

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. FR-4073-N-01]

FY 1996 Funding Availability for HUD-Approved Housing Counseling Agencies

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Fiscal year 1996 notice of funding availability for HUD-approved housing counseling agencies.

SUMMARY: This notice announces the availability of Fiscal Year (FY) 1996 funding from the U.S. Department of Housing and Urban Development (HUD) for HUD-approved housing counseling agencies to provide housing counseling to homebuyers, homeowners, and renters. HUD announces the availability of up to \$10.5 million dollars for housing counseling services through this Notice of Funding Availability (NOFA). All housing counseling agencies approved by HUD as of the publication date of this NOFA may apply for FY 1996 funding. This includes: (1) multi-State, regional, or national intermediary organizations, and (2) local housing counseling agencies that do not elect to affiliate with a HUD-approved intermediary organization.

This NOFA contains additional information on the purpose and background of the NOFA and funding levels available to local counseling agencies and intermediary organizations respectively; eligible activities and funding criteria; and application requirements and procedures.

DATES: Completed applications must be submitted no later than 4:00 p.m. local time on August 7, 1996. As further described below, any completed application must be physically *received* by this deadline date and hour at the appropriate local HUD office (for local applicants) or at the Office of Housing, Department of Housing and Urban Development, 451 7th Street, SW, Room 9282, Washington D.C. 20410 (for national, regional or multi-State applicants). In the interest of fairness to all applicants, late applications will be treated as ineligible for consideration. Applicants should take this requirement into account and make early submission of their applications to avoid loss of eligibility brought about by any unanticipated delays or other delivery-related problems. It is not sufficient for

an application to be postmarked within the deadline. Applications sent by facsimile (FAX) will not be accepted. HUD will not waive this submission deadline for any reason.

ADDRESSES: For local housing counseling agency applicants: An original and two copies of the completed application must be submitted to the local HUD office having jurisdiction over the locality or area in which the proposed program is located. These copies should be sent to the attention of the Single Family Division Director, and the envelope should be clearly marked, "FY 1996 Counseling Application". A list of Single Family Division Directors and local HUD Offices appears at the end of this NOFA. Failure to submit an application to the correct office in accordance with the above procedures will result in disqualification of the application.

For national, regional and multi-State housing counseling agencies: An original and two copies of the completed application must be submitted to the person listed below in HUD Headquarters. The envelope should be clearly marked, "FY 1996 Counseling Application."

FOR FURTHER INFORMATION CONTACT: Joan Morgan, Chief, Product Development and Special Projects Branch, Office of Housing, Department of Housing and Urban Development, 451 7th Street, SW, Room 9272, Washington D.C. 20410; telephone (202) 708-0614, extension 2213 (voice), or (202) 708-4594 (TTY number). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act Statement

The information collection requirements contained in this NOFA have been approved by the Office of Management and Budget, under section 3504(h) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520), and assigned OMB control number 2502-0261. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

I. Purpose and Substantive Description

A. Authority and Purpose

HUD's housing counseling program is authorized under section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x). The purpose of the program is to promote and protect the interests of housing consumers participating in HUD and other housing programs, as well as to help protect the

interests of HUD and mortgage lenders. The Housing Counseling program is generally governed by HUD Handbook 7610.1, REV-4, dated August 9, 1995.

Section 106 authorizes HUD to provide counseling and advice to tenants and homeowners with respect to property maintenance, financial management, and such other matters as may be appropriate to assist tenants and homeowners in improving their housing conditions and in meeting the responsibilities of tenancy and homeownership. In addition, HUD-approved counseling agencies are permitted and encouraged by HUD to conduct community outreach activities and provide counseling to individuals with the objective of increasing awareness of homeownership opportunities and improving access of low and moderate income households to sources of mortgage credit. HUD believes that this activity is key to the revitalization and stabilization of low income and minority neighborhoods.

Under the housing counseling program, HUD contracts with qualified public or private nonprofit organizations to provide the services authorized by the statute. When Congress appropriates funds for this purpose, HUD announces the availability of such funds, and invites applications from eligible agencies, through a notice published in the Federal Register. Currently there are 705 HUD-approved local housing counseling agencies with 386 Branch Offices and 10 HUD-approved intermediary organizations. Annually, all HUD-approved agencies are eligible to apply for housing counseling grants. However, an agency that is approved by HUD does not automatically receive HUD funding, and HUD expects that all counseling agencies will continually work to develop other funding resources. In FY '95, 240 HUD-approved local housing counseling agencies and 5 HUD-approved national/regional/multi-state housing counseling agencies received funding from HUD.

B. Allocation Amounts

Twelve million dollars (\$12 million) has been appropriated from the 1996 Appropriations Act, P. L. 104-134, 110 Stat. 1321, approved April 26, 1996 for this program. Of this amount, \$10.5 million is being made available under this NOFA for lump-sum, performance-based grants, as defined at 24 CFR part 84, subpart E. Approximately \$4 million is being set aside to fund national, regional and multi-State organizations that apply for funding under this NOFA. No national, regional, or multi-State agency may receive more than \$1

million. Approximately \$6.5 million has been made available for grants to local HUD approved housing counseling agencies, and it has been allocated to each of the 10 HUD geographical areas (formerly Regions) by a formula that gives equal weight to the percentage of HUD insured single family mortgage defaults within each geographical area

as of September 30, 1995, compared to the nationwide total *and* the percentage of first-time homebuyers that were approved for FHA-insured mortgages by geographical area during FY 1995 compared to the nationwide total for that period. This formula reflects the increased emphasis that HUD is placing on the expansion of homeownership

opportunities for first-time homebuyers. For FY 1996, no individual local housing counseling agency may be awarded more than \$100,000.

Allocations for use in local agency programs, by HUD geographical area, are estimated as follows:

Geographical areas	Default data			First-time Homebuyer Data			
	No. of defaults	Nat'l defaults (Percent)	Allocation amount	No. of 1st timers	Nat'l. 1st timers (Percent)	Allocation amount	Total allocation
New England	2,836	1.95	63,465	11,887	3.26	105,959	169,424
NY/NJ	11,853	8.16	265,252	23,034	6.32	205,322	470,573
Mid-Atlantic	16,502	11.36	369,289	41,427	11.36	369,274	738,563
SE/Caribbean	36,049	24.82	806,721	72,746	19.95	648,447	1,455,168
Midwest	23,087	15.90	516,651	63,812	17.50	568,811	1,085,462
Southwest	19,834	13.66	443,854	40,238	11.04	358,676	802,530
Great Plains	4,102	2.82	91,796	14,671	4.02	130,775	222,572
Rocky Mts	3,607	2.48	80,719	21,014	5.76	187,316	268,035
Pac/Hawaii	24,685	17.00	552,412	62,277	16.25	555,128	1,107,540
NW/Alaska	2,674	1.84	59,840	13,495	3.70	120,292	180,132
Totals	145,229	100	3,250,000	364,601	100	3,250,000	6,500,000

An allocation of \$1.5 million in program funding has been set aside for Housing Counseling support which may include: Continuation of the Housing Counseling Clearinghouse, 800 service to provide information to the public regarding local HUD-approved housing counseling agencies, and/or other HUD counseling initiatives.

If funds remain after HUD has funded all approvable grant applications in a HUD geographical area, or if any funds become available due to deobligation, that amount shall be reallocated and used in keeping with the statute and in a manner that will improve the delivery of housing counseling service nationwide.

C. Eligible Applicants

1. *General.* There are two types of HUD-approved organizations that are eligible to submit applications pursuant to this NOFA: (1) national, regional, or multi-State housing counseling organizations (also known as "intermediaries" or "umbrella groups"); and (2) local housing counseling agencies.

National, regional, and multi-State nonprofit, intermediary organizations must identify all their proposed affiliates in their application. These intermediaries must assure that their proposed affiliates are unique to their team and will not undertake a separate application for funds either as an affiliate of another intermediary or directly as a HUD-approved local counseling agency. Should any

duplication occur, both the intermediary organization and the local agency involved will automatically be ineligible for further consideration to receive FY 1996 housing counseling funds. In addition, an intermediary-applicant must also assure that it has executed a sub-agreement with its affiliates that clearly delineates their mutual responsibilities for program management, incorporating appropriate timeframes for reporting results to HUD.

Once funded, the national, regional, and multi-State intermediaries will be given broad discretion in implementing their housing counseling programs. On behalf of HUD, the intermediaries will act as managers in the housing counseling process and, as such, may determine funding levels and counseling activity for each of their affiliates, except that no single affiliate may receive more than \$100,000. HUD will hold the intermediary organization accountable for the performance of its affiliates.

Local counseling agencies may apply either directly to HUD for funding, or as a part of an affiliated intermediary network. Since continuation of funding for housing counseling activities as a separate and discrete program for FY 1997 and thereafter is not guaranteed, HUD encourages local agencies to consider affiliating with a larger entity as one avenue of possible future funding and support for local programs. Local housing counseling agencies that are not currently HUD-approved may receive FY 1996 funding only as an affiliate of

a HUD-approved national, regional, or multi-State intermediary's application for FY 1996 funds. In this instance, the intermediary organization must certify that the quality of services provided will meet, or exceed, standards for local HUD-approved agencies.

2. Civil Rights Prerequisites.

Applicants that fall into any one of the following categories will be ineligible for funding under this NOFA:

- The Department of Justice has brought a civil rights suit against the applicant and the suit is pending;
- There has been an adjudication of a civil rights violation in a civil action brought against the applicant by a private individual, unless the applicant is operating in compliance with a court order, or implementing a HUD-approved compliance agreement designed to correct the areas of noncompliance;
- There are outstanding findings of noncompliance with civil rights statutes, Executive Orders or regulations as a result of formal administrative proceedings, or the Secretary has issued a charge against the applicant under the Fair Housing Act, unless the applicant is operating under a conciliation or compliance agreement designed to correct the areas of noncompliance; or
- HUD has deferred application processing by HUD under one of the following authorities:

- Title VI of the Civil Rights Act of 1964 and the implementing guidelines of the Attorney General (28 CFR 50.3) and the HUD regulations (24 CFR 1.8);

- ii. Section 504 of the Rehabilitation Act of 1973 and the HUD section 504 regulations (24 CFR 8.57);
- iii. Executive Order 11063, as amended by Executive Order 12892 and HUD regulations (24 CFR Part 107);
- iv. Title II of the Americans with Disabilities Act of 1990 and applicable regulations (28 CFR Part 36); or
- v. The Age Discrimination Act of 1975 (42 U.S.C. 6101–6107) and implementing regulations (24 CFR Part 146).

3. *Requirements Applicable to Religious Organizations.* Where the applicant is, or proposes to contract with, a primarily religious organization, or a wholly secular organization established by a primarily religious organization, to provide, manage, or operate a housing counseling program, the organization must undertake its responsibilities under the counseling program in accordance with the following principles:

- a. It will not discriminate against any employee or applicant for employment under the program on the basis of religion and will not limit employment or give preference in employment to persons on the basis of religion;
- b. It will not discriminate against any person applying for counseling under the program on the basis of religion and will not limit such assistance or give preference to persons on the basis of religion; and
- c. It will provide no religious instruction or religious counseling, conduct no religious services or worship, engage in no religious proselytizing, and exert no other religious influence in the provision of assistance under the housing counseling program.

D. Eligible Activities

Eligible activities will vary depending upon whether the applicant is a HUD-approved local counseling agency or a HUD-approved national, regional, or multi-State housing counseling intermediary.

1. *Local Housing Counseling Agencies.* Local housing counseling agencies funded under this NOFA may use HUD funds to deliver comprehensive housing counseling or to specialize in the delivery of particular housing counseling services according to the housing needs they identified for their target area in the plan that was previously approved by HUD. HUD recognizes that local housing counseling agencies may offer a wide range of services, including:

- a. Renter assistance, including information about rent subsidy programs, rights and responsibilities of

tenants, lease and rental agreements, etc.;

- b. Outreach initiatives, including providing general information about housing opportunities within the community and providing appropriate information to persons with disabilities;

- c. Pre-purchase homeownership counseling, covering such issues as purchase procedures, mortgage financing, downpayment/closing cost fund accumulation, accessibility requirements of the property—if appropriate, credit improvement, debt consolidation, etc.;

- d. Post-purchase counseling, including such issues as property maintenance, personal money management, home equity conversion mortgages, etc.; or

- e. Mortgage delinquency and default resolution, including restructuring debt, arrangement of reinstatement plans, loan forbearance, loss mitigation, etc.

HUD-funded local counseling agencies may elect to offer their services to a wide range of clients or may elect to serve a more limited audience. Potential clients include: renters; potential homebuyers; homeowners eligible for and applying for HUD-related, VA, FmHA (or its successor agency), State, local, or conventionally financed housing or housing assistance; or persons who occupy such housing and seek the assistance of a HUD-approved housing counseling agency to resolve a housing need (including the need of a person with a disability for accessible housing) or problem. Local housing counseling agencies may elect to offer this assistance in conjunction with any HUD housing program but must be familiar with FHA's single family and multifamily housing programs.

2. *National, Regional, or Multi-State Counseling Intermediaries.* The primary activity of national, regional, or multi-State nonprofit housing counseling intermediaries will be to manage the use of HUD housing counseling funds, including the distribution of counseling funding to affiliated local housing counseling organizations. Local affiliates of the selected national, regional, or multi-State counseling intermediaries are eligible to undertake any or all of the housing counseling activities outlined above for the HUD-approved local housing counseling agencies. The local affiliates receiving funding through intermediaries do not need to be HUD-approved in order to receive these funds from the intermediary. However, the national, regional, or multi-State intermediary organization must be HUD-approved as of the NOFA publication date.

E. Selection Process

1. *Housing Counseling Agencies.* All applications meeting the requirements of this NOFA will be selected for funding within their competitive category, if sufficient funds are available: (1) in the set aside for National, Regional, or multi-State organizations, or (2) within the HUD geographic allocation area for local housing counseling agency applicants.

a. *Criteria/Ranking Factors.* All applications will be rated and ranked by staff in the appropriate local HUD Office and by the Secretary's Representative in the appropriate State office. The Secretary's Representative and the local HUD Office staff will use the same criteria and ranking factors, as follows:

- i. Capability of the applicant as determined by HUD, including competent delivery of counseling services and timely drawdown of any HUD funds awarded in the prior Fiscal Year—up to 50 points (up to 45 points assigned by HUD's Housing staff; up to 5 points assigned by the Secretary's Representative);

- ii. Adequacy of the activities proposed by the applicant in response to housing needs identified in the applicant's housing counseling plan as previously approved by HUD—up to 25 points (up to 20 points assigned by HUD's Housing staff; up to 5 points assigned by the Secretary's Representative);

- iii. Evidence of private funding sources contributing to the applicant's operating budget over the past calendar year—up to 15 points assigned by HUD's Housing staff; and

- iv. Evidence of current funding support from units of government located within the target area which the applicant intends to serve—up to 10 points.

b. *Selection Procedure.* National, regional, and multi-State applications will be rated and ranked in Headquarters and selected for funding, in rank order, until all funds for such agencies are depleted. Local agency applications will be reviewed by the Field Office and assigned points under the selection criteria. Then the Field Office will submit its recommendations for funding to HUD Headquarters for final review, to ensure appropriate geographical distribution of program funds and consistent application of the criteria described above. HUD Headquarters will then rank the local agency applications within the geographical areas and select for funding, in rank order, all acceptable applications to the point at which all funds are depleted.

i. Breaking a Tie. If two or more applications receive the same number of points and sufficient funds are not available to fund all such applications, first the application or applications requesting the smallest grants will be selected, if a sufficient amount remains to fund them. If two or more tied applications request the same amount and sufficient funds are not available to fund all such applications, the following system will be used to break the ties:

A. If the tied applications are for programs to be carried out in different jurisdictions, applications with the highest number of points for the rating criterion a.ii. (adequacy of activities) stated above will be selected, if sufficient funds remain.

B. If the tied applications are to be carried out in the same jurisdiction, applications with the highest number of points for the rating criterion a.i. (capability) stated above will be selected, if sufficient funds remain.

ii. Reallocations. Funds remaining after applying the procedures described in paragraph E.1.b. will be reallocated to fund the highest ranking remaining applications without regard to their location.

iii. Procedural Errors. Procedural errors by HUD discovered after initial ratings, but before notification to Congress of selected applicants, will be corrected and rankings will be revised.

iv. Reductions. HUD will approve an application for an amount lower than the amount requested or adjust line items in the proposed budget within the amount requested (or both) if it determines that:

A. The amount requested for one or more eligible activities is unreasonable, unnecessary, or unjustified;

B. An activity proposed for funding does not qualify as an eligible activity;

C. The applicant is not able to carry out all the activities requested; or

D. Insufficient amounts remain in that funding round to fund the full amount requested in the application.

v. Limitation of Geographic Scope. HUD may reduce the geographic scope of the proposed program if it determines that:

A. Two or more fundable applications substantially overlap; or

B. The proposed geographic scope is overly large given the capacity of the organization.

2. *National, Regional, and Multi-State Counseling Organizations.* If more applications are submitted to HUD Headquarters from national, regional, and multi-State organizations that meet all the requirements of this NOFA than can be funded with the amount allocated for this purpose, they will be

rated by staff in HUD Headquarters using the above ranking criteria stated in paragraph 1.a., and the top-rated applicants will be selected. Paragraphs 1. c.iii., c.iv., and c.v., above also apply to the selection of national, regional, and multi-State counseling organizations.

3. *Notification of Approval or Disapproval.* After completion of the selection process, but no later than six months after the deadline date for submission of the applications, as stated in this NOFA, HUD will notify, in writing, the applicants that have been selected and the applicants that have not been selected.

F. Funding Levels

Funding levels will be based on the amount authorized by the Congress, geographical distribution as described above, the performance record of each counseling agency as determined by HUD's analysis of prior year counseling workload and results of the most recent biennial performance review, competent delivery of counseling services and timely drawdown of funds awarded, and the agency's needs, as specified in the application according to its housing counseling plan previously approved by HUD. In addition, applicants that can demonstrate successful efforts to obtain non-HUD funding in their applications will receive extra consideration in HUD's rating and ranking process. HUD funding provided *must* be less than the total actual cost of the agency's housing counseling program.

1. *Local Housing Counseling Agencies.* HUD will fund local agencies according to the budget submitted with the application, in an amount not to exceed \$100,000. Amounts requested by local housing counseling agencies should reflect anticipated operating needs for housing counseling activities, based upon counseling experience during the last year and existing agency capacity. To the maximum extent possible, local counseling agencies also must seek other private and public sources of funding to supplement HUD funding. HUD never intends for its counseling grant funds to cover all costs incurred by an agency participating in the program.

Local housing counseling agencies may use the HUD grant to undertake any of the eligible counseling activities described in this NOFA and included in their HUD-approved plan. FY 1996 housing counseling grant funds also may be used for "capacity building" as defined in this NOFA. Up to \$4,000 of the grant amount may be used to: purchase computer equipment that meets, or exceeds, HUD specifications;

enhance existing telephone service, such as purchasing telecommunications equipment for the hearing-impaired (TTY) to serve persons with hearing impairments (as an alternative to using the TTY relay service); and install FAX machines. The Department will require that all grantees funded in 1996 which do not currently have adequate computer systems (and were not funded by HUD under the FY 1995 NOFA) use all or a portion of their \$4,000 capacity building portion of the grant to purchase computer hardware according to HUD specifications. Computer training for one staff person also may be paid from the \$4,000 set-aside, as may training on how to use a TTY. Title to equipment acquired by a recipient with program funds shall vest in the recipient, subject to the provisions of 24 CFR part 84, subpart E. Agencies funded under the FY 1995 NOFA already received an allocation of capacity building funds and *may not* request additional capacity building funds in 1996.

2. *National, Regional, or Multi-State Counseling Intermediaries.* The intermediary organization will distribute the majority of funds awarded to their proposed local housing counseling affiliates. Intermediaries should budget an amount which reflects their best estimate of cost to oversee and fund these counseling efforts, as well as the funding needs of their affiliates. Note that HUD housing counseling funding is not intended to fully fund either the intermediary's housing counseling program or the housing counseling programs of the local affiliates. To the maximum extent possible, intermediaries and their local affiliates are expected to seek other private and public sources of funding for housing counseling to supplement HUD funding.

An intermediary may use up to \$5,000 of its total grant amount for capacity building expenses such as: purchasing computer equipment; enhancing telephone service, such as purchasing telecommunications equipment for the hearing-impaired (TTY) to serve persons with hearing impairments (as an alternative to using TTY relay service); installing FAX machines; and preparing or publishing counseling materials. If the intermediary does not have an adequate computer system and was not funded under the FY 1995 NOFA, the Department will require that the \$5,000 capacity building portion of the grant be used to purchase necessary equipment meeting HUD specifications. Title to equipment acquired by a recipient with program funds shall vest in the recipient, subject to the provisions of 24 CFR part 84, subpart E. Intermediaries

funded under the FY 1995 NOFA *may not* request additional capacity building funds in FY 1996.

HUD will give the selected nonprofit intermediaries wide discretion to implement the housing counseling program with their affiliates. The intermediary may decide how to allocate funding among its affiliates and may determine funding levels at or below \$100,000 for individual affiliates with the understanding that a written record will be kept of how this determination is made. This record shall be made available to the agencies affiliated with the intermediary.

III. Checklist of Application Submission Requirements

A. General

Contents of an application will differ somewhat for local housing counseling agencies and for national, regional, or multi-State intermediaries; however, all applicants are expected to submit:

1. Standard Form 424, Application for Federal Assistance
2. Standard Form 424B, Assurances—Non-construction Programs
3. Drug-Free Workplace Requirements Certification
4. Applicant/Recipient Disclosure/Update Report, Form HUD-2880
5. Certification and Disclosure of Lobbying Activities, Standard Form LLL, for National Intermediaries only, if applicable
6. Certification Regarding Civil Rights
7. Form HUD-9902, Housing Counseling Agency FISCAL YEAR Activity Report for fiscal year October 1, 1994 through September 30, 1995. Where an applicant did not participate in HUD's Housing Counseling Program during FY 1995, this report should be completed to reflect the agency's counseling workload during that period in any case. This form must be fully completed and submitted by every applicant for FY 1996 HUD funding. HUD will reject any application that does not include this form
8. Computer Equipment Inventory (if applicable)
9. Budget Worksheet. A realistic, proposed budget for use of HUD funds if awarded. This should be broken down into two categories: direct counseling costs and capacity building costs. Note that the budget submitted by a local agency *may not exceed a total of \$100,000*, including capacity building costs which may not exceed \$4,000. National, regional and multi-State organizations may submit a proposed budget up to \$1 million, including capacity building costs which may not exceed \$5,000

10. Exhibits for National, regional, multi-State or local housing counseling agencies (as described below in B1-B3 and in the application kit)

11. Evidence of Housing Counseling Funding Sources (required by all applicants)
12. Current Housing Counseling Plan
13. A description of counseling activities to be performed
14. A description of organization capability
15. Direct-labor and Hourly-labor rate and Counseling Time Per Client
16. Congressional District Information

B. National, Regional, and Multi-State Intermediaries

National, regional, and multi-State intermediaries must submit an application which covers both their network organization and their affiliated agencies. This application must include:

1. *Description of affiliated agencies.* For each, list the following information:
 - a. Organization name
 - b. Address
 - c. Director and contact person (if different)
 - d. Phone/FAX numbers (including TTY, if appropriate)
 - e. Federal tax identification number
 - f. ZIP code service areas
 - g. Number of staff providing counseling
 - h. Type of services offered (defined by renter assistance, outreach initiatives, pre-purchase counseling, post-purchase counseling, and mortgage default and delinquency counseling)
 - i. Number of years of housing counseling experience
2. *Relationship with affiliates.* Briefly describe the intermediary's relationship with affiliates (i.e. membership organization, field or branch offices, subsidiary organizations, etc.).
3. *Oversight system.* Describe the process that will be used for determining affiliate funding levels, distributing funds, and monitoring affiliate performance.

IV. Corrections to Deficient Applications

After the submission deadline, applicants may cure only non-substantial, technical deficiencies that surface during HUD screening of their application. Applicants will have a "cure period" to correct such deficiencies that are not integral to HUD's review of the application. Applicants have 14 calendar days from the date HUD notifies them of any problem to submit the appropriate information to HUD. Notification of a technical deficiency may be in writing or by telephone. If the HUD notification

is by telephone, a written confirmation will be transmitted by HUD to the applicant. Where HUD determines that an application as initially submitted is fundamentally incomplete, or would require substantial revisions, it will not consider the application further. Note: HUD will not inform applicants regarding application deficiencies other than as described in this section.

V. Other Matters

Environmental Impact

A Finding of No Significant Impact with respect to the environment was made in accordance with HUD regulations at 24 CFR part 50 that implement section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332, in connection with the Notice of Funding Availability published in connection with the Housing Counseling program on March 21, 1994 (59 FR 13366). That Finding is applicable to this NOFA and is available for public inspection during business hours in the Office of the Rules Docket Clerk, Office of General Counsel, room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410.

Federalism Impact

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that this NOFA does not have "federalism implications" because it does not have substantial direct effects on the States (including their political subdivisions), or on the distribution of power and responsibilities among the various levels of government. This NOFA only affects nonprofit or public organizations who seek funding for their housing counseling activities.

Impact on the Family

The General Counsel, as the Designated Official under Executive Order 12606, the Family, has determined that this NOFA has potential significant impact on family formation, maintenance, and general well-being only to the extent that the entities who qualify for participation in HUD's housing counseling program under this notice will provide families with the counseling and advice they need to avoid rent delinquencies or mortgage defaults, and to develop competence and responsibility in meeting their housing needs. Since the potential impact on the family is considered beneficial, no further review under the Order is necessary.

Documentation and Public Access Requirements: HUD Reform Act

HUD will ensure that documentation and other information regarding each application submitted pursuant to this NOFA are sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of support, will be made available for public inspection for a five-year period beginning not less than 30 days after the award of the assistance. Material will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. In addition, HUD will include the recipients of assistance pursuant to this NOFA in its Federal Register notice of all recipients of HUD assistance awarded on a competitive basis. (See 24 CFR 12.14(a) and 12.16(b), and the notice published in the Federal Register on January 16, 1996, for further information on these requirements.)

Prohibition Against Advance Information on Funding Decisions: HUD Reform Act

HUD's regulation implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3537a), 24 CFR part 4, applies to the funding competition announced today. The requirements of the rule continue to apply until the announcement of the selection of successful applicants.

HUD employees involved in the review of applications and in the making of funding decisions are restrained by part 4 from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR part 4.

Applicants or employees who have ethics related questions should contact the HUD Office of Ethics (202) 708-3815. (This is not a toll-free number.) Hearing or speech-impaired persons may access that number by calling toll-free the Federal Information Relay Service at (800) 877-8339. For HUD employees who have specific program questions, such as whether particular subject matter can be discussed with persons outside HUD, the employee should contact the appropriate Field Office Counsel, or Headquarters counsel for the program to which the question pertains.

Prohibition Against Lobbying Activities

The use of funds awarded under this NOFA is subject to the disclosure requirements and prohibitions of 24 CFR part 87. That regulation prohibits recipients of federal contracts, grants, or loans from using appropriated funds for lobbying the Executive or Legislative branches of the federal government in connection with a specific contract, grant, or loan. The prohibition also covers the awarding of contracts, grants, cooperative agreements, or loans unless the recipient has made an acceptable certification regarding lobbying. Under 24 CFR part 87, applicants, recipients, and subrecipients of assistance exceeding \$100,000 must certify that no federal funds have been or will be spent on lobbying activities in connection with the assistance.

Catalog

The Catalog of Federal Domestic Assistance Program number is 14.169.

Dated: July 1, 1996.

Nicolas P. Retsinas,
Assistant Secretary for Housing—Federal Housing Commissioner.

Appendix A—HUD Offices

Note: The title of all those listed is: Director, Single Family Division, U.S. Department of Housing and Urban Development. Telephone numbers are not toll-free.

HUD—New England Area

Connecticut state office

Mr. John Ertle
First Floor
330 Main Street
Hartford, CT 06106-1860
(203) 240-4569

Massachusetts State Office

Mr. Edward T. Bernard
Room 375
Thomas P. O'Neill, Jr. Federal Building
10 Causeway Street
Boston, MA 02222-1092
(617) 565-5101

New Hampshire State Office

Mr. Loren Cole
Norris Cotton Federal Building
275 Chestnut Street
Manchester, NH 03101-2487
(603) 666-7755

Rhode Island State Office

Mr. Michael Dziok
Sixth Floor
10 Weybosset Street
Providence, RI 02903-2808
(401) 528-5351

HUD—New York, New Jersey Area

New Jersey State Office

Ms. Theresa Arce
Thirteenth Floor
One Newark Center
Newark, NJ 07102-5260

(201) 622-7900 X3500

New York State Office

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