFORMATION

A. Available Funds

Funding of approximately **$175,000,000** is available through this NOFO.

Additional funds may become available for award under this NOFO consistent with 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.

Of this $175,000,000, not less than $65 million ($30 million of FY 2023 funds and $35 million of FY 2024 funds) is available only for CoCs that are located in states with populations of fewer than 2.5 million people. However, if HUD does not receive this amount in application requests any remaining amount may be awarded to qualified applicants for projects in any state. All application requirements are included in this NOFO.

B. Number of Awards

HUD expects to make approximately 25 awards from the funds available under this NOFO.

Up to 3 awards are set aside for the highest scoring project applications where the PSH units are located on Tribal reservations or trust lands.

C. Minimum/Maximum Award Information

Estimated Total Funding:
$175,000,000

Minimum Award Amount:
$1,000,000
Per Project Period

Maximum Award Amount:
$10,000,000
Per Project Period

D. Period of Performance

Estimated Project Start Date:
10/01/2025

Estimated Project End Date:
10/01/2030

Length of Project Periods:
Other

Length of Periods Explanation of Other:
Period of performance dates may range anywhere from 24 months to 60 months. See Section IV.G.2.

E. Type of Funding Instrument

Funding Instrument Type:
G (Grant)

III. ELIGIBILITY INFORMATION

A. Eligible Applicants

00 (State governments)

01 (County governments)

02 (City or township governments)

04 (Special district governments)

07 (Native American tribal governments (Federally recognized))

08 (Public housing authorities/Indian housing authorities)

11 (Native American tribal organizations (other than Federally recognized tribal governments))

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

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

Additional Information on Eligibility
Eligible project applicants are found at 24 CFR 578.15 and include nonprofit organizations; state governments; local governments; instrumentalities of state and local governments; Indian Tribes and Tribally Designated Housing Entities (TDHEs), as defined in section 4 of the Native

American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103); and public housing agencies, as such term is defined in 24 CFR 5.100, are eligible without limitation or exclusion.

1. Indian Tribes and Tribally Designated Housing Entities (TDHE). The Consolidated Appropriations Act, 2021 (Public Law 116-260, approved December 27, 2020) amended title IV to add section 435 of the Act to allow Indian Tribes and TDHEs to be Collaborative Applicants, eligible entities, or subrecipients of the CoC Program in addition to amending title IV section 401 to add the terms "Formula Area" and "Indian Tribe." These amendments mean that not only may Tribes and TDHEs apply for grants through other CoCs, but that formula areas, as that term is defined in the Indian Housing Block Grant program at 24 CFR 1000.302, are eligible to be added to the geographic areas of existing CoCs or may be included in newly formed CoCs through the CoC registration process (see Notice CPD-22-02) or may be temporarily added through the process outlined in Section III.A.5. Any applicant that is not a Tribe or TDHE proposing to site a project on a Tribal reservation or trust land must include a Tribal resolution from the Tribe authorizing the applicant to do so or a letter from an official or principal of the Indian Tribe or TDHE who is authorized to act on behalf of the Indian Tribe or TDHE. Tribes do not need to include a Tribal resolution to site a project on their own reservation or trust land.
2. Collaborative Applicants. HUD will only accept CoCBuilds project applications from CoCs that had a valid e-snaps registration for the FY 2024 CoC Program Competition. CoCs should not attempt to change Collaborative Applicants during this CoCBuilds competition without prior HUD approval unless HUD replaces the CoC's designated Collaborative Applicant under the authority of Section 402(c) of the Act. HUD will approve Collaborative Applicant changes outside the annual CoC Program Registration process under the following circumstances:
    a. the Collaborative Applicant made an error when entering the Collaborative Applicant name in the CoC Applicant Profile;
    b. the CoC-designated Collaborative Applicant is no longer in business;
    c. the CoC designates a new Collaborative Applicant; or
    d. HUD designated a new Collaborative Applicant as a remedial action under Section 402(c) of the Act.
3. In cases where the CoC changed its designated Collaborative Applicant after the FY 2024 CoC Program Registration process, the CoC must notify the local HUD CPD field office, in writing, stating the reason for the Collaborative Applicant change. The notice to HUD must provide documentation of the CoC's approval of the change (e.g., a copy of the meeting minutes to include the date and attendees).

Parties that are interested in forming a new CoC, including Indian Tribes that are interested in forming a new CoC should contact the Office of Special Needs Assistance Programs SNAPSinfo@hud.gov as soon as possible.

4. Collaborative Applicants. All recognized Collaborative Applicants eligible to submit the application to HUD on behalf of the applicant organization are listed on the CoCBuilds Final Pro Rata Need Report located on the CoC Program page of HUD's website.

5. Temporarily Add to CoC Geography and Tribal Reservations and Trust Lands. In general, HUD will only consider projects that propose to locate PSH units in geographic areas included in their FY 2024 CoC Program Registration. However, HUD will make an exception for Tribal reservations and trust lands and permit CoCs to temporarily include projects for new PSH units on Tribal Reservations and trust lands not currently a part of their geographic area if the Collaborative Applicant is a Tribe or TDHE and, if they add the Tribal Reservations and trust lands to the geographic areas covered by their CoC with the Tribe's express consent. To apply for a project on a Tribal Reservation or trust land not currently included in the CoC's geographic area, the Collaborative Applicant must add the formula area to the COC's geographic area by sending an email to HUD at CoCBuilds@hud.gov with the following information:

a. The name of the CoC;
b. The name of the tribe(s) assigned to the formula area(s) the Collaborative Applicant is seeking to add; and
c. If the Collaborative Applicant is adding the formula area on behalf of a CoC that is not an Indian Tribe or TDHE directly selecting their own formula area, a tribal resolution from the applicable Indian Tribe authorizing the CoC to select the trust land or reservation or a letter from an official or principal of the Indian Tribe or TDHE who is authorized to act on behalf of the Indian Tribe or TDHE. Indian Tribes and TDHEs are not required to include a tribal resolution to select their own trust land or reservation.

This message must be submitted to HUD by September 15, 2024. The formula area must be either contiguous to the CoC's existing geographic area or the formula area must overlap with the CoC's existing geographic area. For the non-capital costs of these PSH projects to be eligible for renewal under the CoC program, the CoC must complete the CoC registration process (see Notice CPD-22-02) to add the Tribal Reservations and trust lands to the geographic areas covered by their CoC. Note: HUD will not update a CoC's PPRN based on the inclusion of the temporary new formula area(s) to determine the maximum award amount established in Section I.A.4.h of this NOFO and the temporary addition to the CoC's geography will not be considered by HUD under the FY CoC Program Competition.

6. Eligible Project Applicants (McKinney-Vento Homeless Assistance Act, 24 CFR 578.15, 24 CFR 5.100). Eligible project applicants for the CoC Program Competition are found at 24 CFR 578.15 and in the Act and include nonprofit organizations, states, local governments, instrumentalities of state and local governments, Indian Tribes and TDHE [as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103) (TDHEs)]. Public housing agencies, as such term is defined in 24 CFR 5.100, are eligible without limitation or exclusion. For-profit entities are ineligible to apply for grants and are prohibited from being subrecipients of CoC Program grant funds.

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 part 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€, 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

Individuals, foreign entities, and sole proprietorship organizations are not eligible to compete for, or receive, awards made under this announcement.

C. Cost Sharing or Matching

This Program requires cost sharing or matching as described below.

24 CFR 578.73 provides the information regarding match requirements. Project applicants that intend to use program income as a match must provide an estimate of how much program income will be used for the match.

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. **CoC Review of Project Applications.** CoCs are required to review proposed CoCBuilds applications locally and if more than one application is received, the CoC must determine which application it will submit to HUD. While only one project application per CoC may be submitted, where feasible, HUD encourages inclusion of one or more subrecipients that will contribute towards the goals of this NOFO (e.g., capital costs, housing, supportive services). CoCs are permitted to submit a second application if the new PSH units are constructed, rehabilitated, or acquired on Tribal reservations or trust lands.

HUD encourages CoCs to use scoring criteria outlined in Section V.A of this NOFO to ensure it submits the most viable application to HUD for review and scoring. The CoC must include a letter signed by the CoC Board President stating the CoC supports the submission of the selected application. The letter must include the:

- CoC Number and Name;

- name of the applicant organization;
- name of the project; and
- amount of funds that are requested.

If a second application is submitted for the construction, rehabilitation, or acquisition of new PSH units on Tribal reservations or trust lands, the area must be identified in the letter.

If HUD receives more than one CoCBuilds application from a CoC it will only review the earliest submitted application and automatically reject any other applications received.

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 Competitive Programs" document on HUD's Funding Opportunities page. Applicants who fail to meet any of these eligibility requirements are deemed ineligible to receive HUD funding.

1. Universal Identifier and System for Award Management (SAM.gov) Requirements
2. Outstanding Delinquent Federal Debts
3. Debarments or Suspensions, or both
4. Mandatory Disclosure Requirement
5. Pre-selection Review of Performance
6. Sufficiency of Financial Management System
7. False Statements
8. 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 2 CFR part 170 if the applicant receives an award, unless an exception applies as provided in 2 CFR170.110.

F. Program-Specific Requirements

Certification of Consistency with the Consolidated Plan. This program requires a certification of Consistency with the Consolidated Plan under 24 CFR 91.2. This certification means the proposed activities in the application are consistent with the jurisdiction's strategic plan, and the location of the proposed activities is consistent with the geographic areas specified in the Consolidated Plan.

Applicants must submit a certification by the jurisdiction in which the proposed project will be located that the applicant's project application for funding is consistent with the jurisdiction's HUD-approved consolidated plan. The certification must be made in accordance with the provisions of the consolidated plan regulations at 24 CFR part 91, subpart F.

Form HUD-2991 must be completed and dated between June 1, 2024, and October 31, 2024.

Additionally, applicants that propose to locate a project on a Tribal reservation or trust land must include a Tribal resolution from the Tribe authorizing the applicant to do so or a letter from an official or principal of the Indian Tribe or TDHE who is authorized to act on behalf of the Indian Tribe or TDHE. Indian Tribes do not need to include a tribal resolution to site a project on their own reservation or trust land. A tribal resolution is the formal manner in which the tribal government expresses its legislative will in accordance with its organic documents. In the absence of such organic documents, a written expression adopted pursuant to tribal practices will be acceptable.

Advancing Racial Equity
In accordance with Executive Order 13985, Executive Order 14091, *Executive Order on Further Advancing Racial Equity and Support for Underserved Communities Through The Federal Government,* and Federal fair housing and civil rights laws, your application must address the following:

- You analyzed the racial composition of the persons or households who are expected to benefit, directly or indirectly, from your proposed award activities;
- You identified any potential barriers to persons or communities of color equitably benefiting from your proposed award 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 award activities.

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

This narrative is required and must address the four bullets outlined in the paragraph above. Applicants will submit this narrative according to the instructions in Section IV.B. This narrative will be evaluated for sufficiency and will not change the applicant's score or rank as compared to other applicants. If the narrative is deemed insufficient, it will be a "Curable Deficiency" that will be communicated to the applicant for correction with a notice of deficiency.

All Applicants (except for Tribes and TDHEs): This narrative is required and must address the four bullets outlined in the paragraph above. Applicants will submit this narrative according to the instructions in Section IV.B. This narrative will be evaluated for sufficiency and will not change the applicant's score or rank as compared to other applicants. If the narrative is deemed insufficient, it will be a "Curable Deficiency" that will be communicated to the applicant for correction with a notice of deficiency. (2 pages maximum)

Tribes and TDHEs only: Due to your specific focus on serving tribal communities, all grant activities will benefit underserved communities as defined in this NOFO, including Native Americans and Black and Brown people and communities. If you believe there are potential barriers to historically underserved communities equitably benefiting from proposed grant activities, submit a narrative identifying those barriers, detailing steps to prevent, reduce, or eliminate those barriers, and explaining how you will measure, track progress, and evaluate the effectiveness of efforts to overcome those barriers. (2 pages maximum)

Affirmative Marketing and Outreach

Any outreach or marketing conducted under a HUD award must be conducted broadly throughout the local area and nearby areas and targeted to reach any eligible persons in demographic groups that would be unlikely or least likely to be aware of the benefits of a HUD award absent such efforts, or entities that serve such groups. 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. Strategies for affirmative marketing or outreach 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. You must submit a narrative describing the affirmative marketing/outreach activities that will be conducted if you are selected for a HUD award.

This narrative is required and must address the issues outlined in the paragraph above. Applicants will submit this narrative according to the instructions in Section IV.B. This narrative will be evaluated for sufficiency and will not change the applicant's score or rank as compared to other applicants. If the narrative is deemed insufficient, it will be a "Curable Deficiency" that will be communicated to the applicant for correction with a notice of deficiency.

All Applicants (except Tribes and TDHEs): This narrative is required and must address the issues outlined in the paragraph above. Applicants will submit this narrative according to the instructions in Section IV.B. This narrative will be evaluated for sufficiency and will not change the applicant's score or rank as compared to other applicants. If the narrative is deemed insufficient, it will be a "Curable Deficiency" that will be communicated to the applicant for correction with a notice of deficiency. (2 pages maximum)

Tribes and TDHEs only: Tribes and TDHEs should describe any outreach or marketing to eligible Tribal members who would be unlikely or least likely to be aware of the benefits of this NOFO absent such efforts. This may include affirmative marketing or outreach to Tribal members such as, individuals with disabilities and/or families with children. Applicants will submit this narrative according to the instructions in Section IV.B. This narrative will be evaluated for sufficiency and will not change the applicant's score or rank as compared to other applicants. If the narrative is deemed insufficient, it will be a "Curable Deficiency" that will be communicated to the applicant for correction with a notice of deficiency. (2 pages maximum)

Experience Promoting Racial Equity

In accordance with Executive Order 13985, Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, Executive Order 14091, Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, and Federal fair housing and civil rights laws, your application must demonstrate that the applicant has the experience and/or the resources to effectively address the needs of underserved communities, particularly Black and Brown communities. This may include experience successfully working directly with such groups, experience designing or operating programs that equitably benefit such groups, or experience successfully advancing racial equity in other ways. This may also include experience soliciting, obtaining, and applying input from such groups when designing, planning, or implementing programs and activities.

Applicants will describe their past experience or resources to effectively meet the needs of underserved communities, particularly Black and Brown communities in response to V.A.1.i..

All Applicants: will describe their past experience or resources to effectively meet the needs of underserved communities, particularly Black and Brown communities in response to V.A.1.i.

Tribes and TDHEs only: will describe their past experience or resources to effectively meet the needs of Tribal members, in response to V.A.1.i.

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 affirmatively furthering fair housing at 24 CFR 5.151. If the applicant will carry out proposed activities with an Assessment of Fair Housing (AFH), the proposed activities should be consistent with the AFH's fair housing goals and with fair housing strategies specified in the jurisdiction's Consolidated Plan or Public Housing Agency Plan.

Applicants must address this requirement by submitting a written narrative which describes how their proposed NOFO activities are aligned with the requirement to affirmatively further fair housing (AFFH). Specifically, applicants should describe how their proposed NOFO activities will meaningfully: (1) address significant disparities based on protected class in unmet housing needs (2) address disparities based on protected class in access to opportunity (3) address segregation and promoting integration (4) transform racially or ethnically concentrated areas of poverty into well-resourced areas of opportunity without displacing existing residents, and/or (5) foster and maintain compliance with civil rights and fair housing laws]. If the narrative is deemed insufficient, it will be a "Curable Deficiency" that will be communicated to the applicant for correction with a notice of deficiency.

All Applicants (except Tribes and TDHEs): See 24 CFR 578.93(c) for specific Affirmatively Furthering Fair Housing requirements that apply to the CoC program and provide a written narrative addressing how the proposed project will adhere to this requirement. Applicants will submit this narrative according to the instructions in Section IV.B. This narrative will be evaluated for sufficiency. If the narrative is deemed insufficient, it will be a "Curable Deficiency" that will be communicated to the applicant for correction with a notice of deficiency. (2 pages maximum)

Tribes and TDHEs only: Tribes and TDHEs are not required to submit a written narrative related to Affirmatively Furthering Fair Housing.

G. Criteria for Beneficiaries.

Eligible program participants (beneficiaries) are individuals and families experiencing homelessness outlined in 24 CFR 578.37(a)(1)(i) where at least one individual in the household has a disability.

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 good cause. If you cannot submit your application electronically, you must ask in writing for a waiver of the electronic application submission requirements. HUD will not grant a waiver if you fail to submit to HUD by email or postmark by mail 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:
Sherri L. Boyd

Email:
CoCBuilds@hud.gov

HUD Organization:
CPD

Street:
471 7th St., SW

City:
Washington

State:
DC DISTRICT OF COLUMBIA

Zip:
20410

B. Content and Form of Application Submission

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

Submission of an application that is otherwise sufficient, but is under the wrong Assistance Listing and Funding Opportunity Number is a Non-Curable Deficiency, and will be rejected, unless otherwise stated under the Threshold requirements section. When applying with a UEI that does not match the organization name as registered in sam.gov will result in an ineligible applications.

1. Content

Forms/Assurances/Certifications	Submission Requirement	Notes/Description
Application for Federal Assistance (SF-424)	This form is required.	Review section IV.B.2.a. of this NOFO for detailed application requirements.
Applicant and Recipient Assurances and Certifications (HUD 424-B)	This form is required.	Review section IV.B.2.a. of this NOFO for detailed application requirements.
Applicant/Recipient Disclosure/Update Report (HUD 2880)	This form is required.	Review section IV.B.2.a. of this NOFO for detailed application requirements.
Disclosure of Lobbying Activities (SF-LLL)	This form is conditionally required.	Review section IV.B.2.a. of this NOFO for detailed application requirements.
Certification Regarding Lobbying Activities	This form is required.	
Grant Application Detailed Budget Worksheet (HUD-424-CBW)		This form is contained within the Instruction Package.
Assurances for Non-Construction Programs (SF-424B)	This form is required.	This form is contained within the Application Package.
Assurances for Construction Programs (SF-424D)	This form is required.	This form is contained within the Application Package.

2. Other Submission Requirements

Additionally, your complete application must attach form HUD-2991, Certification of Consistency with the Consolidated Plan and you must also submit narrative responses to the following equity requirements as outlined in Section III.F: Advancing Racial Equity, Affirmative Marketing and Outreach, and Affirmatively Furthering Fair Housing. Each narrative should be no more than 2-pages.

a. Standard Application, Assurances, Certifications and Disclosures

(1) 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 awards, 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.

(2) 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 CFR §§ 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.

(3) 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 24 CFR part 4 for additional information.

(4) 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-- 2024, 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.

(5) False Statements

Applicant understands that providing false or misleading information during any part of the application, award, or performance phase of an award may result in criminal, civil or administrative sanctions, including but not limited to: fines, restitution, and/or imprisonment under 18 USC 1001, 18 USC 1012, or 18 USC 287; treble damages and civil penalties under the False Claims Act, 31 USC 3729 et seq.; double damages and civil penalties under the Program Fraud Civil Remedies Act, 31 USC 3801 et seq.; civil recovery of award funds; suspension and/or debarment from all federal procurement and non-procurement transactions, FAR Part 9.4 or 2 CFR Part 180; and other remedies including termination of active HUD award.

(6) Lobbying Activities

Applicants are subject to the provisions of Section 319 of Public Law 101-121, 31 U.S.C. 1352, (the Byrd Amendment), and 24 CFR part 87, which prohibit recipients of federal awards from using appropriated funds for lobbying the executive or legislative branches of the Federal government in connection with a Federal award. All applicants must submit with their application the signed "Certification Regarding Lobbying" form. In addition, applicants must disclose, using Standard Form LLL (SF-LLL), "Disclosure of Lobbying Activities," any funds, other than federally appropriated funds, that will be or have been used to influence federal employees, members of Congress, or congressional staff regarding specific awards. 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.

3. Format and Form

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

25 Pages maximum length of narratives

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

Each rating factor includes the maximum number of pages per rating factor. HUD will not review additional pages submitted over the limit. Budget worksheets do not count toward the maximum number of pages.

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

1. SAM Registration Requirement

You must register at www.sam.gov before submitting an application. You must maintain current information in SAM on immediate and highest-level owner and subsidiaries, as well as on all predecessors that a Federal award 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

All entities doing business with the Federal government must use the UEI created in SAM.gov. Your application must include a valid UEI that is registered and active at www.sam.gov. **When submitting an application with a UEI that does not match the organization name as registered in sam.gov will result in an ineligible application.**

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

11/21/2024

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

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

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

“Validated by Grants.gov” means the application has been accepted and was not rejected with errors. You can track the status of your application by logging into Grants.gov, selecting “Applicants” from the top navigation, and selecting “Track my application” from the dropdown list. If the application status is “rejected with errors,” you must correct the error(s) and resubmit

the application before the 24-hour grace period ends. Applications in “rejected with errors” status after the 24-hour grace period expires will not be received by HUD. Visit Grants.gov for a complete description of processing steps after applying.

HUD strongly recommends you review your application before you submit it at Grants.gov. Also, HUD recommends you submit your application at least **48 hours before the deadline** and during regular business hours to allow enough time to correct errors or overcome other problems.

2. Grants.gov Customer Support

Grants.gov provides customer support information on its website at https://www.grants.gov/web/grants/support.html. If you have difficulty accessing the application and instructions or have technical problems, contact Grants.gov customer support center by calling (800) 518-GRANTS (this is a toll-free number) or by sending an email to support@grants.gov.The customer support center is open 24 hours a day, seven days per week, except Federal holidays. Individuals who are deaf or hard of hearing, as well as individuals who have speech or 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. Amend or Revise an Application

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

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

5. Grace Period for Grants.gov Submissions

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

6. Late Applications

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

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

7. Corrections to Deficient Applications

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

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

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

You must email corrections of Curable Deficiencies to applicationsupport@hud.gov within the time limits specified in the notification. The time allowed to correct deficiencies will be no less than 48 hours and no more than 14 calendar days from the date of the email notification. The start of the cure period will be the date stamp on the email sent from HUD. If the deficiency cure

deadline date falls on a Saturday, Sunday, Federal holiday, or on a day when HUD's Headquarters are closed, then the applicant's correction must be received on the next business day HUD Headquarters offices in Washington, DC are open.

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

Corrections to a paper application must be sent in accordance with and to the address indicated in the notification of deficiency. HUD will treat a paper application submitted in accordance with a waiver of electronic application containing the wrong UEI as having a curable deficiency. Failure to correct the deficiency and meet the requirement to have a UEI and active registration in SAM will render the application ineligible for funding.

8. Authoritative Versions of HUD NOFOs

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

9. Exemptions

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

10. **Summary of the Application Process.** This CoCBuilds NOFO is administered under the Rule. You should review the information in this NOFO to ensure your application is complete and submitted in a timely manner.

CoCBuilds applications are to be completed by the organization requesting funds, but must be submitted by the CoC's Collaborative Applicant, including Collaborative Applicants designed by HUD as a Unified Funding Agency (UFA). A CoC must have a current CoC Program Registration and must only submit one application, unless a second application is submitted specifically to create PSH units on Tribal reservations or trust lands.

The application must describe the type of capital costs being requested – new constructions, acquisition, rehabilitation – existing partnerships with eligible developers and if you are also requesting other eligible costs outlined in Section IV.G.3 of this NOFO, including up to 10 percent for administrative costs of overall program management, coordination, monitoring, and evaluation and up to 20 percent for other eligible CoC Program activities associated with the PSH project.

CoC planning and UFA Costs are not eligible under this NOFO.

E. Intergovernmental Review

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

F. Funding Restrictions

Under 2 CFR 200.458 pre-award costs are allowable with written approval from HUD if such costs: a) are consistent with 2 CFR 200.458; and b) would be allowable as a post-award cost; and c) do not exceed 10 percent of the total funds obligated to this award. However, HUD will not consider eligibility for pre-award costs until after the date of the HUD selection notice. Additionally, the incurrence of pre-award costs in anticipation of an award imposes no obligation on HUD either to make the award, or to increase the amount of the approved budget, if the award is made for less than the amount anticipated and is inadequate to cover the pre-award costs incurred.

Indirect Cost Rate

Normal indirect cost rules under 2 CFR part 200, subpart E apply. If you intend to charge your indirect costs to the 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(d), 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 Program-specific Requirements

1. Project Applications:
    a. must include capital costs for new construction, acquisition, or rehabilitation of new PSH units; and
    b. may include costs for other eligible CoC Program Costs associated with the PSH project as outlined in Section IV.G.3 of this NOFO that are no more than 20 percent of the total budget requested (HUD will award no more than 20 percent of final award for non-capital costs eligible CoC activities associated with the PSH project); and
    c. may include administrative costs of no more than 10 percent of the total amount requested for capital costs and, if included, eligible CoC Program costs outlined in Section IV.G.3 of this NOFO. HUD will award no more than 10 percent of final award for administrative costs associated with the PSH project).

2. Grant terms may be two, three, four, or five years. Projects selected for conditional award must be able to:

    a. provide proof of site control (24 CFR 578.25) prior to execution of the grant agreement; and

    b. execute the grant agreement with HUD no later than September 1, 2025.

Additionally, projects selected for conditional award must:

    c. have a completed environmental review before awarded funds can be drawn for project activities.; and

    d. meet the timeliness standards outlined in 24 CFR 578.85 for new construction or rehabilitation activities.

You should select the grant term based on the type of capital costs project you are submitting and the realistic time frame for completion. Generally, rehabilitation and acquisition time frames are less than new construction.

See 24 CFR 578.85 for timeliness requirements related to new construction and rehabilitation projects.

3. Eligible Costs. You may include a budget request with the following eligible costs in the application. However, HUD will award no more than 20 percent of the total funds for use in project-based rental assistance, operating costs, or supportive services. Additionally, HUD will award no more than 10 percent of the total budget (capital costs plus additional eligible costs) for project administrative costs.

a. Acquisition (24 CFR 578.43);
b. Rehabilitation (24 CFR 578.45);
c. New Construction (24 CFR 578.47);
d. Project-based rental assistance (24 CFR 578.51(e));
e. Supportive Services (24 CFR 578.53);

f. Operating Costs (24 CFR 578.55); and
g. Project administrative costs (24 CFR 578.59).

If a project application's budget exceeds the cost limits noted above, HUD will reduce the costs to the eligible amount which will result in a reduction in the total amount of funds requested. See 24 CFR 578.87(c) for restrictions on combining funds.

4. CoC Review of Application prior to Submission to HUD. HUD requires CoCs to implement a thorough review and oversight process at the local level to determine which application, if more than one is received, will be submitted to HUD under this NOFO. CoCs must closely review the information provided in each application to ensure:

a. The information provided in the application and proposed activities are eligible under this NOFO.
b. The application narratives are fully responsive to the NOFO requirements (Section V.A).
c. All required attachments are included in the submission, including HUD-required forms and budget forms, ensuring all are accurately and fully completed.

5. HUD will require recordation of a HUD-approved use and repayment covenant before funds can be drawn down (the form can be obtained from the local HUD CPD field office) for all grants of funds for new construction, acquisition, and rehabilitation. (24 CFR 578.81) HUD Field Office Counsel must approve the use and repayment covenants in advance of their being recorded, and proof of recording must be submitted to HUD Field Office Counsel before HUD will release grant funds, other than acquisition funds.

V. APPLICATION REVIEW INFORMATION

A. Review Criteria

1. Rating Factors

The application is based on 100 points and has a minimum score threshold of 60 points.
Each rating factor includes a maximum number of pages per response. HUD will only read the number of pages indicated. Any pages above the maximum length will not be reviewed or considered.

Rating Factor	Maximum Points	To Receive Maximum Points
a. Development Experience and Leveraging. Maximum 5 pages for this narrative.	24	Demonstrate that the applicant, developer, and relevant subrecipients have experience with at least four other projects that have a similar scope and scale as the proposed project. (up to 8 points) Demonstrate that the applicant, developer, and relevant subrecipients have experience leveraging resources substantially similar to the funds being proposed in the current project. HUD will evaluate up to 3 examples of prior leveraging experience for up to the five largest (by dollar value being contributed to the project) resources being leveraged for the proposed project. Examples of resources

		that will be considered include Low Income Housing Tax Credits, HOME, CDBG, Section 108, Section 202, and Section 811 (up to 8 points) Provide information regarding the availability of low-income housing tax credit commitments, project-based rental assistance, and other resources dedicated to the proposed project. Describe the dollar value of each of these commitments and describe the overall cost of the project, including the estimated cost per unit. In cases where the project includes more than one type of housing (e.g. townhouses and apartments), or has multiple sites, provide cost per unit information on each site or housing type to the extent possible. (up to 8 points) If there are current properties under construction or rehabilitation where CoCBuilds funds could be used to obtain units, in addition to the bulleted items above, provide: • the amount and type of funds being used to construct the property; • evidence of site control; • evidence of completed and approved environmental review; • identify the owner of the property and their experience with constructing or rehabilitation; and • the number of units that will be finished using CoCBuilds funds.
b. Managing Homeless Projects Maximum 4 pages.	12	Demonstrate that your organization and that your proposed subrecipients have experience administering programs for individuals and families experiencing homelessness where one member of the household has a disability. Your response must include: • Experience managing at least 4 properties that at a minimum includes how you determine the amount of rent to charge based on unit size, addressing program participant complaints, working with other service organizations that may place program participants in the units, and maintaining the properties. (Up to 8 points) • Type and frequency of supportive services that will be available (e.g., case management, life skills, health care). See 24 CFR part 578.53 for full list of CoC Program eligible supportive services. State whether your organization or another organization will provide supportive services. If other organizations will provide some or all of the

		supportive services, provide the organization(s) name, address, email address, and phone number. If your organization will provide direct supportive services with CoCBuilds funds, you must complete the Supportive Services Budget. (Up to 3 points) • Providing transportation for program participants. Describe the methods of transportation that will be available for program participants to travel to doctor appointments, recreation, public services (e.g., post office, library), shopping, other services, etc. If public transportation is available, indicate the hours of operation and the distance from the units. (1 point)
c. Implementation Schedule Maximum page length not to exceed 2 pages.	12	Complete an implementation schedule based on the proposed CoCBuilds project. i. Based on type of capital cost requested, provide: • New Construction – date construction will begin and end, and date property will be available for move-in. • Acquisition – date property will be acquired. • Rehabilitation – dates rehabilitation of the property will begin and end. ii. Provide the proposed schedule for the following activities: • site control, indicate if the property has already been identified; • environmental review completion; • execution of grant agreement; • start and completion dates: • anticipated date the jurisdiction will issue the occupancy certificate; • date property will be available for individuals and families experiencing homelessness to begin occupying units. HUD will evaluate the implementation schedule and provide up to 4 points based on whether the development schedule is complete and has all necessary elements, up to 4 points depending on likelihood that development milestones will be met, and up to 4 points based on the likelihood that the project will be ready for occupancy within 36 months of award.
d. Property Maintenance Maximum 2 pages.	5	Demonstrate how you will ensure the property is maintained annually to prevent unnecessary costly repairs. Your description must include:

		• how the property will be maintained annually and needed repairs are conducted (e.g., checking for roof leaks, routine maintenance for heating and cooling). Identify the source of funds that will be used and whether there will be a reserve fund established specifically for maintenance and repair of proposed units. • Demonstrate how the project will be able to cover replacement costs (e.g., replacing broken or damaged appliances, major equipment). Indicate if there will be funds provided from other sources and what those sources will be.
e. Unmet Housing Need Maximum 1 page.	7	Describe the population that will be served by the project and the level of unmet need for new units of permanent supportive housing in your area for that population. Using the PIT Count and HIC information, estimate the gap between the number of units of permanent supportive housing available and the number of homeless individuals and families experiencing homelessness where at least one household member has a disability. Maximum points will be awarded for applicants that demonstrate that there are fewer than 50 PSH beds available in a given year for each 100 people in the population that is proposed to be served. (Up to 7 points)
f. Management of Rental Housing Maximum 2 pages.	10	• Describe the rental housing projects you or your subrecipient have managed. If you have or will partner with other organization(s) within the CoC to manage a property(s), provide the organization's information, type of program participants assisted, and experience. • Include the number of grants for affordable housing awarded over the last three years, total amount of awards, and the type of subsidy funding or financing provided for housing. • Specify the number of assisted and non-assisted units in each property you list. Maximum points will be available for adequately describing management of at least 4 times the number of properties and units proposed in this application.
g. Coordinated Entry Maximum 2 pages.	3	Demonstrate how the project will use the CoC's coordinated entry process, or in the case of victim service providers, another coordinated entry process that meets HUD's minimum requirements, to refer individuals and families experiencing homelessness in the new PH-PSH units. The response must include the coordinated entry process

		implemented and how program participants will be placed in the project.
h. Coordination with Housing Providers, Healthcare Organizations, and Social Service Providers Maximum 2 pages.	10	i. Demonstrate either that: • the project is leveraging non-CoC funded housing resources through coordination with housing providers, healthcare organizations, and social service providers for new construction, acquisition, and rehabilitation to provide at least 50 percent of the amount being requested in the application, or • the project is leveraging non-CoC funded housing resources to provide subsidies for at least 25 percent of the units that are proposed in the application. You must attach letters of commitment, contracts, or other formal written documents that demonstrate the percentage of subsidies or number of units being provided to support the project. (5 points) ii. Demonstrate through written commitment from a healthcare organization, housing provider, and/or social service provider: • Access to housing resources (e.g., supportive services, home-based and long-term services and supports, primary and medical care, behavioral health, substance use disorder treatment and recovery, and other services); or • The value of assistance being provided is at least an amount that is equivalent to at least $7,500 per unit included in the proposed project. Acceptable forms of commitment are formal written agreements and must include: • value of the commitment, and • dates the-housing and resources will be provided. In-kind resources must be valued at the local rates consistent with the amount paid for services not supported by grant funds. (5 points)
i. Experience Promoting Racial Equity Maximum 4 pages.	8	Describe: • Experience soliciting, obtaining, and applying input from underserved groups when designing, planning, and implementing housing projects. • Experience building community partnerships with grassroots and resident-led organizations that provide housing, health care, and supportive services.

		• Experience designing or operating programs that have improved racial equity, particularly among people experiencing homelessness.
j. Community Integration for Persons with Disabilities Maximum 2 pages	7	Demonstrate how permanent supportive housing will enable program participants to make meaningful choices about housing, health care, and long-term services and supports that will allow them to fully participate in the community. The response should include how the PSH units will ensure non-segregation of individuals and families experiencing homelessness where at least one household member has a disability. Additionally, the response should include state whether the PSH units will be part of mixed-use development, meaning individuals and families that will reside in the units are not all disabled.
k. Section 3 Requirement Maximum 1 page.	2	Describe the actions that will be taken by project applicants to comply with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) (Section 3) and HUD's implementing rules at 24 CFR part 75 to provide employment and training opportunities for low- and very low-income persons, as well as contracting and other economic opportunities for business that provide economic opportunities to low- and very low-income persons. This does not affect applicant's existing responsibilities to provide training, employment, and other economic opportunities pursuant to Section 3 that result from their receipt of other HUD funding. Grants to Indian Tribes are subject to Indian Preference under Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5307(b) and are not subject to Section 3 requirements.

CoCBuilds Total Application Points

Maximum Points: 100

Section 3

In accordance with HUD's Section 3 regulations at 24 CFR 75.7, your application will receive up to 2 points based on the quality of Section 3 plans submitted. The program office will consider the following in evaluating the quality of the Section 3 plan: Section V.A.1.k of this NOFO.

2. Other Factors

HUD may employ rating panels to review and rate all or part of the applications according to the rating criteria in Section V.A of this NOFO.

a. Threshold Review. HUD first will review applications to determine whether you and subrecipients meet the project eligibility in Section III.A., and whether the applications meet eligibility and quality thresholds detailed in Section V.A of this NOFO. If HUD determines these standards are not met, HUD will reject the application, unless otherwise

provided in this NOFO. There are 100 points available for applications. To be considered for possible funds, a project application must score at least 60 points or higher.

b. Projects on Tribal reservations or trust land. HUD will next set aside up to three awards for the highest scoring project applications where new PSH units will be constructed, rehabilitated, or acquired on Tribal reservations or trust lands.
c. Conditional Selection and Adjustments to Funding. HUD will finally conditionally select applications based on CoCBuilds application score using the following process:
    i. From all the applications for projects in states that have a population of 2,500,000 or fewer, HUD will select the highest scoring applications until a cumulative total of $65,000,000 has been selected;
    ii. Select the highest scoring projects remaining, regardless of the population of the state in which the project is located. If there are not enough eligible projects submitted as outlined in Section V.A.2.c.i, HUD intends to add the remaining amount to this amount.

Policy Initiative Preference Points

This NOFO supports the following policy initiatives, for which a maximum of two (2) preference points may be awarded. Preference points are added to your overall application score.

Environmental Justice (2 points)

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

This NOFO does not offer preference points for Climate Change

Environmental Justice: In accordance with Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, and EO 14008, HUD will award up to two (2) points for applications proposing activities that advance Environmental Justice (as defined in Section I.A.4 of this NOFO). For the purposes of this HUD program, activities that advance Environmental Justice include doing the following for people or communities that have been environmentally underserved or overburdened (e.g. low-income and Black and Brown communities):

- Reducing or mitigating exposure to environmental and health hazards (e.g. industrial facilities, EPA superfund sites, brownfields and legacy pollution, heat islands).
- Improving protection from and resilience to environmental harms (e.g. fire-resistant materials, floodproofing).
- Expanding environmental benefits (e.g. clean air and water, public transportation, bike and walking paths, clean energy, green technology, biodiversity).
- Overcoming prior disinvestment in environmental infrastructure (e.g. drainage systems, green spaces, pollution controls).

To receive points under this Section, your application must describe in detail how your proposed activities will advance Environmental Justice in one or more of these ways.

In addition, to receive points under this Section, your application must also clearly describe how your activities will be informed by input from affected communities. To provide those affected a meaningful opportunity to participate in the design and implementation of your activities, you should make key information available online and through other media, engage with community leaders, solicit public feedback, hold public meetings at a variety of times and locations or virtually, and respond appropriately to community concerns.

This NOFO does not offer HBCU preference points.

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

This NOFO does not offer Promise Zone preference points.

Rural Partners Network Community Networks

This program does not offer Rural Partners Network Community Networks preference points.

B. Review and Selection Process

1. Past Performance

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

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

The 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 HUD 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 will conditionally select project applications based on application score using the following process:

a. Select the three highest scoring PSH projects that received 60 points or more where units will be located on Tribal reservations or trust lands.
b. Select the highest scoring eligible projects in states that have a population of 2,500,000 or less until a cumulative total of $65,000,000 has been selected. For purposes of calculating

the cumulative total of $65,000,000, HUD will consider projects selected in paragraph a above if they are located in states that have a population of 2,500,000 or less.

c. Select the highest scoring projects remaining, regardless of the population of the state in which the project is located. If there are not enough eligible projects submitted as outlined in subparagraph b, the remaining amount will be added to this amount.

HUD may reduce scores based on the past performance review, if specified under V.A. Rating Factors. 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*.

HUD may reduce scores based on the past performance review, if specified under V.A. Rating Factors. 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 2 CFR part 200 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.

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 Award

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 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 FY for other competitions within the program area, may be held for future competitions (if allowable in accordance with the applicable appropriation or authorizing statute), or may 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 (or nearer to full) award, and/or to fund additional applicants that were eligible to receive an award but for which there were no funds available.

3. Funding Errors

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

4. Geographic Diversity.

HUD has determined that geographic diversity is an appropriate consideration in selecting projects under this NOFO. HUD believes that geographic diversity can be achieved best by awarding grants in each of HUD’s ten regions. To this end, in instances where any of the ten

regions do not have at least one funded project, HUD reserves the right to fund eligible project(s) with the highest total score in that region.

5. Funding Diversity.

HUD reserves the right to reduce the amount of a grant, if necessary, to ensure no more than 20 percent of assistance made available under this NOFO will be awarded to projects located within any one state. Additionally, HUD reserves the right to select up to three projects where PSH units will be located on Tribal reservations or trust land.

6. Tie Breaking Rules.

In the case of a tie, HUD will fund the projects in order of score based on rating factor V.A.1.a If there is still a tie, HUD will select the project from the CoC that has the highest rating factor V.A.1.c.3. If HUD exercises a right it has reserved under this NOFO, that right will be exercised uniformly across all applications received in response to this NOFO.

7. Appeals

24 CFR 578.35 sets forth the following types of appeals:

- **Solo Applicants.** A process for eligible project applicants that attempted to participate in their CoC planning process and believe they were denied the right to participate in a reasonable manner.
- **Denied or Decreased Funding.** A process for eligible applicants that are denied funds by HUD or that requested more funds than HUD awarded to them.
- **Consolidated Plan Certification.** A process for eligible applicants whose jurisdiction refused to provide a Certification of Consistency with the Consolidated Plan (form HUD-2990).
- **Competing CoCs.** A process when more than one CoC selects the same geographic area, for eligible applicants of lower-scoring CoCs, to appeal to HUD's decision to fund the competing CoC. Should two or more CoCs select the same geographic codes associated with formula areas during the CoC Program Registration process, HUD will use the competing CoC process provided by 24 CFR 578.35(d).

Appeals must be submitted via email to snapsappeals@hud.gov. The subject line of your email must include the CoC Number, Applicant Name, Appeal Notice, and type of appeal (i.e., Denied, Decreased, Consolidated Plan Certification). An example Subject Line is: AA-500 – Appeal Notice – Consolidated Plan Certification. HUD will not accept or consider appeals outside of those listed below, nor will it consider appeals that do not include the requirements listed in this Section.

HUD will respond to all appeals via email and will not consider any requests to reconsider funding except for the types of appeals outlined below.

a. Solo Applicant. Per the Act, "A solo applicant may submit an application to the Secretary for a grant under subsection (a) and be awarded such grant on the same basis as such grants are awarded to other applicants based on the criteria described in section 427, but only if the Secretary determines that the solo applicant has attempted to participate in the continuum of care process but was not permitted to reasonably participate. The Secretary may award such grants directly to such applicants in a manner determined to be appropriate by the Secretary."

To apply as a solo applicant, the project applicant must submit a Solo Applicant Project Application in e-snaps by the application submission deadline of October 31, 2024 at 8:00 PM EST. Additionally, the solo applicant, Collaborative Applicant, and HUD must take the following steps (See 24 CFR 578.35 for more information):

(1). Written Notice of Intent to Appeal. The solo applicant must submit a written notice of intent to appeal, with a copy to the CoC, with their funding application.

(2). No later than 30 days after the date that HUD announces the awards, the solo applicant shall submit in writing, with a copy to the Collaborative Applicant, all relevant evidence supporting its claim. The submission shall be emailed to snapsappeals@hud.gov.

(3). The CoC has 30 days from the date of its receipt of the solo applicant's evidence to respond to HUD in writing, with a copy to the solo applicant. The submission must be emailed to snapsappeals@hud.gov.

(4). HUD will notify the solo applicant and the CoC of its decision within 60 days of receipt of the CoC's response.

(5). If HUD finds that the solo applicant was not permitted to participate in the Continuum of Care planning process in a reasonable manner, then HUD may award a grant to the solo applicant when funds next become available and may direct the Continuum of Care to take remedial steps to ensure reasonable participation in the future. HUD may also reduce the award to the Continuum's applicant(s).

b. Denied or Decreased Funding. Eligible applicants that applied to HUD in response to this NOFO, that were either not awarded funds by HUD, or that requested more funds than HUD awarded, may appeal HUD's decision within 45 days after the final funding announcement. HUD will only consider funding or additional funding based on the CoC's maximum amount available. To appeal HUD's decision, you must submit a written appeal to HUD, with a copy to the authorized representative from the CoC's designated Collaborative Applicant, that must include evidence demonstrating HUD error and follow the instructions for submitting an appeal.

(1) For applicants that were fully denied funding for a grant, you must provide evidence that demonstrates HUD error in not awarding the grant. Your documentation must include:

(a) evidence from the application supporting your claim that the application met project eligibility and project quality; and

(b) evidence that you believe HUD failed to follow its selection priorities set forth in this NOFO that resulted in the project not receiving funding.

(2) If your application was denied funding due to the application being decreased to such a level that the project was no longer feasible, documentation submitted must include:

(a) evidence from the project application supporting your claim that the project application met project eligibility and project quality thresholds set forth in the NOFO; and

(b) evidence that you believe HUD failed to follow its selection priorities set forth in this NOFO that resulted in the application not receiving funding.

(3) If your application was denied funding due to the application score not being high enough due to HUD error, you may appeal the application score and request funding for the project. Documentation submitted must include evidence of HUD error when calculating the application score.

(4) Where HUD determines that a HUD error occurred, and you should have been awarded funding or additional funding, HUD will provide funding from the next available funds and make necessary adjustments by amending the award. HUD will reverse a decision only when you can show that HUD error caused the denial or decrease.

c. Consolidated Plan Certification. An applicant may appeal to HUD a jurisdiction's refusal to provide a certification of consistency with the Consolidated Plan.

(1) Written Appeal. With the application that is submitted by the application submission deadline, you must submit a written appeal that is attached to the application and email a copy of the appeal to the jurisdiction that denied the Certification of Consistency with the Consolidations Plan and send a copy to the authorized representative from the CoC's designated Collaborative Applicant. The written appeal must include the following information:

(a) a copy of your request to the jurisdiction for the Certification of Consistency with the Consolidated Plan; and

(b) a copy of the jurisdiction's response stating the reason(s) the proposed project is not consistent with the jurisdiction's Consolidated Plan in accordance with 24 CFR 91.510(c); and a statement of the reasons why the applicant believes its project is consistent with the jurisdiction's Consolidated Plan.

(2) Jurisdiction's Response. The jurisdiction will have 10 days after the receipt of your written appeal to submit a written response to HUD. The response must be sent by email to snapsappeals@hud.gov on the jurisdiction's letterhead, with a copy to you. The response must include the following information:

(a) an explanation of the reason(s) originally given for refusing to provide the Certification with the Consolidated Plan; and

(b) written rebuttal to any claims made by your in the written appeal.

d. HUD Decision and Notification of Decision.

(1) HUD will review the appeal submissions and provide written notification, by email, of its decision to you and the jurisdiction within 45 days of the date of the receipt of the jurisdiction's response. In making its decision, HUD will consider whether you submitted the request to the appropriate certifying jurisdiction and the reasonableness of the jurisdiction's refusal to provide the certification.

(2) If HUD finds the certifying jurisdiction's refusal to provide the Certification of Consistency with the Consolidated Plan was reasonable, HUD will automatically reject the application. If HUD finds the certifying jurisdiction's refusal to provide a

Certification of Consistency with the Consolidated Plan was unreasonable, HUD will consider the application for funding in accordance with the review standards set forth in this NOFO.

(3) If the jurisdiction failed to provide written reasons for refusal, including the reason(s) why the project is inconsistent with the jurisdiction's Consolidated Plan in its initial response to your request for a certification, HUD will find in your favor without further inquiry or response from the political jurisdiction.

(4) HUD will provide written notification of its decision with 45 days of the date of HUD's receipt of the jurisdiction's response. If the jurisdiction failed to provide a written response, HUD will provide written notification of its decision within 55 days of the date of HUD's receipt of your response.

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

Unless otherwise specified, the following requirements apply and are detailed on HUD's Funding Opportunity page in the document titled, "Administrative, National & Departmental Policy Requirements and Terms for HUD Financial Assistance – 2024." You must review each requirement to ensure compliance is considered when preparing your application materials (e.g., staff, budget, and timeline). Failure to comply with these requirements may impact your ability to receive or retain a financial assistance award from HUD.

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 24 CFR 5.150 et seq

7. Compliance with Economic Opportunities for Low-and Very Low-income Persons (12 U.S.C. 1701u) 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 (e.g., 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 and Sustainable by Design

13. Compliance with Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 USC 4601 et seq.) (URA) requirements, 49 CFR part 24, and applicable program regulations

14. Compliance with Participation in HUD-Sponsored Program Evaluation

15. Compliance with OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR part 200)

16. Compliance with Drug-Free Workplace requirements (2 CFR part 2429)

17. Compliance with the requirements related to safeguarding resident/client files (e.g., 2 CFR 200.303(e))

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, including 24 CFR parts 8 and 100; 28 CFR part 35

21. Compliance with applicable Violence Against Women Act requirements in the Housing Chapter of VAWA, 34 U.S.C. 12491-12496, 24 CFR part 5, subpart L, and program-specific regulations, if applicable

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

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 U.S.C. 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 regulations (2 CFR part 2424 and 2 CFR part 180)

28. Compliance with environmental justice requirements that apply in accordance with 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 HUD Secretary Fudge's April 12, 2022 memorandum, "Eliminating Barriers That May Unnecessarily Prevent Individuals with Criminal Histories from Participation in HUD Programs"

30. Compliance with equity requirements, including racial equity and underserved communities and LGBTQ+ requirements that apply in accordance with Executive Orders 13985, 13988, and 14091

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

32. Compliance with 2 CFR 200.216, Prohibition on Certain Telecommunication and Video Surveillance Services or Equipment and Executive Orders 14091 and 14110, which includes prohibition on the use of HUD funds to purchase or fund any form of facial or biometric recognition technology for the purpose of surveillance or any other use that may adversely impact equitable access to housing

Environmental Review

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

Notwithstanding 24 CFR 578.31 and 24 CFR 578.99(a) of the Rule, and in accordance with Section 100261(3) of MAP-21 (Pub. L. 112-141, 126 Stat. 405), activities under this NOFO are subject to environmental review by a responsible entity under HUD regulations at 24 CFR part 58 or by HUD under 24 CFR part 50.

1. Two types of projects are Categorically Excluded from review under the National Environmental Policy Act and not subject to the laws and authorities listed under 24 CFR 58.5 (CENST): All scattered-site projects where program participants choose their own unit and are not restricted to units within a pre-determined specific project site or sites are categorized in 24 CFR 58.35(b)(1) as CENST. This includes both tenant-based rental assistance and tenant-based leasing projects where program participants choose their own unit. An Exempt/CENST environmental review determination addressing the laws and authorities at 24 CFR 58.6 is only required for each project, not every unit.
2. For activities under a grant to a recipient other than a state or unit of general local government that generally would be subject to review under 24 CFR part 58, HUD may make a finding in accordance with 24 CFR 58.11(d) and may itself perform the environmental review under the provisions of 24 CFR part 50.
3. Irrespective of whether the responsible entity in accordance with 24 CFR part 58 (or HUD in accordance with 24 CFR part 50) performs the environmental review, the recipient must supply all available, relevant information necessary for the responsible

entity (or HUD, if applicable) to perform for each property any required environmental review. The recipient also must carry out mitigating measures required by the responsible entity (or HUD, if applicable) or select alternative property.

4. The recipient, its project partners, and their contractors may not acquire, rehabilitate, convert, lease, repair, dispose of, demolish, or construct property for a project under this NOFO, or commit or expend HUD or Non-HUD funds for such eligible activities under this NOFO, until the responsible entity (as defined by 24 CFR 58.2(a)(7)) has completed the environmental review procedures required by 24 CFR part 58 and the environmental certification and Request for Release of Funds (RROF) have been approved or HUD has performed an environmental review under 24 CFR part 50 and the recipient has received HUD approval of the project. HUD will not release grant funds if the recipient or any other party commits grant funds (i.e., incurs any costs or expenditures to be paid or reimbursed with such funds) before the recipient submits and HUD approves its RROF (where such submission is required), or HUD has completed the environmental review under 24 CFR part 50 and notified the recipient of its approval of the project.

Remedies for Noncompliance

HUD may apply the remedies at 2 CFR 200.339 or impose additional conditions to remedy noncompliance with any Federal State, or local statutes, regulations, or terms and conditions of the financial assistance award. If noncompliance cannot be remedied, HUD may terminate a Federal award, in whole or in part, for any of the reasons specified in 2 CFR 200.340, Termination.

For more information on CoC Program sanctions and remedies for noncompliance see 24 CFR 578.107.

Acquisition and Relocation Requirements

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) and its implementing regulations, implemented through the CoC program via 24 CFR 578.83, apply to any acquisition, rehabilitation, or demolition undertaken as part of any project funded under this NOFO. Grantees are thus required to plan for relocation and displacement, provide proper notification and all applicable relocation assistance to residents and owners, comply with acquisition requirements, and keep adequate records of acquisition and relocation activities. Relocation assistance can prove costly, so it's important for grantees to minimize displacement and proactively plan for relocation costs. Grantees are encouraged to contact their HUD Regional Relocation Specialist with any questions or concerns pertaining to acquisition and relocation compliance and best practices.

Lead-Based Paint Requirements

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

When providing education or counseling on buying or renting housing that may include pre-1978 housing under your HUD award 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, then you must also inform clients of 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.

HUD will collect this information through the Homelessness Data Exchange (HDX) based on HMIS data submitted by CoCs.

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

FFATA requires information on Federal awards be made available to the public via a single, searchable website, which is www.USASpending.gov. Accordingly, each award HUD makes under this NOFO will be subject to the requirements provided by the Award Term in Appendix A to 2 CFR part 170, "REPORTING SUBAWARD AND EXECUTIVE COMPENSATION INFORMATION," unless the Federal funding for the award (including funding that may be added through amendments) is not expected to equal or exceed $30,000. Requirements under this Award Term include filing subaward information in the Federal Funding Accountability and Transparency Act (FFATA) Sub-award Reporting System (FSRS.gov) by the end of the month following the month in which the recipient awards any sub-award equal to or greater than $30,000.

4. Program-Specific Reporting Requirements

a. In accordance with 24 CFR 578.103, recipients must maintain records within the timeframe required, submit any reports, including those pertaining to race, ethnicity, gender, and disability status that HUD may require. Recipients may report the data as part of their APR submission to HUD. Additionally, project recipients that expend $750,000 or more in 1 year in federal awards must have a single audit or program-specific audit for that year in accordance with 2 CFR part 200, subpart F.
b. Section 3 Reporting Regulations. Recipients are required to report their Section 3 activities per 24 CFR 75.25 if funds were awarded for housing rehabilitation, housing construction, and other public construction. See HUD's Section 3 website for additional information including annual reporting requirements.
c. Award notices may also include requirements for sub-award reporting in compliance with the requirements of the Federal Financial Assistance Accountability and Transparency Act of 2006 (Pub. L. 109-282) (FFATA) and Section 872 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Pub. L. 110-417), referred to as "Section 872." See the General Section for further information.

5. Administrative and Other Program Requirements. Federal agencies are required to measure the performance of their programs. HUD captures this information from monitoring visits and APRs.

6. Timeliness Standards. All conditional funds awarded under this NOFO must be obligated by HUD by September 30, 2025 for FY 2023 funds and September 30, 2026, for FY 2024 funds. Obligated funds remain available for expenditure until September 30, 2030, for FY 2023 funds and September 30. 2031 for FY 2024 funds. Obligated funds remain available for expenditure until September 30, 2030, for FY 2023 funds and September 30. 2031 for FY 2024 funds. HUD reserves the right to require an earlier expenditure deadline under a grant agreement. The applicant is expected to initiate the approved project promptly in accordance with the requirements of this Section of the NOFO. Grant terms, and associated grant operations, may not extend beyond the availability of funds. Applicants must plan accordingly and only submit applications that can start operations in a timely manner with sufficient time to complete the post award process within the awarded grant term. Additionally, HUD will take action if the recipient fails to satisfy the timeliness standards found in 24 CFR 578.85.

D. Debriefing

For a period of at least 120 calendar days, beginning 30 calendar days after the public announcement of awards under this NOFO, if requested, HUD will provide a debriefing related to their application. The AOR or the AOR's successor must submit a written request for debriefing via mail or email to the POC in Section VII Agency Contact(s) of this NOFO. Information provided during a debriefing may include the applicant's final score for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which funding was approved or denied.

VII. AGENCY CONTACT(S)

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

Name:
Sherri L. Boyd

Phone:

Email:
CoCBuilds@hud.gov

Individuals who are deaf or hard of hearing, as well as individuals who have speech or communication disabilities may use a relay service to reach the agency contact. To learn more about how to make an accessible telephone call, visit the webpage for the Federal Communications Commission.

Note that HUD staff cannot assist applicants in preparing their applications.

VIII. OTHER INFORMATION

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

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

2. Web Resources.

- Affirmatively Furthering Fair Housing
- Assistance Listing(formerly CFDA)
- Climate Action Plan
- Climate and Economic Justice Screening Tool (CEJST)
- Code of Conduct Requirements and E-Library
- Environmental Review
- Equal Participation of Faith-Based Organizations
- Fair Housing Rights and Obligations
- Federal Awardee Performance and Integrity Information System
- Federal Funding Accountability and Transparency Act (FFATA) Subaward Reporting System
- Grants.gov
- Healthy Homes Strategic Plan
- Healthy Housing Reference Manual
- Historically Black Colleges and Universities (HBCUs)
- HUD's Disability Overview
- 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
- Rural.gov
- Rural Partners Network Community Networks
- Section 3
- 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

HUD staff will be available to provide general clarification on the content of this NOFO; however, HUD staff are prohibited from assisting any applicant in preparing the application.

a. Training and Resources. Applicants that need assistance understanding the program requirements under the CoC Program and this NOFO may access the Rule, training materials, and program resources located on the CoC Program page of HUD's website.
b. Questions. Applicants that require information and technical support related to this NOFO may submit an inquiry to CoCBuilds@hud.gov

APPENDIX