



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

Public and Indian Housing

Tribal HUD-VASH Expansion

FR-6400-N-73

01/18/2022

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**Program Office:**

Public and Indian Housing

**Funding Opportunity Title:**

Tribal HUD-VASH Expansion

**Funding Opportunity Number:**

FR-6400-N-73

**Primary CFDA Number:**

14.899

**Due Date for Applications:**

01/18/2022

**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. Prospective applicants should carefully read all instructions in all sections to avoid sending an incomplete or ineligible application. HUD funding is highly competitive. Failure to respond accurately to any submission requirement could result in an incomplete or noncompetitive proposal.

During the selection process HUD is prohibited from disclosing 1) information regarding any applicant's relative standing, 2) the amount of assistance requested by an applicant, and 3) any information contained in the application. Prior to the application deadline, HUD may not disclose the identity of any applicant or the number of applicants that have applied for assistance.

For Further Information Regarding this NOFO: Please direct questions regarding the specific requirements of this Notice of Funding Opportunity (NOFO) to the office contact identified in Section VII.

***Paperwork Reduction Act Statement.*** *The information collection requirements in this notice have been approved by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). In accordance with the Paperwork Reduction Act, 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. Each NOFO will identify its applicable OMB control number unless its collection of information is excluded from these requirements under 5 CFR part 1320.*

**OMB Approval Number(s):**

2577-0169

**I. FUNDING OPPORTUNITY DESCRIPTION.**

**A. Program Description.**

**1. Purpose**

The Tribal HUD-VA Supportive Housing (Tribal HUD-VASH) demonstration program was established under the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113-235, approved December 16, 2014) (2015 Appropriations Act), and provides grants to Indian Tribes and Tribally Designated Housing Entities (TDHEs) eligible to receive block grants

under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA). Grantees use HUD funding towards rental assistance for Native American Veterans who are homeless or at risk of homelessness, living on or near a reservation or other Indian areas. Under Tribal HUD-VASH, Indian Tribes and TDHEs must partner with the Department of Veterans Affairs (VA) to provide case management and supportive services, including healthcare assistance, to eligible Native American Veterans. On March 2, 2016, HUD published a Federal Register Notice ([81 FR 10880](#)) entitled “Tribal HUD–VA Supportive Housing Program Awards, Fiscal Year 2015” notifying the public regarding HUD’s funding decisions under the Tribal HUD-VASH program for Fiscal Year 2015. In total, 26 Indian Tribes and TDHEs were selected to participate in the demonstration program.

The Consolidated Appropriations Act, 2017 (Pub. L. 115-31, approved May 5, 2017) (2017 Appropriations Act) provided HUD with \$7 million for the Tribal HUD-VASH demonstration program. Congress directed HUD to use this funding to provide renewal grants to the original Indian Tribes and TDHEs that received funding under the demonstration program. After awarding renewal funding, Congress authorized HUD to use any remaining amounts appropriated to fund new grants. In September 2018, HUD provided the original 26 Indian Tribes and TDHEs participating in the program with \$3,765,568 of the \$7 million in renewal funding. In accordance with the 2017 Appropriations Act, this NOFO establishes the criteria HUD will use to award the remaining \$2,212,614 for new grants.

The 2017 Appropriations Act requires HUD to make awards based on need and administrative capacity. On June 3, 2019, HUD issued a “[Dear Tribal Leader](#)” letter (<https://www.hud.gov/sites/dfiles/PIH/documents/Tribal%20Vash%20Expansion%20June%203.pdf>) to all tribal leaders and TDHEs. The letter sought tribal feedback on how HUD should assess need and administrative capacity. HUD proposed awarding new grants to some of the original Indian Tribes/TDHEs already participating in the program that demonstrated the capacity to administer the program effectively and that have unmet need for housing and supportive services for eligible Veterans. HUD also proposed awarding new grants through a competition to expand the Tribal HUD-VASH program to new Indian Tribes and TDHEs.

HUD recognizes the overall, severe affordable housing shortage and the extent of homelessness and near homelessness in Indian Country. In January 2017, HUD released a study entitled “[Housing Needs of American Indians and Alaska Natives in Tribal Areas: A Report From the Assessment of American Indian, Alaska Native, and Native Hawaiian Housing Needs.](#)” Among the findings, the study found that tribal households are substantially worse than other U.S. households, with overcrowding in tribal areas being especially severe. The study noted that in the 2013-2015 period alone, 68,000 new units would have been necessary to help eliminate overcrowding and replace physically deteriorating units (Executive Summary p. xlx). Additionally, the study found that of those surveyed, “a substantial majority of respondents (88 percent) said that their reservation had literal homelessness” and that “based on an estimated 399,400 households . . . 67,900 households include a near homeless member” (p. 82, 85). The study also specifies that “American Indian veterans nationwide tend to be overrepresented among the homeless veteran population” (p. 83). Additional information and subsequent reports are available at: <https://www.huduser.gov/portal/pdredge/pdr-edge-research-022117.html>.

Given these considerations and based on feedback received from the “Dear Tribal Leader” letter, HUD is using this opportunity to award new Tribal HUD-VASH grants to address both the concerns identified in the study and to provide housing assistance and supportive services to Native American Veterans who are homeless or at risk of homelessness. Rather than following the invitation and selection process used for the original Tribal HUD-VASH awards, HUD reconsidered this original methodology and decided to compete these new grants as discussed in Section IV of the Tribal HUD-VASH Consolidation Notice ([83 FR 23710](#), May 22, 2018) (“Consolidation Notice”). HUD determined that conducting a competition to award new Tribal HUD-VASH grants is the most effective and appropriate method to award this funding. The vast majority of Tribal respondents to the “Dear Tribal Leader” letter favored the competition, with overwhelming support for allowing both existing grantees and new applicants to request funding. Doing so provides tribes/TDHEs with the opportunity to demonstrate administrative capacity and need in a fair and equitable manner, and allows HUD to more effectively target and award funding to recipients that have demonstrated upfront that they have a sufficient number of homeless Native American Veterans that need assistance, have available housing stock to house these Veterans, have VA support, and have the requisite administrative capacity to effectively administer this program.

Since the 2017 Appropriations Act also requires HUD to coordinate with the VA when awarding new grants under the program, the Departments met throughout the planning process and jointly established the rating factors and requirements detailed in this NOFO. These were driven based on HUD and VA's experiences to-date, including assessing the demonstration program's achievements, areas for improvement, delays for program implementation for some grantees, and feedback from both HUD-Office of Native American Programs (ONAP) and VA case managers. Both Departments also discussed feedback received from the “Dear Tribal Leader” letter, and developed criteria to assess an applicant’s need and program readiness such as availability of housing stock, number of veterans who are homeless or at-risk of homelessness, and coordination with the local VA medical center and other community members. HUD and VA believe that in stressing these topics upfront, new expansion grants will help target tribal communities with the capacity and need to quickly assist its homeless veteran population, while providing critical case management services and technical assistance.

This NOFO announces the availability of the remaining \$2,212,614 in FY 2017 funding for new Tribal HUD-VASH grants to both Indian Tribes and TDHEs currently participating in the demonstration program, and to eligible Indian Tribes and TDHEs that have not previously received a Tribal HUD-VASH grant. HUD will give priority to applicants that demonstrate the capacity to leverage other funding sources to increase the number of new housing units available for eligible Veterans under the program. HUD invites applicants to apply for this funding opportunity in accordance with the criteria established in this NOFO.

## **2. Changes from Previous NOFO.**

Under the January 15, 2021 posting (Round I) of this NOFO, five awards were made totaling \$1,021,818. ONAP is now re-publishing this NOFO to award the remaining funds (\$2,212,614) in FY 2017 funding for the new Tribal HUD-VASH grants. Award recipients from Round I are not eligible to submit an application for this NOFO.

**On page 52 of 56 of the January 15, 2021 posting of this NOFO, Section VI. B., has been**

**modified to remove the following:**

In accordance with the Office of Management and Budget's guidance located at 2 CFR part 200, all applicable Federal laws, and relevant Executive guidance, the Federal awarding agency will review and consider applications for funding pursuant to this notice of funding opportunity in accordance with the:

- Guidance for Grants and Agreement in Title 2 of the Code of Federal Regulations (2 CFR), as updated in the Federal Register's 85 FR 49506 on August 13, 2020, particularly on:
  - Selecting recipients most likely to be successful in delivering results based on the program objectives through an objective process of evaluating Federal award applications (2CFR part 200.205),
  - Prohibiting the purchase of certain telecommunication and video surveillance services or equipment in alignment with section 889 of the National Defense Authorization Act of 2019 (Pub. L. No. 115—232) (2 CRD part 200.216),
  - Promoting the freedom of speech and religious liberty in alignment with *Promoting Free Speech and Religious Liberty* (E.O. 13798) and *Improving Free Inquiry, Transparency, and Accountability at Colleges and Universities* (E.O. 13864) (§§ 200.300, 200.303, 200.339, and 200.341),
  - Providing a preference, to the extent permitted by law, to maximize use of goods, products, and materials produced in the United States (2 CFR part 200.322), and
  - Terminating agreements in whole or in part to the greatest extent authorized by law, if an award no longer effectuates the program goals or agency priorities (2 CFR part 200.340)

### **3. Definitions.**

#### **a. Standard Definitions**

**Affirmatively Furthering Fair Housing (AFFH).** Affirmatively Furthering Fair Housing (AFFH) means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with 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 of a program participant's activities and programs relating to housing and urban development.

**Assistance Listings** means a unique number assigned to identify a Federal Assistance Listing, formerly known as the CFDA Number.

**Federal Financial Assistance** means assistance that entities received or administer in the form of:

- 1) Grant;
  2. Cooperative agreements (which does not include a cooperative research and development agreement pursuant to the Federal Technology Transfer Act of 1986, as amended (15 U.S.C. 3710a));
  3. Loans;
  4. Loan guarantees;
  5. Subsidies;
  6. Insurance;
  7. Food commodities;
  8. Direct appropriations;
  9. Assessed or voluntary contributions; or
  10. Any other financial assistance transaction that authorizes the non-Federal entity's expenditure of Federal funds.
- b. Federal Financial Assistance does not include:
1. Technical assistance, which provides services in lieu of money; and
  2. A transfer of title to federally owned property provided in lieu of money, even if the award is called a grant.

**Authorized Organization Representative (AOR)** is the person authorized to submit applications on behalf of the organization via Grants.gov. The AOR is authorized by the E-Biz point of contact in the System for Award Management. The AOR is listed in item 21 on the SF-424.

**Consolidated Plan** is a document developed by states and local jurisdictions. This plan is completed by engaging in a participatory process to assess their affordable housing and community development needs and market conditions, and to make data-driven, place-based investment decisions with funding from formula grant programs. (See 24 CFR part 91 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 in 2 CFR 200.1.

**Deficiency** is information missing or omitted within a submitted application. Examples of deficiencies include missing documents, information on a form, or some other type of unsatisfied information requirement (e.g., an unsigned form, unchecked box.). Depending on specific criteria, deficiencies may be either curable or non-curable.

- *Curable Deficiencies* 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.
- *Non-Curable Deficiencies* cannot be corrected by an applicant after the submission deadline.

Non-curable deficiencies are deficiencies that, if corrected, would change an applicant's score or rank versus other applicants. Non-curable deficiencies may result in an application being marked ineligible, or otherwise adversely affect an application's score and final determination.

**DUNS Number** is the nine-digit Dun and Bradstreet Data Universal Number

System identification number assigned to a business or organization by Dun & Bradstreet and provides a means of identifying business entities on a location-specific basis. OMB removed duplicate recipients based on recipient Data Universal Number System (DUNS) numbers, from Dun & Bradstreet (D&B). At this time all Federal financial assistance recipients are required to register for DUNS numbers.

**E-Business Point of Contact (E-Biz POC)** A user registered as an organization applicant who is responsible for the administration and management of grant activities for his or her organization. The E-Biz POC is likely to be an organization's chief financial officer or authorizing official. The E-Biz POC authorizes representatives of their organization to apply on behalf of the organization (see Standard AOR and Expanded AOR). There can only be one E-Biz POC per DUNS Number.)

**Eligibility requirements** are mandatory requirements for an application to be eligible for funding.

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

(1)(i) The Federal financial assistance that a recipient receives directly from a Federal awarding agency or a subrecipient receives indirectly from a pass-through entity, as described in 2 CFR §200.101; or

2. 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, 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.

**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.

**Point of Contact (POC)** is the person who may be contacted with questions about the application submitted by the AOR. The POC is listed in item 8F on the SF-424.

**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 a corporation or 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. {[e-CFR Title 13-Chapter I – 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 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 for a Federal awarding agency.

**System for Award Management (SAM)** means 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 an eligibility requirement that must be met for an application to be reviewed. Threshold requirements are not curable, except for documentation of applicant eligibility and are listed in Section III.D Threshold Eligibility Requirements. Similarly, there are eligibility requirements under Section III.E, Statutory and Regulatory Requirements Affecting Eligibility.

**Unique Entity Identifier** means the identifier required for SAM registration to uniquely identify business entities.

#### **4. Program Definitions**

The definitions in the [Tribal HUD-VASH Consolidation Notice](https://www.hud.gov/sites/dfiles/PIH/documents/2018-05-Tribal_HUD-VASH_Consolidated_Notice.pdf) (83 FR 23710, May 22, 2018, [https://www.hud.gov/sites/dfiles/PIH/documents/2018-05-Tribal\\_HUD-VASH\\_Consolidated\\_Notice.pdf](https://www.hud.gov/sites/dfiles/PIH/documents/2018-05-Tribal_HUD-VASH_Consolidated_Notice.pdf)) and in 24 CFR part 1000 apply to this program.

**Firm Commitment:** This term refers to a letter of commitment, memorandum of understanding

or agreement to participate from an applicant's partner specifying that it agrees to perform and/or support an activity specified in the application. The firm commitment must demonstrate that the partner has the financial capacity to deliver the resources or skills necessary to implement the proposed activity, either in cash or through in-kind contributions, if HUD awards **Tribal HUD-VASH** IHBG competitive funds. Partners that may provide a firm commitment may be the tribal government, a public agency, foundation, or other private party resource provider.

### **B. Authority.**

Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113-235, approved December 16, 2014); Consolidated Appropriations Act, 2017 (Pub. L. 115-31, approved May 5, 2017)

## **II. Award Information.**

### **A. Available Funds**

Funding of approximately **\$2,212,614** is available through this NOFO. Additional funds may become available for award under this NOFO, because of HUD's efforts to recapture funds, use carryover funds, or because of the availability of additional appropriated funds. Use of these funds is subject to statutory constraints. All awards are subject to the funding restrictions contained in this NOFO.

Of this total, HUD intends to award up to \$1,212,614 to eligible Indian Tribes and TDHEs that have not previously received a Tribal HUD-VASH grant. HUD intends to award up to \$1 million to Indian Tribes and TDHEs currently participating in the Tribal HUD-VASH program that have continued to demonstrate administrative capacity and need based on the funding criteria described in this NOFO.

HUD reserves the right to adjust the total amounts that will be awarded to new applicants and existing Tribal HUD-VASH recipients depending on demand and the results of its review of applications. All awards are subject to the applicable requirements established in this NOFO.

All applications received through this NOFO that pass the initial application screening and threshold requirements will be rated and ranked. Funds will be awarded in rank order based on the score received on the application submitted under this NOFO.

HUD reserves the right to issue a supplemental or independent NOFO if necessary (e.g., to ensure that all appropriated funds are awarded).

### **B. Number of Awards.**

HUD expects to make approximately 20 awards from the funds available under this NOFO.

The number of awards will be based on the number of proposals HUD reviews, approves, and funds.

### **C. Minimum/Maximum Award Information**

There is no maximum number of units an applicant can request under this NOFO. However, HUD established the following minimum request criteria for new applicants only:

**Minimum # of rental units for new recipients:** At least 15 units per award

**Administrative Fees for New Recipients:** Grants awarded to new recipients will include a flat administrative fee of \$92/month per unit, for a 12-month period, which can also be used for start-up funding, including training.

**Administrative Fees for Existing Recipients:** Grants awarded to existing recipients will be calculated by taking the flat administrative fee of \$92/month per unit for a 12-month period minus the cumulative FY15 and FY17 unexpended administrative fee balance remaining in LOCCS on the application deadline.

Estimated Total Funding:

\$2,212,614

Minimum Award Amount:

\$0

Per Project Period

Maximum Award Amount:

\$0

Per Project Period

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

Estimated Project Start Date:

05/30/2022

Estimated Project End Date:

05/30/2025

Length of Project Periods:

Other

Length of Periods Explanation of Other:

The period of performance and planned drawdowns for any grant awarded under this NOFO must be included on the SF-424, Application for Federal Assistance, and approved by HUD. The period of performance will vary, depending on the nature of the Tribal HUD-VASH program activities proposed by the applicant. Costs must be incurred during the period of performance identified on the grant award.

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

Funding Instrument Type:

G (Grant)

#### **III. Eligibility Information.**

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

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

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

Eligible applicants are Indian Tribes as defined in section 4(13) of NAHASDA and Tribally Designated Housing Entity (TDHE) authorized by one or more Tribes pursuant to section 4(22) of NAHASDA who have ever been allocated formula funding. Page 11 of 56 Applications submitted by a TDHE on behalf of an Indian tribe(s) must include a tribal resolution(s) or tribal certification on official letterhead authorizing the TDHE to apply on behalf of the tribe(s). The resolution(s) must be submitted with the application. An Indian tribe that authorizes a TDHE to apply on its behalf may not also submit its own application for funding. Such application will not be evaluated.

**Subawards:** As described in Section IV, “Allocation of Assistance” of the Consolidation Notice, an eligible applicant may choose to enter into agreements with other eligible Indian tribes or TDHEs or directly serve eligible Tribal HUD-VASH recipients from the other tribe. The case manager assigned to the applicant must be able to provide case management services to eligible Veterans within the IHBG service area of the subaward tribe. An eligible applicant interested in such agreements will be eligible for only one grant award under this NOFO.

A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract. In addition to the requirements in 2 CFR 200.331, the legal agreement must contain the subrecipient’s assurance of compliance with program requirements, including but not limited to nondiscrimination and equal opportunity requirements.

#### **B. Ineligible Applicants.**

Award recipients from the January 15, 2021 posting of this NOFO (Round I) are not eligible to submit applications for this NOFO.

HUD does not award grants to individuals. HUD will not evaluate applications from ineligible applicants.

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

Cost sharing, mandatory matching or leveraging is not required under this grant, but applicants are encouraged to leverage other Federal (including IHBG formula funds) and non-Federal sources. HUD will award maximum points for applications that propose a certain percentage of leverage and provide the required firm commitments and/or supporting documentation to support each source of leverage. (See Subfactor 3.2 of this NOFO). All leveraging must be secured and used by the end of the grant term. Other Federal sources are only allowed to be used as leveraging if permitted by a program's authorizing statute. Grantees will be required to show evidence that leveraging resources were actually received and used for their intended purposes through quarterly Federal Financial Reports (SF-425) as the project proceeds.

#### **D. Threshold Eligibility Requirements.**

Applicants who fail to meet any of the following threshold eligibility requirements will be deemed ineligible. Applications from ineligible applicants will not be evaluated.

**1. Resolution of Civil Rights Matters.** Outstanding civil rights matters must be resolved before the application deadline. Applicants, who after review are confirmed to have civil rights matters

unresolved at the application deadline, will be deemed ineligible. Their applications will receive no further review, will not be rated and ranked, and they will not receive funding.

- a. Applicants having any of the charges, cause determinations, lawsuits, or letters of findings referenced in subparagraphs (1) – (5) that have not been resolved to HUD’s satisfaction before or on the application deadline date are ineligible for funding. Such matters include:
  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, national origin, disability or familial status;
  2. Status as a defendant in a Fair Housing Act lawsuit filed by the Department of Justice 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 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; or the Americans with Disabilities Act; or
  5. Receipt of a cause determination from a substantially equivalent state or local fair housing agency concerning a systemic violation of provisions of a state or local law prohibiting discrimination in housing based on sexual orientation, gender identity, or lawful source of income.
- b. HUD will determine if actions to resolve the charge, cause determination, lawsuit, or letter of findings taken before the application deadline date will resolve the matter. Examples of actions that may be sufficient to resolve the matter include, but are not limited to:
  1. Current compliance with a voluntary compliance agreement signed by all the parties;
  2. Current compliance with a HUD-approved conciliation agreement signed by all the parties;
  3. Current compliance with a conciliation agreement signed by all the parties and approved by the state governmental or local administrative agency with jurisdiction over the matter;
  4. Current compliance with a consent order or consent decree;
  5. Current compliance with a final judicial ruling or administrative ruling or decision; or
  6. Dismissal of charges.

**2. Timely Submission of Applications.** Applications submitted after the deadline stated within this NOFO that do not meet the requirements of the grace period policy will be marked late. Late

applications are ineligible and will not be considered for funding. See Section IV. D. Application Submission Dates and Times.

### **3. Number of Applications**

Each eligible applicant may only submit one application under this NOFO. If an applicant submits more than one application under this NOFO, then HUD will only accept the last application submitted by the application deadline specified in Section IV.D.-Application Submission Dates and Times specified in this NOFO. An Indian tribe that authorizes a TDHE to apply on its behalf may not also submit its own application for funding. Such application will not be evaluated.

### **4. Verification of Partnership with the local U.S. Department of Veterans Affairs**

The applicant must include an official letter of support from its local VA Medical Center or VA Healthcare System's Director with its application. The letter must affirm that the tribe or TDHE has consulted with its local VA facility about its interest in establishing or expanding its own Tribal HUD-VASH program and that the VA commits to providing case management services for eligible Veterans, should the applicant succeed in receiving a Tribal HUD-VASH award. Information regarding Local VA facility information and Local VA Homeless Program Coordinators is available online at: <https://www.va.gov/find-locations> and [https://www.va.gov/HOMELESS/docs/HCHV\\_Sites\\_ByState.pdf](https://www.va.gov/HOMELESS/docs/HCHV_Sites_ByState.pdf).

### **5. Utilization Rate Criteria (Applicable to existing Tribal HUD-VASH grantees only)**

Applicants that currently administer the Tribal HUD-VASH program must have at least a 70% Tribal HUD-VASH unit utilization rate as of the application submission deadline date indicated in this NOFO. If an applicant is uncertain about whether they meet this threshold criteria, contact [TribalHUDVASH@hud.gov](mailto:TribalHUDVASH@hud.gov).

### **6. Threshold Rating Factors**

Applicants must receive minimum scores of 20 points for Rating Factor 1, Capacity of the Applicant and 35 points for Rating Factor 3, Capacity to Administer the Program. Applicants that do not meet the minimum score for each of these rating factors and an overall score of 75 points will be ineligible to receive a grant under this competition.

## **E. Statutory and Regulatory Requirements Affecting Eligibility.**

### **Eligibility Requirements for Applicants of HUD's Grants Programs**

The following requirements affect applicant eligibility. Detailed information on each requirement is posted on [HUD's Funding Opportunities Page](#).

- Active Prime and Sub Recipient registration with SAM.gov
- Outstanding Delinquent Federal Debts
- Debarments and/or Suspensions
- Pre-selection Review of Performance
- Sufficiency of Financial Management System

- False Statements
- Mandatory Disclosure Requirement
- Prohibition Against Lobbying Activities
- Equal Participation of Faith-Based Organizations in HUD Programs and Activities

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

**General Program Requirements and Exceptions:** Rental assistance under the Tribal HUD-VASH program is subject to the requirements laid out in the [Tribal HUD-VASH Consolidation Notice](https://www.hud.gov/sites/dfiles/PIH/documents/2018-05-Tribal_HUD-VASH_Consolidated_Notice.pdf) (83 FR 23710, May 22, 2018, [https://www.hud.gov/sites/dfiles/PIH/documents/2018-05-Tribal\\_HUD-VASH\\_Consolidated\\_Notice.pdf](https://www.hud.gov/sites/dfiles/PIH/documents/2018-05-Tribal_HUD-VASH_Consolidated_Notice.pdf)) (“Consolidation Notice”), Public and Indian Housing Notices, and ONAP Program Guidances the pertain to the program, (as now in effect and may be amended from time to time). Generally, the Indian Housing Block Grant (IHBG) statutory and regulatory requirements applicable to rental assistance apply, as modified by the Consolidation Notice. Additionally, the Consolidation Notice establishes waivers and alternative requirements in order to effectively deliver and administer HUD-VASH assistance. Except as otherwise provided in this NOFO, new grants awarded under this NOFO will be subject to all of the requirements, waivers and alternative requirements specified in the Consolidation Notice. The requirements of the Consolidation Notice are being modified for grants awarded under this NOFO in the following ways:

1. Section IV, “Allocation of Assistance” will not apply, except for the provisions related to the tribe/TDHE's use of a subaward agreement to administer Tribal HUD-VASH award, which remains applicable;
2. Section V, “Application for Tribal HUD-VASH Program” will not apply;
3. Section VI, “Tribal HUD-VASH Program requirements, Waivers, and Alternative Requirements: O-Reporting Requirements” will not apply, except HUD Form 50058 reporting, which remains applicable; and
4. Section VI.T, “Reduction and Termination of HUD-VASH Grant Funds, Appeal of HUD Determinations, and Reallocation of Grant Funds” will apply, except that instead of the reallocation process specified in the Consolidation Notice, HUD will follow the process described in Section VII.B.4.b, of this NOFO, “Tribal HUD-VASH Expansion Progress and Performance” for grants awarded under this NOFO.

### **Use of Formula Current Assisted Stock**

As established in ONAP Program Guidance, "IHBG in the Tribal HUD-VASH Program" (No. 2018-01, published February 21, 2018, <https://www.hud.gov/sites/dfiles/PIH/documents/2018-01ihbgtribalguidance.PDF>), Formula Current Assisted Stock (FCAS) units can be used to house Tribal HUD-VASH Veterans. However, if FCAS units are used for this purpose, then these units will not be counted in the IHBG recipient’s FCAS formula count during the period that Veterans are housed in these units. New grants awarded under this NOFO will be subject to this same requirement.

**Compliance with Fair Housing and Civil Rights Laws.** Nondiscrimination requirements are outlined in 24 CFR 1000.12. Actions under NAHASDA by Federally recognized Indian tribes and their instrumentalities are subject to the requirements of Title II of the Civil Rights Act of 1968, known as the Indian Civil Rights Act, in addition to the Age Discrimination Act of 1975



and Section 504 of the Rehabilitation Act of 1973. Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968 (the Fair Housing Act), including the obligation to Affirmatively Furthering Fair Housing apply to recipients that are not Federally recognized Indian tribes and their instrumentalities.

#### **G. Criteria for Beneficiaries.**

The beneficiaries of funds awarded under the Tribal HUD-VASH program are Native American Veterans that are Homeless or At Risk of Homelessness and meet the Consolidation Notice requirements established in Section VI.B.-“Native American Veteran Eligibility.”

#### **IV. Application and Submission Information.**

##### **A. Obtaining an Application Package.**

###### **Instructions for Applicants.**

You must download both the Application Instructions and the Application Package from Grants.gov. You must verify that the Assistance Listing Number and Assistance Listing Description on the first page of the Application Package, and the Funding Opportunity Title and the Funding Opportunity Number match the Program and NOFO to which you are applying.

The Application Package contains the portable document forms (PDFs) available on Grants.gov, such as the SF-424 Family. The Instruction Download contains official copies of the NOFO and forms necessary for a complete application. The Instruction Download may include Microsoft Word, Microsoft Excel and additional documents.

An applicant demonstrating good cause may request a waiver from the requirement for electronic submission, for example, a lack of available Internet access in the geographic area in which your business offices are located. Lack of SAM registration or valid DUNS Number is not good cause. If you cannot submit your application electronically, you must ask in writing for a waiver of the electronic grant submission requirements. HUD will not grant a waiver if HUD does not receive your written mailed, shipped, or emailed request at least 15 calendar days before the application deadline and if you do not demonstrate good cause. If HUD waives the requirement, HUD must receive your paper application before the deadline of this NOFO. To request a waiver, you must contact:

Name:

Director-Grants Mgmt

Email:

TribalHUDVASH@hud.gov

HUD Organization:

PIH-ONAP

Street:

451 7th Street SW, Rm. 4108

City:

Washington

State:

DC DISTRICT OF COLUMBIA

Zip:

**Notwithstanding the 15-day deadline referenced above in this section of the NOFO, applicants for Tribal HUD-VASH Expansion Funds may submit a waiver request up to 7 business days prior to the application deadline date. Applicants should send waiver requests to the contact listed above, with a copy to their respective ONAP Area Office.**

**B. Content and Form of Application Submission.**

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

Submission of an application that is otherwise sufficient, under the wrong Assistance Listing and Funding Opportunity Number is non curable unless otherwise stated in Threshold requirements.

**1. Content.**

<b>Forms/Assurances/Certifications</b>	<b>Submission Requirement</b>	<b>Notes/Description</b>
Application for Federal Assistance (SF424)	Submission is required for all applicants by the application due date.	
Disclosure of Lobbying Activities (SFLLL), if applicable	HUD will provide instructions to grantees on how the form is to be submitted.	If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the applicant shall complete and submit the SF-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Applicants must furnish an executed copy of the Certification Regarding Lobbying prior to award.

<b>Forms/Assurances/Certifications</b>	<b>Submission Requirement</b>	<b>Notes/Description</b>
HUD Applicant Recipient Disclosure Report (HUD) 2880 Applicant/Recipient Disclosure/Update Report	HUD will provide instructions to grantees on how the form is to be submitted.	HUD instructions to grantees are provided by webcast, To view the webcast, click here.
Sample VA Letter of Support	Threshold Eligibility Requirements	This support document provides a sample of the VA letter that is mentioned in Section III D. 4. of this NOFO.

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

See required application components listed in Section IV.B.2. See below for a list of required content.

**2. Format and Form.**

Narratives and other attachments to your application must follow the following format guidelines.

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

**Submissions for All Projects:** The applicant must submit all forms and information required in this section. Unless otherwise noted as a curable deficiency as defined in Section I.A.3.- Definitions, if information under this section is not submitted with the application **or is submitted incorrectly**, then the application will be disqualified and not evaluated. Submitted incorrectly includes documents or forms that are blank, forms for other competitive grant programs, or that have file extensions that are incompatible with Grants.gov. Do not submit third party documents, such as audits, general letters of support, or policies, unless specifically asked to do so. Unsolicited information will not be used when rating the applications.

**a) Application for Federal Assistance (SF-424):**

The SF-424 must include the information listed below. HUD may require successful applicants to update errors on the SF-424 based on the pre-award requirement process outlined in this NOFO. Line 18a (Federal) must list the amount requested under this Tribal HUD-VASH Expansion opportunity. Other federal funding should not be listed.

1. Key Contact (Block 8f): List the contact information of the applicant’s proposed Tribal HUD-VASH program manager. Do not list a non-employee of the applicant, such as a contractor/consultant grant writer.

2. Catalog of Federal Domestic Assistance Number (Block 11): 14.899
3. Proposed Project Dates (Blocks 17a-b): The estimated period of performance start and end dates for projects awarded under this NOFO is 05/30/2022 - 05/30/2025. However, the period of performance will vary, depending on the nature of the Tribal HUD-VASH program activities proposed by the applicant.
4. Estimated Funding (Blocks 18a-g):
  - a. Line 18a (Federal) must list the amount requested under this Tribal HUD-VASH Expansion NOFO. This must not include any proposed federal funding used as leveraged funds.
  - b. Lines 18b-18f must list any proposed leveraged funds. Any federal funds proposed as leverage (e.g., IHBG formula) should be listed in line 18e, "Other."
  - c. Line 18g: Overall total from 18a-18g.
5. Authorized Representative (Block 21): Include the authorized representative's contact information and signature (e.g., Tribal Chief, TDHE Executive Director, etc.). This should not be the same person listed as the Key Contact in Block 8f.

**b) Applicant/Recipient Disclosure/Update Report (form HUD-2880, Curable deficiency)**

**c) One-Page Proposal Summary (Curable deficiency):**

The applicant must include a one-page summary of the proposed project(s). The summary must indicate the total number of rental housing units that the Tribe or TDHE plans to provide, the type of units (Tenant-Based and/or Project-Based Rental Assistance), and key outputs/outcomes the applicant will achieve (e.g., number of eligible Veterans assisted, increase in available housing stock for eligible Veterans, etc.), should it be awarded a Tribal HUD-VASH Expansion Grant. If the applicant is a TDHE applying on behalf of multiple tribes **and/or proposing any subawards**, then the TDHE must identify those tribes in its summary. HUD will not consider any information in the summary when rating applications and may require successful applicants to update the summary based on the pre-award requirement process outlined in this NOFO.

**d) Workplan Narrative:**

The Workplan Narrative is the response to the three rating factors listed in Section V of this NOFO. Applications that do not follow the formatting recommendations will not be penalized. However, HUD strongly recommends the following standards:

1. Letter-sized paper, 8.5" x 11," with 1" margins
2. Double-Spaced text in the workplan narrative and single-spaced titles, headings, footnotes, quotations, references, and captions;
3. 12-point font; and
4. Easily readable font such as Times New Roman, Courier, Courier New, or Arial.

**e) Implementation Schedule:**

The applicant must submit a detailed Implementation Schedule **separate from the workplan narrative**, that identifies each significant activity and milestone required for completing the planning process, including planned start and completion dates for all tasks. The applicant must

identify key milestones, including a timeline for establishing required policies for the Tribal HUD-VASH program (new applicants only), coordination and collaboration with the VA, and amending the applicant’s Indian Housing Plan to include the Tribal HUD-VASH program. The Implementation Schedule must align with the plans discussed in the workplan narrative, and with the project dates identified on the SF-424, Application for Federal Assistance. The applicant may choose to submit this in the format of its own choosing (e.g., Word attachment, Excel spreadsheet, etc.). HUD may require successful applicants to update errors on the Implementation Schedule based on the pre-award requirement process outlined in this NOFO.

**f) Detailed Budget:**

All applicants must submit a detailed budget comprising of the Unit of Assistance Table(s) described below and estimated administrative fee usage. If applicable, applicants that propose any leveraging to construct, acquire, or rehabilitate units for the program must also include a budget showing the project costs for the development of new units.

The detailed budget showing a breakdown for the new Tribal HUD-VASH award, including all sources and uses of funding for the proposed project period requested (maximum 3 years). This budget must match the figures on the SF-424 (Blocks 18a-g) and must be submitted separately from the workplan narrative. The applicant may choose to submit this in the format of its own choosing (e.g., Word table attachment, Excel spreadsheet, etc.). HUD may require successful applicants to update errors on the detailed budget based on the pre-award requirement process outlined in this NOFO.

Each component of the detailed budget must include the following:

1. Units of Assistance Table(s): Provide a table(s) detailing the number of units requested by the number of bedrooms and the corresponding rent, as well as a written justification for the rent structure (see Consolidation Notice, Section VI.H, Rent). If the applicant seeks both Tenant-Based and Project-Based Assistance, provide separate tables. If the applicant is choosing to calculate rent based on the local Fair Market Rents, information can be found online at: <https://www.huduser.gov/portal/datasets/fmr.html>.

<b>Rental Assistance Requested by Number of Bedrooms: <i>(insert total number)</i></b>							
<b>Type of Assistance: <i>(insert Tenant-Based or Project-Based Rental Assistance)</i></b>							
<b>0-BR</b>	<b>1-BR</b>	<b>2-BR</b>	<b>3-BR</b>	<b>4-BR</b>	<b>5-BR</b>	<b>6-BR</b>	<b>Total #</b>
<b>Estimated Rent for Area by Number of Bedrooms</b>							
<b>0-BR</b>	<b>1-BR</b>	<b>2-BR</b>	<b>3-BR</b>	<b>4-BR</b>	<b>5-BR</b>	<b>6-BR</b>	<b>Total \$</b>

2. Estimated administrative fee usage: An estimate of how the applicant will budget the use of administrative fees for the program, based on \$92/month per unit for a 12-month period. Eligible administration and planning expenses are established in the Consolidation Notice, Section VI, “Tribal HUD-VASH Program requirements, Waivers, and Alternative Requirements: M-Administrative Fee and Reserve Account,” and include but are not limited to:
  - a. Eligibility determinations;
  - b. Intake and briefings;
  - c. Owner outreach efforts;
  - d. Unit inspections
  - e. Rent negotiations;
  - f. Annual and interim reexaminations;
  - g. Tenant fraud investigations and hearings;
  - h. Processing subsequent moves;
  - i. Costs associated with making rental assistance payments to owners;
  - j. Complying with reporting requirements; and
  - k. **Indirect Costs**
  
3. Project costs for new unit development (Project-Based Rental Assistance only): If the applicant proposes to use leveraged funds to construct, rehabilitate, or acquire new units for Project-Based Rental Assistance under this NOFO, the budget must also include a breakdown of project costs associated with new unit development. These costs must match the leveraging amount proposed on the SF-424 and the firm commitment documentation submitted with the application.
  
4. Rental Market Supporting Documentation (Tenant-Based Rental Assistance only): A tribe or TDHE requesting funding to provide Tenant-Based Rental Assistance must submit supporting documentation demonstrating rental unit availability where eligible Veterans may be housed, if awarded a Tribal HUD-VASH grant. Documentation may include agreements or letters of partnerships with local landlords, a rental market survey identifying the rental market available for Veterans, or other documentation demonstrating to HUD’s satisfaction that housing units will likely be available to house Veterans assisted under this program.
  
5. Firm Commitment Documentation (Project-Based Rental Assistance only): If applicable, a tribe or TDHE proposing to increase its housing stock for eligible Veterans must identify the amount of leveraged funding sources that it used or plans to use and provide firm commitment documentation supporting this amount. More information regarding leveraging and firm commitment documentation is discussed later in this NOFO.

**g) Tribal Resolution:**

1. New Applicants: If an application is submitted by a TDHE on behalf of an Indian Tribe(s), a tribal resolution(s) or tribal certification must be submitted authorizing the TDHE to submit the application under this program.
2. Existing Tribal HUD-VASH grantees: Provide a statement whether the original tribal resolution for participation in the Tribal HUD-VASH program is in effect and applicable. If the original tribal resolution is no longer in effect and applicable, then the grantee must submit a new resolution or tribal certification.

**f) Disclosure of Lobbying Activities (SF-LLL, Curable deficiency):**

This form must be submitted by State-recognized Indian Tribes and TDHEs established only under state law.

**g) Code of Conduct (Curable deficiency):**

Applicants must submit their Code of Conduct with the application **if it is not listed on HUD's website at:** [https://www.hud.gov/program\\_offices/spm/gmomgmt/grantsinfo/conductgrants](https://www.hud.gov/program_offices/spm/gmomgmt/grantsinfo/conductgrants) or if the information on the website has changed. This requirement is applicable to all applicants, even if the Code of Conduct is on file with the Area ONAP.

**i) Indirect Cost Rate (Curable deficiency):**

The applicant must submit the following information if it is including indirect costs as part of the budget:

1. If the applicant is using a federally negotiated indirect cost rate, then the application must clearly state the approved rate and distribution base in the **Detailed** Budget. The applicant must also include a letter stating the approved rate and distribution base or other documentation from the cognizant agency showing the approved rate; or
2. If the applicant has never had an indirect cost rate and wishes to use the de minimis rate, then the application must clearly state the intent to use the de minimis 10 percent of Modified Total Direct Costs (MTDC) in accordance with 2 CFR 200.414(f).

**C. System for Award Management (SAM) and Dun and Bradstreet Universal Numbering System (DUNS) Number.**

**1. SAM Registration Requirement.**

Applicants must be registered with <https://www.sam.gov/> before submitting their application. Applicants must maintain current information in SAM on immediate and highest-level owner and subsidiaries, as well as on all predecessors that have been awarded a Federal contract or grant within the last three years, if applicable. Information in SAM must be current for all times during which the applicant has an active Federal award or an application or plan under consideration by HUD.

**2. DUNS Number Requirement.**

Applicants must provide a valid DUNS number, registered and active at <https://www.sam.gov/> in the application. DUNS numbers may be obtained for free from Dun & Bradstreet.

**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.**

##### **Application Due Date Explanation**

The application deadline is 11:59:59 PM Eastern Standard time on

01/18/2022

Applications must be received no later than the deadline, or, if HUD has issued you a waiver allowing you to submit your application in paper form, by HUD no later than the deadline.

Submit your application to Grants.gov unless a waiver has been issued allowing you to submit your application in paper form. 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 timestamps each application upon successful receipt by the Grants.gov system. A submission attempt not resulting in confirmation of receipt and an application tracking number is not considered received by Grants.gov.

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

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

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

**Grants.gov Customer Support.** Grants.gov provides customer support information on its website at <https://www.grants.gov/web/grants/support.html> . Applicants having difficulty accessing the application and instructions or having technical problems can receive customer support from Grants.gov by calling (800) 518-GRANTS (this is a toll-free number) or by sending an email to [support@grants.gov](mailto:support@grants.gov). The customer support center is open 24 hours a day, seven days per week, except Federal holidays. The phone number above may also be reached by individuals who are deaf or hard of hearing, or who have speech disabilities, through the Federal Relay Service's teletype service at 800-877-8339.

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.

Please make note of the Grants.gov tracking number as it will be needed by the Grants.gov Help Desk if 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 include the fact of the extension in the program's Notice of Funding Awards required to be published in the Federal Register.

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.

**PLEASE 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.

### **1. Amending or Resubmitting an Application.**

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

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

### **2. 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 not received and validated by Grants.gov will not be considered for funding. There is no grace period for paper applications.

### **3. 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 received by HUD for funding consideration. Improper or expired registration and password issues are not causes that allow HUD to accept applications after the deadline.

### **4. Corrections to Deficient Applications.**

HUD will not consider information from applicants after the application deadline.

HUD will uniformly notify applicants of each curable deficiency. See curable deficiency in the definitions section (Section I.A.3). 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.

Applicants must email corrections of curable deficiencies to [applicationsupport@hud.gov](mailto:applicationsupport@hud.gov) within the time limits specified in the notification. The time allowed to correct deficiencies will be no less than 48 hours and no more than 14 calendar days from the date of the email notification. The start of the cure period will be the date stamp on the email sent from HUD. If the deficiency cure deadline date falls on a Saturday, Sunday, Federal holiday, or on a day when HUD's Headquarters are closed, then the applicant's correction must be received on the next business day HUD Headquarters offices in Washington, DC are open.

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

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

**5. Authoritative Versions of HUD NOFOs.** The version of these NOFOs as posted on Grants.gov are the official documents HUD uses to solicit applications.

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

#### **E. Intergovernmental Review.**

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

#### **F. Funding Restrictions.**

**1. Eligible activities:** Tribal HUD-VASH activities funded under this NOFO are limited to the eligible activities laid out in the Tribal HUD-VASH Consolidation Notice (83 FR 23710, May 22, 2018).

**2. Pre-award costs:** With the exception of proposal costs incurred to prepare an application for submission under this NOFO, the value of land acquisition **and/or the value of existing housing stock specifically for the use of eligible Veterans** and used towards an applicant's leveraging contribution (see **Subfactor 3.2**) all costs, including leveraging resources, must be incurred within the period of performance dates established in the Tribal HUD-VASH grant agreement. Applicants requesting reimbursement of proposal costs associated with the preparation of the **Tribal HUD-VASH** competitive application must clearly identify this amount and activity in the narrative.

**3. Consultant Cap:** In accordance with 24 CFR 1000.26(b)(2), Tribal HUD-VASH funds may not be used, directly or indirectly, to pay or provide reimbursement for payment of the salary of a consultant in an employer-employee type of relationship at more than the daily equivalent of the rate paid for the Level IV of the Executive Schedule. For more information on the Executive Schedule, please see the [Office of Personnel Management \(OPM\) website: https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/20Tables/exec/html/EX.aspx](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/20Tables/exec/html/EX.aspx).

#### **Indirect Cost 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 agency 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 described in 2 CFR 200.403, costs must be consistently charged as either indirect or direct costs but may not be double charged or inconsistently charged as both. Once elected, the de minimis rate must be applied consistently for all Federal awards until you choose to negotiate for a rate, which you may apply to do at any time. Documentation of the decision to use the de minimis rate must be retained on file for audit.

#### **G. Other Submission Requirements.**

**1. Application, Assurances and Certifications.**

Standard Form 424 (SF-424) Application for Federal Assistance Programs is the government-wide form required to apply for Application for Federal Assistance Programs, discretionary Federal grants and other forms of financial assistance programs. Applicants for this Federal assistance program must submit all required forms in the SF-424 Family of forms, including SF-424B (Assurances of Non construction Programs) or SF424D (Assurances for Construction Programs). Applications receiving funds for both non-construction programs and construction programs must submit both the SF-424B and SF-424D.

By signing the forms in the SF-424 either through electronic submission or in paper copy submission (for those granted a waiver), the applicant and the signing authorized organization representative affirm that they 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 Alaska native villages and those applicable to applicants other than federally recognized Indian tribes or Alaska native villages.

**Assurances.** By submitting your application, you provide assurances that, if selected to receive an award, you will comply with U.S. statutory and public policy requirements, including, but not limited to civil rights requirements. Applicants and recipients 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, and the Age Discrimination Act of 1975; *see also* 24 C.F.R. §§ 1.5; 3.115; 8.50; and 146.25. HUD accepts these assurances in the form of the SF-424B and SF-424D, which also require compliance with all general federal nondiscrimination requirements in the administration of the grant.

## **V. Application Review Information.**

### **A. Review Criteria.**

#### **1. Rating Factors.**

The factors for rating and ranking Tribal HUD-VASH applications and the points for each factor are explained below. A maximum of 100 points may be awarded under Rating Factors 1, 2, and 3. To be considered for funding, an application must receive a minimum of 20 points under Rating Factor 1 and 35 points under Rating Factor 3. Applicants that do not meet the minimum score for each of these rating factors are ineligible to receive an award through the competition. Eligible applicants must receive an overall total of at least 75 points to be considered for funding.

<b>RATING FACTOR</b>	<b>FACTOR TITLE</b>	<b>POINTS</b>
<b>Rating Factor 1</b>	<b>CAPACITY OF THE APPLICANT</b> (Minimum of 20 points needed to meet threshold requirement)	<b>30</b>
Subfactor 1.1	Managerial and Technical Staff	6
Subfactor 1.2	Technical Capacity	6
Subfactor 1.3	Findings	6
Subfactor 1.4	Timely Reporting	6
Subfactor 1.5	Expenditures	6
<b>Rating Factor 2</b>	<b>NEED</b>	<b>20</b>
Subfactor 2.1	Identified Needs	10
Subfactor 2.2	Supporting Information	5
Subfactor 2.3	Severity of the Problem	5
<b>Rating Factor 3</b>	<b>CAPACITY TO ADMINISTER THE PROGRAM</b> (Minimum of 35 points needed to meet threshold requirement)	<b>50</b>
Subfactor 3.1	Implementation Plan and Schedule	10
Subfactor 3.2	Availability of Housing Stock	10
Subfactor 3.3	Budget	10
Subfactor 3.4	Coordination with Department of Veterans Affairs	10
Subfactor 3.5	Coordination with Partners	5

Subfactor 3.6	Outputs and Outcomes	5
	<b>TOTAL POINTS</b> (Minimum of 75 points needed to meet threshold requirement)	<b>100</b>

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

**Maximum Points: 30**

**Maximum Points: 0**

**Subfactor 1.1. Managerial and Technical Staff**

**Maximum Points: 6**

Applicants must demonstrate that they possess or can obtain the managerial and technical staff necessary to implement a Tribal HUD-VASH grant.

The applicant must address the following components in its workplan narrative. If the applicant does not currently have the managerial or technical staff, then the applicant must address how it will obtain staff to manage and/or other assistance (e.g., contractors, consultants, subaward, etc.) to help manage and implement the program, and how it will ensure that all are qualified in accordance with the following components:

1. A description of the knowledge and experience of key staff, including the program manager, that will implement the Tribal HUD-VASH program;
2. Discussion of relevant training or experience working with homeless and/or at risk of homelessness populations or Veterans;
3. Understanding of supportive housing and other evidence-based practices used by Tribal HUD-VASH;
4. Recent housing experience of key staff (within 5 years);
5. Any successful accomplishments related to working with the homeless, at risk of homelessness population, or Veterans. Successful accomplishments include producing measurable impact on the quality and/or quantity of housing affecting the tribal homeless community. Some indicators of success may include a description of key outcomes (e.g., reduction of homeless population rate, innovative homeless self-sufficiency programs, etc.), overall impact of the accomplishment, award recognition, etc.; and
6. The extent to which the program manager's time commitments and other key program personnel are appropriate and adequate to meet the program's objectives.

Applicants proposing the construction, acquisition, or rehabilitation of units to house Veterans assisted under the Tribal HUD-VASH program must also include the following components in its workplan narrative:

7. Qualifications and relevant experience of staff, contractors, consultants, and sub-grantees for the project; and
8. Applicant's own experience in implementing new housing construction, acquisition, or rehabilitation projects.

9. Knowledge of and experience with federal accessibility requirements under Section 504, including the Uniform Federal Accessibility Standards, on the part of the applicant, staff, contractors, consultants and sub-grantees for the project.

HUD will award points as follows:

**(6 points)**

The applicant thoroughly addresses all components outlined in this Subfactor. The applicant already has its own managerial and technical staff to implement a Tribal HUD-VASH grant.

**(5 points)**

The applicant does not currently have its own managerial or technical staff to implement a Tribal HUD-VASH grant. However, the applicant thoroughly addresses how it will obtain qualified staff and/or other assistance (e.g., contractors, consultants, subrecipient, etc.) needed to manage and implement the program based on the components outlined in this Subfactor.

**(4 points)**

The applicant adequately addressed this Subfactor but was either missing one of the components outlined in this Subfactor or the applicant addressed all of the required components but lacked detail to warrant full points under this Subfactor.

**(3 points)**

The applicant adequately addressed this Subfactor but was missing 2-3 of the components outlined in this Subfactor.

**(0 points)**

The application did not include any of the information described above to receive points under this Subfactor or the applicant addressed this Subfactor but was missing 4 or more components.

**Subfactor 1.2. Technical Capacity**

**Maximum Points: 6**

The applicant must address the measures that have been taken, or that it will take to ensure that it will implement policies and procedures for managing the Tribal HUD-VASH program.

The applicant's should explain how its policies and procedures address the following components:

1. How it will comply with program requirements and procedures to ensure that its key personnel have the information and tools they need to manage the program;
2. Steps for managing waiting lists;
3. Coordination efforts with VA and HUD staff;
4. Implementing program obligations (e.g., participating in regular meetings, coordination and outreach efforts, etc.), and
5. Implementation of how supportive housing and other evidence-based practices will be integrated with Tribal HUD-VASH veterans.

Applicants proposing to construct, rehabilitate, or acquire units for eligible Veterans must also address the following component:

6. The steps it will take to oversee the proper implementation of the parties (e.g., contractor, consultants, subrecipient, etc.) responsible for completing the project.

Applicants with existing Tribal HUD-VASH policies may submit their existing policies as supporting documentation under this Subfactor.

Resources about program requirements and procedures can be found online: [https://www.hud.gov/program\\_offices/public\\_indian\\_housing/ih/tribalhudvash](https://www.hud.gov/program_offices/public_indian_housing/ih/tribalhudvash).

**(6 points)**

The applicant thoroughly addresses the measures that have been taken or that it will take to ensure that it will implement policies and procedures for managing the Tribal HUD-VASH program based on the Subfactor criteria described.

**(4 points)**

The applicant adequately addressed this Subfactor but was either missing one of the components outlined in this Subfactor or the applicant addressed all of the required components but lacked detail to warrant full points under this Subfactor.

**(3 points)**

The applicant adequately addressed this Subfactor but was missing 2-3 of the components outlined in this Subfactor.

**(0 points)**

The application did not include any of the information described above to receive points under this Subfactor or the applicant addressed this Subfactor but was missing 4 or more components.

**Subfactor 1.3. Findings**

**Maximum Points: 6**

For this Subfactor, HUD will evaluate the applicant's performance during the rating period of October 1, 2017, up to and including the application submission deadline. To receive maximum points, the applicant must not have had any Single Audit findings, HUD-ONAP monitoring findings (IHBG, Indian Community Development Block Grant (ICDBG), and other programs monitored by ONAP) or findings pertaining to ONAP programs from either HUD's Office of the Inspector General (OIG) and/or the US Government Accountability Office (GAO) at any time during the rating period. Applicants that have Single Audit findings pertaining to financial management, accounting, and internal controls for HUD-ONAP programs during the rating period will receive zero points in this Subfactor. Applicants should not submit workplan narrative information or supporting attachments for this Subfactor, as HUD will utilize its own records to verify this information.

**(6 points)**

The applicant did not have any Single Audit, HUD-ONAP monitoring, HUD-OIG, or GAO



findings at any time during the rating period.

**(4 points)**

The applicant had outstanding HUD-ONAP monitoring, HUD-OIG, or GAO findings during the rating period but resolved those findings by the established target date(s) or revised target date.

**(2 points)**

The applicant had HUD-ONAP monitoring, HUD-OIG, or GAO findings during the rating period but were not yet due for resolution based on the established target date(s) or revised target date.

**(0 points)**

**One of the following applies:**

- During the rating period, the applicant did not resolve all open HUD-ONAP monitoring, HUD-OIG, or GAO findings by the established target date(s) or revised target date; or
- The applicant had Single Audit findings pertaining to financial management, accounting, and internal controls for HUD-ONAP programs during the rating period.

**Subfactor 1.4. Timely Reporting**

**Maximum Points: 6**

Applicants that currently receive HUD-ONAP grants under the IHBG formula program, IHBG Competitive Program, Indian Community Development Block Grant (ICDBG) program, COVID-19 Recovery Programs (IHBG-CARES and ICDBG-CARES), or Tribal HUD-VASH program must ensure the timely submission of the following required reports: Annual Performance Report (APR), Annual Status and Evaluation Report (ASER), and the Federal Financial Report (SF-425). Applicants who have never received a HUD-ONAP grant will be awarded 2 points under this Subfactor.

HUD will award maximum points to those who have submitted all reports by the submission deadlines (which includes any granted extensions) for all HUD-ONAP grants during the one-year period immediately preceding the date that this NOFO is published. Applicants should not submit workplan narrative information or supporting attachments for this Subfactor, as HUD will utilize its own records to verify this information.

**(6 points)**

The applicant submitted all required reports by the submission deadlines for all HUD-ONAP grants during the one-year period immediately preceding the date that this NOFO is published.

**(3 points)**

The applicant submitted some, but not all, required reports by the submission deadlines for HUD-ONAP grants during the one-year period immediately preceding the date that this NOFO is published.

**(2 points)**

The applicant has never received a HUD-ONAP grant.

**(0 points)**

The applicant did not submit any required reports by the submission deadlines for HUD-ONAP grants during the one-year period immediately preceding the date that this NOFO is published.

**Subfactor 1.5. Expenditures**

**Maximum Points: 6**

HUD will evaluate administrative capacity by considering how applicants have utilized current Tribal HUD-VASH or IHBG formula funds using one of the categories below. In awarding points, HUD will consider the amount of undisbursed funds remaining in the Line of Credit Control System (LOCCS) for each applicant.

HUD will evaluate existing Tribal HUD-VASH grantees using Category #1 below.

For applicants that do not currently administer the Tribal HUD-VASH program, HUD will evaluate how these IHBG recipients (or if they are not an IHBG recipient, their IHBG formula recipient) have spent or invested IHBG formula funds using either Category #2 or Category #3 below. In awarding points, HUD will take into account the amount of unexpended IHBG formula funds remaining in LOCCS and its plans for spending undisbursed IHBG funds, or if approved for investments, the status of the invested funds and the applicant's plans to use these funds for affordable housing activities. In assessing an applicant's undisbursed funds, HUD will neither consider the IHBG formula funds awarded in FY 2020 nor the IHBG funds awarded under the Coronavirus, Relief, and Economic Security (CARES) Act since Indian tribes and TDHEs would have recently been awarded this funding. Eligible applicants that have ever been allocated IHBG formula funds but neither accept those funds nor have a current IHBG formula recipient will automatically receive 3 points under Category #2 below.

**Category #1: Existing Tribal HUD-VASH grantees**

HUD will review how an existing Tribal HUD-VASH grantee has utilized its FY15 and FY17 funds. HUD will compare the total undisbursed balance awarded from these fiscal years with the cumulative award amount as of the NOFO publication date. HUD will not include the Tribal HUD-VASH renewal grant funding awarded under Notice PIH-2019-18 and PIH-2020-10 in evaluating this Subfactor. Applicants should not submit workplan narrative information or supporting attachments for this Subfactor, as HUD will utilize its own records to verify this information.

**(6 points)**

The applicant's combined undisbursed balance in LOCCS is 0-15% of the Tribal HUD-VASH cumulative award amount it received in FY15 and FY17.

**(5 points)**

The applicant's combined undisbursed balance in LOCCS is between 16% and 30% of the Tribal HUD-VASH cumulative award amount it received in FY15 and FY17.

**(4 points)**

The applicant's combined undisbursed balance in LOCCS is between 31% and 45% of the Tribal HUD-VASH cumulative award amount it received in FY15 and FY17.

**(2 points)**

The applicant's combined undisbursed balance in LOCCS is between 46% and 60% of the Tribal HUD-VASH cumulative award amount it received in FY15 and FY17.

**(1 point)**

The applicant's combined undisbursed balance in LOCCS is between 61% and 75% of the Tribal HUD-VASH cumulative award amount it received in FY15 and FY17.

**(0 points)**

The applicant's combined undisbursed balance in LOCCS is more than 75% of the Tribal HUD-VASH cumulative award amount it received in FY15 and FY17.

**Category #2: New applicants that are not approved for investing formula IHBG funds or approved for but are not investing IHBG formula funds.**

For this Subfactor, applicants not approved to invest formula IHBG funds will be evaluated on the expenditure of IHBG formula funding received in the last three federal fiscal years (2018-2020) in comparison with the amount of undisbursed IHBG funds remaining in LOCCS on the date this NOFO is published.

A new applicant with an undisbursed balance that is more than 25% of IHBG formula cumulative amounts that it received for the last three federal fiscal years may qualify for full points under this Subfactor only if it includes a justification that is satisfactory to HUD demonstrating well-developed plans to accumulate IHBG funds to carry out a specific activity in the future. The justification must include supporting information on when and how the recipient intends to spend its undisbursed IHBG funds in the future to qualify for the full 6 points. This may include specific references to past Indian Housing Plans, Annual Performance Reports, or other related documents.

An applicant that has received approval for but not investing its IHBG formula funds must clearly state this in the workplan narrative in order to qualify for points under this Subfactor Option. Applicants should not submit LOCCS or formula funding data for this Subfactor, as HUD will utilize its records to verify.

Eligible applicants that have ever been allocated IHBG formula funds but neither accept those funds nor have a current IHBG formula recipient will automatically receive 3 points for this Subfactor.

**(6 points)**

**One of the following applies:**

- The applicant's undisbursed amount in LOCCS is 0-25% of IHBG formula cumulative amount for the 2018-2020 Federal fiscal years; or
- The applicant's undisbursed amount is more than 25% of IHBG formula cumulative amounts and the applicant provided sufficient justification demonstrating well-developed plans to accumulate IHBG funds to carry out specific IHBG eligible activities in the

future. The justification included supporting information on when and how the recipient intends to spend its undisbursed IHBG funds in the future.

**(3 points)**

**One of the following applies:**

- The applicant's undisbursed amount in LOCCS is between 26% and 50% of IHBG formula cumulative amount for the 2018-2020 Federal fiscal years. The applicant did not provide a justification and supporting information satisfactory to HUD demonstrating well-developed plans to spend its undisbursed IHBG amounts; or
- The applicant does not currently administer the IHBG formula program and accordingly does not have balances of IHBG funds.

**(1 point)**

The applicant's undisbursed amount in LOCCS is between 51% and 75% of IHBG formula cumulative amount for the 2018-2020 Federal fiscal years. The applicant did not provide a justification and supporting information satisfactory to HUD demonstrating well-developed plans to spend its undisbursed IHBG amounts.

**(0 points)** The applicant's undisbursed amount in LOCCS is more than 75% of IHBG formula cumulative amount for the 2018-2020 Federal fiscal years. The applicant did not provide a justification and supporting information demonstrating a well-developed plan to spend its undisbursed IHBG amounts.

**Category #3: New applicants approved for and investing IHBG formula funds**

A new applicant approved for investing formula IHBG funds in accordance with section 204(b) of NAHASDA and 24 CFR 1000.58 must submit information about its investment balances and its plans to spend the invested IHBG funds on affordable housing activities.

**(6 points)**

The applicant submitted all of the following information addressing its invested IHBG funds: the amount of IHBG grant funds that it currently has invested, the investment securities and other obligations in which the funds are invested, and a well-developed plan for spending the invested IHBG funds on affordable housing activities.

**(3 points)**

The applicant did not submit one of the following information addressing its invested IHBG grant funds: the amount of IHBG grant funds that it currently has invested, the investment securities and other obligations in which the funds are invested, and a well-developed plan for spending the invested IHBG funds on affordable housing activities.

**(1 point)**

The applicant did not submit two of the following information addressing its invested IHBG grant funds: the amount of IHBG grant funds that it currently has invested, the investment securities and other obligations in which the funds are invested, and a well-developed plan for

spending the invested IHBG funds on affordable housing activities.

**(0 points)**

The application failed to include any of the following: information detailing the amount of IHBG grant funds that it currently has invested, the investment securities and other obligations in which the funds are invested, and a well-developed plan for spending the invested IHBG funds on affordable housing activities.

**Rating Factor 2: Need**

**Maximum Points: 20**

**Subfactor 2.1. Identified Needs**

**Maximum Points: 10**

As required by the 2017 Appropriations Act, HUD will consider need when reviewing applications received under this NOFO. For this rating factor, the applicant must address the following components in its workplan narrative:

1. Reasons why the applicant is interested in a Tribal HUD-VASH grant;
2. Discussion of the magnitude (estimated number) and severity of the applicant's homeless Veterans or Veterans at risk of homelessness population;
3. The extent to which specific gaps or weaknesses in services, housing, or opportunities have been identified and how it will be addressed;
4. Steps taken to identify or estimate the applicant's total homeless Veterans or Veterans at risk of homelessness population, including those that may be eligible for VA benefits; and
5. Identify the estimated number of the applicant's eligible homeless Veterans or Veterans at risk of homelessness population that could be served under the Tribal HUD-VASH program. Resources to determine Veteran eligibility for VA supportive services are available online: <https://www.va.gov/health-care/eligibility/>.
6. Existing grantees (if applicable): In addition to components #1-5 above, existing grantees must include an explanation of why additional Tribal HUD-VASH funds are needed in order to continue addressing the needs of its eligible homeless or at risk of homelessness Veteran population.

HUD will award points as follows:

**(10 points)**

The applicant fully addressed all of the components outlined in this Subfactor.

**(8 points)**

The applicant was either missing one of the components outlined in this Subfactor or the need justification addressed all of the required components, but lacked detail to warrant full points under this Subfactor.

**(5 points)**

The applicant was missing more than one of the components outlined in this Subfactor.

**(0 points)**

The applicant did not address any of the components described above to receive points under this Subfactor.

**Subfactor 2.2. Supporting Information**

**Maximum Points: 5**

Applicants must demonstrate need for the Tribal HUD-VASH program by providing supporting information verifying the presence of Veterans that are homeless or at risk of homelessness in their Indian area (the area where the Tribe or TDHE is authorized to carry out affordable housing activities). The supporting information must correlate with the identified needs discussed in Subfactor 2.1.

Examples of acceptable documentation may include, but are not limited to:

1. Point-in-Time counts;
2. Waiting lists with homeless Veterans or Veterans at risk of homelessness;
3. Number of overcrowded households with residents that are at risk of homelessness
4. A list of eligible Veterans from the Tribal Veteran's Representative;
5. Data from the local VA;
6. U.S. Census Bureau's American Community Survey (ACS) data; and
7. Any supporting documentation demonstrating to HUD's satisfaction the presence of homeless Veterans or Veterans at risk of homelessness.

HUD will award points as follows:

**(5 points)**

The applicant provided supporting information that correlates with the identified needs discussed in Subfactor 2.1.

**(3 points)**

The applicant provided supporting information. However, not all of the information submitted correlates with the identified needs discussed in Subfactor 2.1.

**(0 points)**

The applicant did not provide supporting information, or the information submitted does not correlate with any of the identified needs discussed in Subfactor 2.1.

**Subfactor 2.3. Severity of the Problem**

**Maximum Points: 5**

For this Subfactor, HUD will assess need based on severity of the applicant's identified homeless Veterans or Veterans at risk of homelessness population. Points will be awarded based on how the estimated number of identified homeless Veterans or Veterans at risk of homelessness compares to the number of rental housing units requested by the applicant. HUD will use information submitted for Subfactors 2.1, 2.2, and 3.1 for this Subfactor review.

**(5 points)**

The estimated number of identified homeless Veterans or Veterans at risk of homelessness is at least three times the number of rental housing units requested by the applicant.

**(3 points)** The estimated number of identified homeless Veterans or Veterans at risk of homelessness is at least twice but less than three times the number of rental housing units requested by the applicant.

**(1 point)** The estimated number of identified homeless Veterans or Veterans at risk of homelessness is at least equal to but less than twice the number of rental housing units requested by the applicant.

**(0 points)** The estimated number of homeless Veterans or Veterans at risk of homelessness is less than the number of rental housing units requested by the applicant.

**Rating Factor 3: Capacity to Administer the Program** **Maximum Points: 50**

**Subfactor 3.1. Implementation Plan and Implementation Schedule** **Maximum Points: 10**

HUD will assess the applicant’s administrative capacity to implement its proposed Tribal HUD-VASH program by reviewing its workplan narrative. In addition, the applicant must include a schedule of specific tasks in its Implementation Schedule.

The applicant must describe the program in detail and include the following components in its workplan narrative and Implementation Schedule:

1. Type of Tribal HUD-VASH Assistance: Tenant-Based vs. Project-Based: The applicant must describe its rationale for requesting Tenant-Based Rental Assistance and/or Project-Based Rental Assistance. The rationale must correlate with the need discussed in Rating Factor 2, Need;
2. Units of Assistance Requested: The workplan narrative must include a justification for the total number of rental housing units that the Tribe or TDHE plans to provide. The justification must correlate with the information submitted under Rating Factor 2, Need, and criteria established in this NOFO, and must address housing availability. The number of units requested in the justification must match the information provided on the Units of Assistance Table(s) submitted with the application;
3. Location of the units where eligible Veterans may be housed (e.g., include a map, address and/or aerial photo); and
4. If applicable, description of how the applicant plans to operate and maintain any units owned or operated by the applicant.

An applicant proposing Project-Based Rental Assistance must also address the following in its workplan narrative:

5. Housing stock: Description of whether the applicant plans to leverage other resources to construct, acquire, or rehabilitate housing stock for the use of eligible Veterans. If the applicant is not planning to increase its housing stock and is instead using its existing stock, then the applicant must describe what type of units it plans to use (e.g. IHBG, FCAS, Title VI, Low-Income Housing Tax Credit, Section 184, tribal, etc.) and identify the age of the stock as of the application deadline established in this NOFO, and whether the units comply with Section 504 and federal accessibility requirements. Applicants that propose to use existing housing stock to house Veterans will not be awarded the maximum points under Subfactor 3.2 below, unless it is newly constructed or acquired for Veterans 12 months or less prior to the application deadline established in this NOFO
6. The length of time the Tribal HUD-VASH assistance would not be used while waiting for the units to be completed (e.g. constructed, acquired, or rehabilitated) and what activities the applicant will continue to implement during this time. Note that projects with new construction timeframes longer than two years will not be approved;
7. The number of units and the type of structure to which the assistance units will be attached; and
8. The project ownership and evidence of site control. As stated in the Consolidated Notice, Project-Based Rental Assistance may be provided to privately owned housing with a contract with the owner of the housing, or a unit that is owned or operated by the tribe/TDHE.

HUD will award points as follows:

**(10 points)**

The workplan narrative and Implementation Schedule include all of the components outlined in this Subfactor, including components #5-8 if the applicant is proposing Project-Based Rental Assistance.

**(7 points)**

**One of the following applies:**

- The workplan narrative and Implementation Schedule are either missing one of the components outlined in this Subfactor, including components #5-8 if the applicant is proposing Project-Based Rental Assistance; or



- The plan addressed all of the required components but lacked detail to warrant full points under this Subfactor.

**(5 points)**

The applicant is requesting the majority of funds towards Project-Based Rental Assistance and workplan narrative and Implementation Schedule are missing more than one but less than five of the components outlined in this Subfactor.

**(0 points)**

The applicant is either requesting the majority of funds towards Project-Based Rental Assistance and the workplan narrative and Implementation Schedule are missing five or more of the components outlined in this Subfactor or the applicant is requesting the majority of funds towards Tenant-Based Rental Assistance and the workplan narrative and Implementation Schedule are missing two or more of the components outlined in this Subfactor.

**Subfactor 3.2. Availability of Housing Stock**

**Maximum Points: 10**

HUD recognizes that this additional Tribal HUD-VASH expansion funding provides an opportunity to address severe overcrowding and the lack of affordable housing in Indian Country. As such, HUD will award full points under this Subfactor to applicants that demonstrate the administrative capacity to increase their housing stock for eligible Veterans. Additionally, HUD will award points based on how the applicant addresses the availability of housing stock it would use to house eligible Veterans under the Tribal HUD-VASH program.

For this Subfactor, applicants will be rated under either Category #1 or Category #2 below, depending on the nature of the proposed project. Applicants that propose both Project-Based and Tenant-Based projects will be rated according to the project that constitutes the majority of the federal request amount listed on the SF-424 and detailed budget. Applicants that propose an equal amount of federal funds towards both Project-Based and Tenant-Based projects will be rated according to Category #1- Project-Based Rental Assistance, as this is in keeping with HUD's priority to increase the number of new housing units available for eligible Veterans under the program.

**Category #1: Project-Based Rental Assistance**

For applicants that request the majority of federal funds for Project-Based Rental Assistance, maximum points will be awarded to those that have leveraged other funding sources to increase its housing stock for the use of eligible Veterans.

To qualify for full points, applicants proposing to increase its housing stock for eligible Veterans must identify the amount of leveraged funding sources that it has used or plans to use and provide firm commitment documentation supporting this amount.

A firm commitment refers to a letter of commitment, memorandum of understanding, or agreement to participate from an applicant's partner specifying that it agrees to perform and/or support an activity specified in the application. The firm commitment must demonstrate that the

partner has the financial capacity to deliver the resources or skills necessary to implement the proposed activity, either in cash or through in-kind contributions, if HUD awards Tribal HUD-VASH funds. Federal sources are only allowed to be used as leveraging if permitted by a program’s authorizing statute. Contributions that could be considered as leveraged resources for point award include, but are not limited to:

- Tribal government funds;
- Donations from individuals or organizations, private foundations, businesses;
- State or federal loans or guarantees;
- Other grant funds;
- Donated goods and services needed for the project;
- Land needed for the project; and
- Direct administrative costs.

As indicated in Subfactor 3.1, applicants that propose to use existing housing stock to house Veterans will not be awarded the maximum points for this Subfactor, unless it is newly constructed or acquired for Veterans 12 months or less prior to the application deadline established in this NOFO.

The following table summarizes acceptable firm commitment documentation to provide as evidence of leveraged funds:

<b>LEVERAGED RESOURCE</b>	<b>FIRM COMMITMENT DOCUMENTATION NEEDED</b>
Tribal Resources	<ul style="list-style-type: none"> <li>• Tribal resolution committing funds, housing stock, or equivalent; the resolution (or equivalent) must identify the exact dollar amount (or value of resources to be committed).</li> </ul>
Federal Resources	<ul style="list-style-type: none"> <li>• <b>IHBG formula funds (whether administered by the tribe or a TDHE) in keeping with ONAP Program Guidance No. 2018-01(IHBG in the Tribal HUD-VASH Program:</b> <ul style="list-style-type: none"> <li>○ Leveraging with current program year funds: The most recently approved Indian Housing Plan (IHP) must identify the dollar amount and commit the IHBG resources to the project. If not currently approved in the most recent IHP, the application must state that an amendment to the IHP will be processed if the applicant is awarded Tribal HUD-VASH funds.</li> <li>○ Future IHBG funding: If future IHBG funds will be used, the application must identify the program year and the dollar amount of IHBG funds that will be used.</li> </ul> </li> <li>• Other Federal Program Funds: Might include funds from the U.S. Department of Agriculture, Indian Health Service, Bureau</li> </ul>

	<p>of Indian Affairs, or any other federal agency. If allowable by the Federal program's statute, the applicant should submit statement (e.g., letter, email, etc.) from the Federal agency approving the amount of funds to be committed for leveraging.</p>
<p>Public Agency, Foundation, or Other Private Party</p>	<ul style="list-style-type: none"> <li>• Letters of commitment which must include: <ul style="list-style-type: none"> <li>○ The donor organization's name;</li> <li>○ The specific funds proposed;</li> <li>○ The dollar amount of the financial or in-kind resource;</li> <li>○ Method for valuation;</li> <li>○ The purpose of that resource within the proposed project; and</li> <li>○ Signed commitment from an official of the organization legally authorized to make the commitment.</li> </ul> </li> <li>• Memorandum of understanding, and/or agreement to participate, including any conditions to which the contribution may be subject.</li> </ul>
<p>Goods and Services</p>	<ul style="list-style-type: none"> <li>• Must demonstrate that the donated items are necessary to the actual development of the project and include comparable costs that support the donation.</li> </ul>
<p>Land</p>	<ul style="list-style-type: none"> <li>• Land valuation must be established using one of the following methods and the documentation must be contained in the application. The application of land valuation documentation must state the method used to determine land value and identify the land value. Land that has previously been used as leverage towards other ONAP competitions may not be proposed as leveraging for this NOFO.</li> <li>• The methods for land valuation include: <ul style="list-style-type: none"> <li>○ A site-specific appraisal no more than two years old;</li> <li>○ An appraisal of a nearby comparable site also no more than two years old;</li> <li>○ A reasonable extrapolation of land value based on current area realtor value guides; or</li> <li>○ A reasonable extrapolation of land value based on recent sales of similar properties in the same area.</li> </ul> </li> </ul>

Grantees will be required to show evidence that leveraging resources were actually received and used for their intended purposes through quarterly reports (SF-425) as the project proceeds.

HUD recognizes that in some cases, the applicant cannot receive a firm commitment of non-

tribal funds by the application deadline. In such cases, the applicant must include a statement from the contributing entity that describes why the firm commitment cannot be made at the current time. The statement must say that the tribe/organization and proposed project meets the eligibility criteria for receiving the leveraged funds. It must also include a date by which the funding decisions will be made. This date cannot be over six months from the anticipated date of grant approval by HUD. If the applicant does not provide HUD with evidence of the firm commitment from the original leverage source or an alternative source within six months of the date of grant approval, or if anticipated leverage is not provided, HUD will re-rate and re-rank the application with the updated leverage information. If the application is no longer fundable after re-rating and re-ranking the application, HUD will rescind the grant and recapture grant funds.

HUD will award points as follows:

**(10 points)**

The applicant provided firm commitment documentation for all sources of leveraging resources that it has used or plans to use for the construction or acquisition of housing specifically for Veterans and one of the following applies:

- The applicant is proposing to increase its housing stock for the use of eligible Veterans by leveraging other funding sources for the construction or acquisition of new units; or
- The applicant proposes to use of existing stock that is newly constructed or acquired for Veterans 12 months or less prior to the application deadline established in this NOFO, as identified in Subfactor 3.1.

**(8 points)**

The applicant is proposing to leverage other funding sources for the rehabilitation of existing stock for the use of Veterans. The applicant provided firm commitment documentation for all sources of leveraging resources that it has used or plans to use for the rehabilitation project.

**(5 points)**

The applicant is not proposing to increase its housing stock specifically for the use of eligible Veterans. Rather, the applicant is proposing to use existing housing stock, without associated rehabilitation costs, and the stock is more than 12 months old from the application deadline established in this NOFO for its Tribal HUD-VASH program.

**(0 points)**

The applicant proposed to increase its housing stock for the use of eligible Veterans by leveraging other sources of funding but did not provide firm commitment documentation for all sources of leveraging resources.

**Category #2: Tenant-Based Rental Assistance**

Applicants requesting funding to provide Tenant-Based Rental Assistance must submit supporting documentation demonstrating the availability of rental units where eligible Veterans may be housed, if awarded a Tribal HUD-VASH grant.

Documentation for this Subfactor must include agreements or letters of partnerships with local landlords showing commitment to house eligible Veterans as identified in Subfactor 3.1- Implementation Plan and Implementation Schedule. Other forms of supporting documentation to receive points under this Subfactor include a rental market survey identifying the rental market available for Veterans, or other documentation satisfactory to HUD demonstrating the availability of housing for Veterans assisted under this program.

Applicants that propose to make their own housing stock available for Tenant-Based Rental Assistance must provide supporting documentation in the form of a tribal resolution or equivalent committing units it would offer eligible Veterans under the program. The resolution (or equivalent) must identify the type of housing stock (e.g., FCAS, NAHASDA, etc.), the number of units, and the age of the units.

Applicants that propose to use units (50% or higher) that have been constructed, acquired, or rehabbed 12 months or less prior to the application deadline of this NOFO will receive more points under this Subfactor versus applicants that propose to use older housing stock.

**(10 points)**

The applicant provided agreements or letters of partnerships with local landlords for all rental units where eligible Veterans may be housed, as identified in Subfactor 3.1- Implementation Plan and Implementation Schedule. The applicant is also proposing to offer its own housing stock as an option for eligible Veterans, provided a tribal resolution or equivalent identifying the type of housing stock, number of units, and the majority age of the units (50% or higher) is 12 months or less from the application deadline of this NOFO.

**(9 points)**

The applicant provided agreements or letters of partnerships with local landlords for all rental units where eligible Veterans may be housed, as identified in Subfactor 3.1-Implementation Plan and Implementation Schedule. The applicant is also proposing to offer its own housing stock as an option for eligible Veterans and provided a tribal resolution or equivalent identifying the type of housing stock and number of units. However, the majority age of the units (49% or less) is older than 12 months from the application deadline of this NOFO.

**(8 points)**

The applicant provided agreements or letters of partnerships with local landlords for all rental units where eligible Veterans may be housed, as identified in Subfactor 3.1-Implementation Plan and Implementation Schedule. The applicant is not proposing to offer its own housing stock as an option for eligible Veterans.

**(6 points)**

The applicant provided agreements or letters of partnerships with local landlords for some, but not all rental units. The applicant provided other supporting documentation for the remaining rental units where eligible Veterans may be housed, as identified in Subfactor 3.1- Implementation Plan and Implementation Schedule. The applicant is not proposing to offer its own housing stock as an option for eligible Veterans.

**(4 points)**

The applicant did not provide agreements or letters of partnerships with local landlords. Rather, the applicant provided other supporting documentation for all rental units where eligible Veterans may be housed, as identified in Subfactor 3.1-Implementation Plan and Implementation Schedule. The applicant is not proposing to offer its own housing stock as an option for eligible Veterans.

**(2 points)**

The applicant did not provide agreements or letters of partnerships with local landlords. Rather, the applicant provided other supporting documentation for some, but not all rental units where eligible Veterans may be housed, as identified in Subfactor 3.1-Implementation Plan and Implementation Schedule. The applicant is not proposing to offer its own housing stock as an option for eligible Veterans.

**(0 points)**

The applicant did not provide any supporting documentation for the rental units where eligible Veterans may be housed.

**Subfactor 3.3. Budget**

**Maximum Points: 10**

HUD will review the detailed budget (Unit of Assistance Table, estimated administrative fee usage, and if applicable, project costs for the development of new units) according to the following criteria:

1. Budget is thoroughly prepared, with all costs requested on the SF-424 accounted for and calculations shown by the applicant;
2. Budget figures are consistent throughout the application;
3. Costs are allowable, allocable, reasonable, and necessary for implementing the proposed Tribal HUD-VASH program; and
4. All budget calculations are mathematically correct.

Points will be awarded as follows:

**(10 points)**

The detailed budget fully satisfied all of the criteria outlined in this Subfactor.

**(8 points)**

The detailed budget adequately satisfied all but one of the criteria outlined in this Subfactor.

**(5 points)**

The detailed budget did not satisfy two criteria outlined in this Subfactor

**(0 points)**

The detailed budget was missing information and/or did not satisfy three or more criteria outlined in this Subfactor.

**Subfactor 3.4. Coordination with the Department of Veterans Affairs**

**Maximum Points: 10**

This Subfactor awards points based on how an applicant will take affirmative steps to coordinate with the VA Medical Center that serves its tribal area and its overall understanding of the VA's role in implementing the program.

The applicant must address the following components in its workplan narrative:

1. Identify which VA Medical Center or VA Healthcare System the applicant will partner with for the program;
2. Description of the VA's agreement to participate in Tribal HUD-VASH, commitment and capacity to provide timely case management services to support a Tribal HUD-VASH award, and how the VA intends to obtain the case manager (VA hire or contract);
3. Overview of how the applicant will incorporate the VA partnership into the applicant's Tribal-HUD-VASH program operations;
4. Description of how supportive housing evidence-based practices (e.g., Critical Time Intervention, Harm Reduction, etc.) will be integrated by the applicant for this program. (More information is available in the "Tribal HUD-VASH Guidebook (April 2016)" available at [https://www.hud.gov/program\\_offices/public\\_indian\\_housing/ih/tribalhudvash](https://www.hud.gov/program_offices/public_indian_housing/ih/tribalhudvash));
5. Applicant's understanding of case manager criteria, recruitment and selection, including any anticipated involvement of tribal entities and potential barriers to obtaining a case manager;
6. Joint VA and tribal efforts to identify and conduct outreach to eligible homeless and/or at risk of homelessness veterans; and
7. Applicant's plan for on-going communication with the VA.

**(10 points)**

The applicant thoroughly described its coordination efforts with the VA in its workplan narrative and demonstrates a full understanding of the VA's role in implementing the program. The applicant discussed all of the Subfactor components in detail.

**(8 points)**

The applicant adequately addressed this Subfactor but was either missing one of the components outlined in this Subfactor or the applicant addressed all of the required components but lacked detail to warrant full points under this Subfactor.

**(6 points)**

The applicant adequately addressed this Subfactor but was missing 2-3 of the components outlined in this Subfactor.

**(4 points)**

The applicant addressed this Subfactor but was missing 4 or more components outlined in this Subfactor.

**(0 points)**

The application did not include any of the information described above to receive points under this Subfactor.

### **Subfactor 3.5. Coordination with Partners**

**Maximum Points: 5**

The applicant is encouraged to involve other partners in developing and implementing the Tribal HUD-VASH program. For this Subfactor, the applicant must address the following components:

1. How the applicant has designed the project and plans to implement it in coordination with community members, tribal departments, the Indian Health Service (HIS) or tribal health system, Continuums of Care, Veterans groups, nonprofits, homelessness providers, or other agencies/organizations;
2. Description of actions taken or to be taken to work with partners to support its marketing and outreach efforts to homeless and/or at risk of homelessness Veterans; and
3. Planned efforts to promote employment opportunities for homeless and/or at risk of homelessness Veterans.

#### **(5 points)**

The applicant thoroughly described its coordination efforts with other partners in its workplan narrative and discussed all of this Subfactor's components in detail.

#### **(3 points)**

The applicant adequately addressed this Subfactor but was either missing one of the components outlined in this Subfactor or the applicant addressed all of the required components but lacked detail to warrant full points under this Subfactor.

**(0 points)** The application did not include any of the information described above to receive points under this Subfactor.

### **Subfactor 3.6. Outputs and Outcomes**

**Maximum Points: 5**

The applicant must include outcomes and outputs it strives to achieve with the project and describe them in detail. Outputs are measured in the volume of work accomplished and must correlate with the nature of the Tribal HUD-VASH program activities proposed and discussed in Rating Factors 2 and 3 of the workplan narrative. They should be clear enough to allow HUD to monitor and assess the proposed project or program's progress if funded. An outcome is the impact achieved from the outputs of the proposed project or program. They should be quantifiable measures or indicators that identify the change in the community, people's lives, economic status, etc. Discussion and coordination with VA facility staff can help identify clear outputs and outcomes as part of the investigation/planning process.

Examples of outputs could include but are not limited to:

- Number of eligible Veterans assisted



- Number of rental units identified/number of partnerships with local landlords (Tenant-Based Housing Assistance)
- Number of Project-Based units constructed, acquired, or rehabilitated for the eligible Veterans
- Number of outreach meetings and efforts undertaken to coordinate assistance with partners

Examples of outcomes could include but are not limited to:

- Number of eligible Veterans exiting the Tribal HUD-VASH program to permanent housing
- Number of eligible Veterans graduating (no longer needing case management services from the VA)
- Reduction of eligible Veterans on a tribe/TDHE's waiting list
- Increase in available housing stock for eligible Veterans
- Increased in fiscal resources for eligible Veterans during participation in the Tribal HUD-VASH program by obtaining employment or appropriate disability and/or other benefits (e.g., Supplemental Nutrition Assistance Program, etc.) for which the Veteran is eligible, and learning and utilizing effective money management practices
- Obtain maximal "self-sufficiency" as appropriate to their functional abilities, as evidenced by independently meeting tenancy requirements (such as paying rent portion on time, maintaining the unit, following the rules of the landlord, allowing others peaceful enjoyment of their unit, etc.), practicing wellness strategies and attending to their healthcare needs, attending to personal needs (e.g., independently taking care of activities of daily living), and engaging in social and community activities to increase purposeful, meaningful activities and establish/maintain healthy and effective social supports

**(5 points)**

The applicant clearly described measurable outputs and outcomes for the Tribal HUD-VASH program activities proposed in the workplan.

**(3 points)**

The applicant included measurable outputs and outcomes for the Tribal HUD-VASH program activities proposed in the workplan but did not clearly describe them in detail.

**(1 points)**

The applicant included either measurable outputs or outcomes for Tribal HUD-VASH program activities proposed in the workplan, but not both.

**(0 points)**

The application did not contain the information described above to receive points under this Subfactor.

## **2. Other Factors.**

### **Preference Points**

### **Opportunity Zones.**

This program does not offer Opportunity Zone preference points.

### **HBCU.**

This program does not offer HBCU preference points.

### **Promise Zones**

This program does not offer Promise Zone 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:

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

Timely use of funds received from HUD;

Timely submission and quality of reports submitted to HUD;

Meeting program requirements;

Meeting performance targets as established in the grant agreement;

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

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

HUD may reduce scores based on the past performance review, as specified under V.A. Review Criteria. Whenever possible, HUD will obtain 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 Section III E., Statutory and Regulatory Requirements Affecting Eligibility, "Pre-selection Review of Performance" document link above.

### **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:

- Financial stability;
- Quality of management systems and ability to meet the management standards prescribed in this part;
- 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;

- Reports and findings from audits performed under Subpart F—Audit Requirements of this part or the reports and findings of any other available audits; and
- The applicant's ability to effectively implement statutory, regulatory, or other requirements imposed on non-Federal entities.

### **3. Application Selection Process**

HUD will review each application from an eligible applicant and assign points in accordance with the selection factors described in this section.

#### **a) Application Screening and Acceptance**

ONAP will screen and accept applications if they meet all the criteria listed below:

- The application is received or submitted in accordance with the requirements of this NOFO;
- The applicant is eligible to submit an application;
- The proposed project is eligible; and
- The application contains all of the applicable components listed in Section IV.B. of this NOFO.

#### **b) Threshold Compliance**

HUD will review each application that passes the screening process to ensure that each applicant and each proposed project meets the eligibility and submission thresholds in the Eligibility Requirements and this NOFO.

#### **c) Past Performance**

HUD will evaluate applicants' past performance under Rating Factor 1- Capacity of the Applicant.

#### **d) Rating**

HUD will rate all eligible applications that meet the Threshold Requirements against the criteria in Rating Factors 1 through 3 and assign a rating score. The maximum total rating score for the three Rating Factors is 100 points. HUD will review and rate each application that meets the acceptance criteria and threshold requirements. Once all applications are rated, HUD will conduct a review to ensure consistency in the application rating.

#### **e) Minimum Points**

To be considered for funding, the application must receive a minimum of 20 points under Rating Factor 1-Capacity of the Applicant, a minimum of 35 points under Rating Factor 3-Capacity to Administer the Program, and an overall score of at least 75 points. HUD will reject any application that does not meet the minimum rating score requirements.

#### **f) Ranked Order**

HUD will place eligible applications that meet the minimum rating score requirements in ranked order. Funds will be awarded in rank order based on the score received on the application submitted under this NOFO. Applicants within the fundable range of 75 or more points will be

considered for funding in ranked order up to the amount requested, or a lesser amount if sufficient funds are not available. Meeting the minimum score of 75 points does not guarantee a funding award will be made. HUD also reserves the right to adjust funding to meet urgent policy priorities. HUD reserves the right to issue a supplemental or independent NOFO if necessary (e.g., to ensure that all appropriated funds are awarded).

**g) Grant Award Adjustments**

At its discretion, if HUD determines that there are not enough funds available to fully fund a project as proposed by a successful applicant, then HUD may contact the applicant to determine whether revisions can be made to the program budget, workplan narrative, and Implementation Schedule to reflect the actual award offer. If it is not possible to agree on a revised program budget, workplan narrative, and Implementation Schedule, then an award will not be made to that applicant. In such an instance, HUD may offer an award, in a rank order, to another applicant. HUD may also select additional applications for funding, in rank order, if additional funds become available. See also Adjustments to Funding information in section VI.A. below.

**h) Tiebreakers**

When rating results in a tied score and there is not enough money to fund all tied scored applications, HUD will use the following factors in the order listed to resolve the tie:

1. **HUD will approve applications that can be fully funded over those that cannot be fully funded;**
2. Applicants that receive the most points according to Subfactor 3.2, Availability of Housing Stock;
3. Applicants that propose to leverage other funding sources to increase its housing stock for the use of eligible Veterans; and
4. Applicants that score the highest cumulative points for Rating Factor 1-Capacity of the Applicant and Rating Factor 2-Need.

**i) Additional Tribal HUD-VASH Funds**

If, after publication of this NOFO, additional funds become available through additional appropriations or recaptured funds, HUD reserves the right to:

1. Award funding to additional applicants based on their score from this competition;
2. Use the additional funds to provide additional funding to an applicant awarded less than the original requested amount of funds to make the full award; and
3. Fund additional applicants that were eligible to receive an award but for which there were no funds available from the FY 2017 appropriations; and
4. Award funding to applicants that meet the funding errors category in section VI.A. below.

**j) Curable Deficiencies and Pre-Award Requirements:**

- **Curable Deficiencies:** If there are curable deficiencies identified in successful applications, then applicants must satisfactorily address these deficiencies before HUD can make a grant award.
- **Pre-Award Requirements:** Successful applicants may have to provide supporting documentation concerning the management, maintenance, operation, or financing of proposed projects before a grant agreement can be executed. HUD may ask for additional information on the scope, magnitude, timing, budget, method of implementing the project or any proposed leveraging resources. HUD may also ask further information to verify the commitment of other resources required to complete, operate, or maintain the proposed project. HUD will notify applicants by email, facsimile, or via the U.S. Postal Service, return receipt requested. HUD will provide official notification to the authorized representative. Each applicant must provide accurate email addresses for receipt of these notifications and must monitor their email accounts to determine whether a notification has been received. Applicants will be provided no less than 48 hours and no more than fourteen (14) calendar days from the date of receipt of the HUD notification to respond to these requirements. No extensions will be provided. If the deadline date falls on a Saturday, Sunday, or Federal holiday, the response must be received by HUD on the next day that is not a Saturday, Sunday, or Federal holiday. If an applicant does not respond within the prescribed time period or makes an insuff

## **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 have not been chosen for award. Notifications will be sent by email to the person listed as the AOR in item 21 of the SF424.

**Negotiation.** After HUD has made selections, HUD will negotiate specific terms of the funding agreement and budget with selected applicants. If HUD and a selected applicant do not successfully conclude negotiations in a timely manner, or a 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 impose special conditions on an award as provided under 2 CFR 200.208:

- Based on HUD's review of the applicant's risk under 2 CFR 200.206;
- When the applicant or recipient has a history of failure to comply with the general or specific terms and conditions of a Federal award;
- When the applicant or recipient fails to meet expected performance goals contained in a Federal award; or
- When the applicant or recipient is not otherwise responsible.

**Adjustments to Funding.** To ensure the fair distribution of funds and enable the purposes or

requirements of a specific program to be met, HUD reserves the right to fund less than the amount requested in an application.

a. HUD will fund no portion of an application that:

- (1) Is not eligible for funding under applicable statutory or regulatory requirements;
- (2) Does not meet the requirements of this notice; or
- (3) Duplicates other funded programs or activities from prior year awards or other selected applicants.

b. If funds are available after funding the highest-ranking application, HUD may fund all or part of another eligible fundable application. If an applicant turns down an award offer, or if HUD and an applicant do not successfully complete grant negotiations, HUD may withdraw the award offer and make an offer of funding to another eligible application.

c. 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, or be held for future competitions, or be used as otherwise provided by authorizing statute or appropriation.

d. 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 use the additional funds to provide additional funding to an applicant awarded less than the requested amount of funds to make the full award, and/or to fund additional applicants that were eligible to receive an award but for which there were no funds available.

**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 then.

The HUD Reform Act prohibits HUD from notifying applicants as to whether they have been selected to receive a grant until it has announced all successful award recipients.

If selected and as soon as a Congressional release has been obtained, ONAP will send the applicant an award letter and a grant agreement to sign and return. If the applicant does not already have one, it will have to establish an account in LOCCS so that it can draw down grant funds as needed to complete the Tribal HUD-VASH award. Grantees will also be encouraged to participate in award implementation training offered by ONAP.

All grant awards are conditioned on the successful completion of an environmental review in accordance with the requirements of 24 CFR 1000.18-1000.24, and an environmental review must be completed before funds are released. Applicants must comply with HUD environmental review requirements, in accordance with 24 CFR 1000.18-1000.24. An Indian tribe can assume environmental responsibilities under 24 CFR part 58 or decline to assume environmental responsibilities and request HUD perform the review under 24 CFR part 50, in accordance with 24 CFR 1000.20(a).

An environmental review, all required notifications, and approval of the Request for Release of Funds and Certification when applicable under 24 CFR part 58 or HUD's approval of the project or activity under 24 CFR part 50, must be completed before a recipient may commit HUD or non-HUD funds, or take any other choice limiting action, including but not limited to real property acquisition, demolition, disposition, rehabilitation, repair, new construction, site preparation or clearance, ground disturbance, and leasing. HUD may impose other grant conditions if additional actions or approvals are required, before the use of funds. Any mitigating/remedial measures required by the responsible entity (or HUD) must be carried out. Environmental review resources including training, guidance, forms, sample letters and worksheets are available on the HUD Exchange at: <https://www.hudexchange.info/programs/environmental-review/>.

## **B. Administrative, National and Department Policy Requirements for HUD recipients**

For this NOFO, the following [Administrative, National and Department Policy Requirements and Terms for HUD Financial Assistance Awards](#) apply. (Please select the linked text to read the detailed description of each applicable requirement).

1. Unless otherwise specified, these non-discrimination and equal opportunity authorities and other requirements apply to all NOFOs. Please read the following requirements carefully as the requirements are different among HUD's programs.

- Compliance with Fair Housing and Civil Rights Laws, Which Encompass the Fair Housing Act and Related Authorities (cf. 24 CFR 5.105(a)).
- Affirmatively Furthering Fair Housing.
- Economic Opportunities for Low-and Very Low-income Persons (Section 3). See 24 CFR part 75.

- Improving Access to Services for Persons with Limited English Proficiency (LEP) See [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/limited\\_english\\_proficiency](https://www.hud.gov/program_offices/fair_housing_equal_opp/limited_english_proficiency).

- Accessible Technology. See

<https://www.hud.gov/sites/dfiles/OCIO/documents/s508103017.pdf>

2. Equal Access Requirements. See 24 CFR 5.105(a)(2)

3. Ensuring the Participation of Small Disadvantaged Business, and Women-Owned Business.

4. Equal Participation of Faith-Based Organizations in HUD Programs and Activities.

5. Uniform Relocation Act – Real Property Acquisition and Relocation Requirements. See 49 CFR part 24.

6. Participation in HUD-Sponsored Program Evaluation.

7. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

8. Drug-Free Workplace.

9. Safeguarding Resident/Client Files.

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

11. Eminent Domain.

12. Accessibility for Persons with Disabilities. See

[https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/disability\\_overview](https://www.hud.gov/program_offices/fair_housing_equal_opp/disability_overview)

13. Violence Against Women Act. See 24 CFR part 5, subpart L and applicable program regulations.

14. Conducting Business in Accordance with Ethical Standards/Code of Conduct.

15. Environmental Requirements, which include compliance with environmental justice requirements under Executive Order 12898.

Compliance with 24 CFR part 50 or 58 procedures is explained below:

Applicants must comply with HUD environmental review requirements, in accordance with 24 CFR 1000.18-1000.24. An Indian tribe can assume environmental responsibilities under 24 CFR part 58 or decline to assume environmental responsibilities and request HUD perform the review under 24 CFR part 50, in accordance with 24 CFR 1000.20(a).

An environmental review, all required notifications, and approval of the Request for Release of Funds and Certification when applicable under 24 CFR part 58 or HUD's approval of the project or activity under 24 CFR part 50, must be completed before a recipient may commit HUD or non-HUD funds, or take any other choice limiting action, including but not limited to real property acquisition, demolition, disposition, rehabilitation, repair, new construction, site preparation or clearance, ground disturbance, and leasing. Any mitigating/remedial measures required by the responsible entity (or HUD) must be carried out. Environmental review resources including training, guidance, forms, sample letters and worksheets are available on the HUD Exchange at: <https://www.hudexchange.info/programs/environmental-review/>.

*2 CFR 200.216 Prohibition on Certain Telecommunication and Video Surveillance Services or Equipment*

### **Lead Based Paint Requirements.**

When providing housing assistance funding for purchase, lease, support services, operation, or work that may be 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 grant you must inform clients of their rights under the Lead Disclosure Rule (24 CFR part 35, subpart A), and, if the focus of the education or counseling is on rental or purchase of HUD-assisted pre-1978 housing, the Lead Safe Housing Rule (subparts B, R, and, as applicable, F - M).

### **C. Reporting.**

HUD requires recipients to submit performance and financial reports under OMB guidance and program instructions.

**1. Recipient Integrity and Performance Matters.** Applicants should be aware that if the total Federal share of your Federal award includes more than \$ 500,000 over the period of performance, you may be subject to post award reporting requirements reflected in Appendix XII to Part 200-Award Term and Condition 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.

**4. Compliance with the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109-282) as amended (FFATA).** FFATA requires information on Federal awards be made available to the public via a single, searchable website, which is [www.USASpending.gov](http://www.USASpending.gov). Accordingly, each award HUD makes under this NOFO will be subject to the requirements provided by the Award Term in Appendix A to 2 CFR Part 170, "REPORTING SUBAWARD AND EXECUTIVE COMPENSATION INFORMATION," unless the Federal funding for the award (including funding that may be added through amendments) is not expected to equal or exceed \$30,000. Requirements under this Award Term include filing subaward information in the Federal Funding Accountability and Transparency Act (FFATA) Sub-award Reporting System (FSRS.gov) by the end of the month following the month in which the recipient awards any sub-grant equal to or greater than \$30,000. Each applicant under this NOFO must have the necessary processes and systems in place to comply with this Award Term, in the event that they receive an award, unless an exception applies under 2 CFR 170.110.

## **5. Program-Specific Reporting Requirements**

### **Tribal HUD-VASH Expansion: Post-Award and Reporting Requirements**

#### **a) Tribal HUD-VASH Rental Assistance Conversions**

After receiving the grant, a Tribe or TDHE may decide to convert from one type of rental assistance to the other for any unutilized grant funds. To do so, the applicant must submit any required information specified in this NOFO and HUD based on the type of rental assistance proposed. HUD will re-rate and re-rank the application with the updated information. If the application is still fundable, HUD will notify the applicant indicating its approval of the rental assistance conversion. However, if the application is no longer fundable after re-rating and re-ranking the application, HUD will rescind the grant and recapture grant funds.

#### **b) Monthly Drawdowns**

Grantees must drawdown Tribal HUD-VASH funds from LOCCS on a monthly basis to cover rental assistance payments and eligible administrative expenses.

#### **c) Quarterly Federal Financial Reports**

Grantees must submit a Federal Financial Report (SF-425) to the Area ONAP within 30 days after the end of each quarter. A final SF-425 must be submitted within 90 days after the end of the period of performance identified on the grant agreement. **If applicable, the SF-425 must also show that leveraging resources were received and used for their intended purposes.** The SF-425 remarks section (line 12) must also include the amount of administrative fees spent and explanation for administrative fees usage for the quarter.

#### **d) Indian Housing Plan/Annual Performance Report (IHP/APR, HUD-52737)**

Grant funds received under this NOFO must be reported annually in a Tribe/TDHE's IHP/APR. The Tribal HUD-VASH program must be identified separately in the IHP/APR and not with the IHBG formula activities. Existing grantees must report Tribal HUD-VASH activities under the original award and funds received under this NOFO separately in its IHP/APR.

**e) Yearly Narrative**

Grantees are required to submit a narrative description of progress within 90 days of the end of their program year and within 90 days after the end of the period of performance identified on the grant agreement. This must pertain only to the activities funded under this NOFO. The narrative must address the following areas:

1. The progress made towards meeting the project implementation plan and schedule;
2. If applicable, any minor modifications to the grantee's workplan, Implementation Schedule, and budget in order to meet the program goals. Note that all modifications must be in accordance with this NOFO and subject to HUD approval;
3. If applicable, a discussion of the barriers faced towards program implementation and explanation how the grantee will overcome those barriers to meet program objectives;
4. An update of how the project is addressing the needs of the grantee's eligible Veterans;
5. Notable program achievements such as stories of Veterans that have graduated from the program, attained self-sufficiency, successful partnership examples, etc.;
6. Progress of efforts to implement the project in coordination with the VA, community members, tribal departments, Continuums of Care, Veterans groups, nonprofits, homelessness providers, or other agencies/organizations;
7. Discussion of outputs and measurable outcomes achieved to date;
8. A report of obligations and expenditures in comparison with remaining funding LOCCS balances, or its successor system;
9. If applicable, a status of leveraging resources committed to the project; and
10. Explanation and an accounting of how the grantee has used administrative fees to implement the goals of the Tribal HUD-VASH Program. The grantee must also discuss whether any residual administrative fee amounts have been used to provide additional rental assistance to eligible Veterans and their families and provide accurate accounting of all administrative fees that were spent to provide rental assistance. For more information, see the Consolidation Notice, Section VI, "Tribal HUD-VASH Program requirements, Waivers, and Alternative Requirements: M-Administrative Fee and Reserve Account."

**f) Tribal HUD-VASH Expansion Progress and Performance**

Significant Progress: Failing to make significant progress by September 30, 2022, as evidenced by failing to meet planned activities described in the workplan and Implementation Schedule, may constitute poor performance or substantial noncompliance outlined in the Consolidation Notice, Section VI, "Tribal HUD-VASH Program requirements, Waivers, and Alternative Requirements: T- Reduction and Termination of HUD-VASH Grant Funds, Appeal of HUD Determinations, and Reallocation of Grant Funds."

Recaptured Grant Funds: If, after announcement of awards made under the current NOFO, additional funds become available through the recapture of funds, HUD may use the funds to provide additional funding to an applicant awarded less than the requested amount of funds to make the full award, and/or to fund applicants that were eligible to receive an award but for which there were no funds available. At its discretion, HUD may also use recaptured grant funds to expand to new applicants and/or existing high performing Tribal HUD-VASH grantees with demonstrated administrative capacity and need criteria established in a subsequent NOFO.

#### **D. Debriefing.**

For a period of at least 120 days, beginning 30 days after the public announcement of awards under this NOFO, HUD will provide a debriefing related to their application to requesting applicants. A request for debriefing must be made in writing or by email by the authorized organization representative whose signature appears on the SF-424 or by his or her successor in office and be submitted to the POC in Section VII Agency Contact(s), below. Information provided during a debriefing may include the final score the applicant received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which funding was approved or denied.

#### **VII. Agency Contact(s).**

HUD staff will be available to provide clarification on the content of this NOFO.

Questions regarding specific program requirements for this NOFO should be directed to the POC listed below.

Name:

Phone:

Email:

TribalHUDVASH@hud.gov

Persons with hearing or speech impairments may access this number via TTY by calling the toll-free Federal Relay Service at 800-877-8339. Please note that HUD staff cannot assist applicants in preparing their applications.

#### **VIII. Other Information.**

##### **1. National Environmental Policy Act.**

This NOFO provides funding under, and does not alter any environmental requirements of a regulation or program guideline that was previously published in the Federal Register and specifically refers to the environmental review provisions of the regulation. Accordingly, under 24 CFR §50.19(c)(5)(i), this NOFO is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.).

##### **2. Web Resources.**

- [Affirmatively Furthering Fair Housing](#)
- [Code of Conduct list](#)
- [Assistance Listing \(formerly CFDA\)](#)
- [Dun & Bradstreet](#)
- [Equal Participation of Faith-Based Organizations](#)
- [Federal Awardee Performance and Integrity Information System](#)

- [FFATA Subaward Reporting System](#)
- [Grants.gov](#)
- [HBCUs](#)
- [Healthy Homes Strategic Plan](#)
- [Healthy Housing Reference Manual](#)
- [HUD's Strategic Plan](#)
- [HUD Grants](#)
- [Limited English Proficiency](#)
- [NOFO Webcasts](#)
- [Opportunity Zone](#)
- [Procurement of Recovered Materials](#)
- [Promise Zones](#)
- [Section 3 Business Registry](#)
- [State Point of Contact List](#)
- [System for Award Management \(SAM\)](#)
- [Uniform Relocation Assistance and Real Property Acquisition Act of 1970 \(URA\)](#)
- [USA Spending](#)
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### 3. Program Relevant Web Resources

#### APPENDIX