

RESOLUTION NO. 2022- 57

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FY21 NOFO HOUSING COUNSELING GRANT AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AUTHORIZING THE COUNTY ADMINISTRATOR OR DESIGNEE TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY; AMENDING THE FY 2022 GENERAL FUND BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZING THE APPROPRIATION TO THE HOUSING DEPARTMENT.

RECITALS

WHEREAS, On June 18, 2019 the Board of County Commissioners approved the Health and Human Services Housing and Community Development to apply for grant funding for Housing Counseling from the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, On January 24, 2022, St Johns County was notified by HUD of approval as a recipient of grant funds totaling \$32,166.00 for the purpose of housing counseling; and

WHEREAS, the additional funding was not anticipated when preparing the Fiscal Year 2022 St Johns County Annual Budget; and

WHEREAS, the County has reviewed the terms, provisions, conditions, and requirements of the agreement; and

WHEREAS, the County has determined the accepting the terms of the Agreement, and entering into said Agreement will serve the interests of the County.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

Section 1. Incorporation of Recitals.

The above recitals are incorporated by reference into the body of this resolution and such recitals are adopted as findings of fact.

Section 2. Approval and Authority to Execute.

The Board of County Commissioners approves the terms, provisions, conditions, and requirements of the Agreement between the County and The Department of Housing and Urban Development for the FY 2021 NOFO for Housing Counseling and authorizes the County Administrator, or his designee, to execute an agreement substantially in the same form as the attached Agreement on behalf of the County.

Section 3. Correction of Errors.

To the extent that there are typographical or administrative errors or omissions that do not change the tone, tenor, or context of this resolution, this resolution may be revised without subsequent approval of the Board of County Commissioners.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County Florida this 15th day of February 2022.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Henry Dean
Henry Dean, Chair

ATTEST: Brandon J. Patty, Clerk of
the Circuit Court & Comptroller

By: Pam Halterman
Deputy Clerk

Rendition Date 2/17/22





U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Office of Housing Counseling
451 7th Street S.W.
Washington, DC 20410
www.hud.gov & espanol.hud.gov

January 24, 2022

Virginia Campbell
St. Johns County Board of County Commissioners (#90443)
200 San Sebastian Vw Ste 2300
St Augustine, FL 32084-8695

SUBJECT: FY 2021 Comprehensive Housing Counseling Program Grant Award
Grant Number: HC210421084

Dear Virginia Campbell,

St. Johns County Board of County Commissioners, #90443 (Grantee) has been conditionally awarded a grant of **\$32,166.00** to conduct a housing counseling program on behalf of the Department of Housing and Urban Development (HUD). This award is in accordance with HUD's FY 2021 Comprehensive Housing Counseling Grant Program Notice of Funding Opportunity posted on grants.gov on September 14, 2021.

Funds for this grant award shall be used as follows:

Grant Type: Comprehensive Counseling
Grant Award: **\$32,166.00**

\$32,166.00 to be used for Counseling Services
\$0.00 to be used for Minority Serving Institution Initiative

Please see the Grant Agreement for information on these funding types.

In this file, you will find the Grant Award Package Checklist, Form HUD-1044, and the Grant Agreement. Return one signed copy of the Form HUD-1044, the signed signature page only of the Grant Agreement, and the required documentation as listed in the Grant Award Package Checklist to your HUD Point of Contact (POC) listed below by February 18, 2022:

Stanley Marion
stanley.k.marion@hud.gov
678-732-2639

Retain the signed Grant Agreement and the original, signed Form HUD-1044 for your records. Funds will be made available upon execution of the documents and information

requested in this letter. As stated in Section II. E of the NOFO, grantees may not draw down on this award until prior years' awards have been fully expended.

We look forward to a productive partnership with your organization. If you have any questions or concerns, please contact your POC.

Sincerely,


A handwritten signature in black ink, appearing to read "David Berenbaum".

David Berenbaum
Deputy Assistant Secretary
Office of Housing Counseling

Attachments: HUD-1044
Grant Award Package Checklist
Grant Agreement

Assistance Award/Amendment

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

1. Assistance Instrument <input type="checkbox"/> Cooperative Agreement <input checked="" type="checkbox"/> Grant		2. Type of Action <input checked="" type="checkbox"/> Award <input type="checkbox"/> Amendment	
3. Instrument Number HC210421084	4. Amendment Number	5. Effective Date of this Action April 1, 2021	6. Control Number HC210421084
7. Name and Address of Recipient St. Johns County Board of County Commissioners 200 San Sebastian Vw Ste 2300 St Augustine, FL 32084-8695 TIN: 59-6000825 DUNS: 073236739		8. HUD Administering Office U.S. Department of Housing and Urban Development Office of Housing Counseling 451 7 th Street SW, Room 9224 Washington, DC 20410	
		8a. Name of Administrator David Berenbaum	8b. Telephone Number 202-402-4330
10. Recipient Project Manager Virginia Campbell, 904-209-6146		9. HUD Government Technical Representative Stanley Marion, 678-732-2639	
11. Assistance Arrangement <input checked="" type="checkbox"/> Cost Reimbursement <input type="checkbox"/> Cost Sharing <input type="checkbox"/> Fixed Price	12. Payment Method <input type="checkbox"/> Treasury Check Reimbursement <input type="checkbox"/> Advance Check <input checked="" type="checkbox"/> Automated Clearinghouse	13. HUD Payment Office CFO Accounting Center/HUD PO Box 901013 Fort Worth, TX 76101	
14. Assistance Amount		15. HUD Accounting and Appropriation Data	
Previous HUD Amount	\$	15a. Appropriation Number 8621/220156	15b. Reservation number HC210421084
HUD Amount this action	\$32,166.00	Amount Previously Obligated	\$
Total HUD Amount	\$32,166.00	Obligation by this action	\$32,166.00
Recipient Amount	\$	Total Obligation	\$32,166.00
Total Instrument Amount	\$32,166.00		
16. Description FY 2021 Grant Type: COMPREHENSIVE COUNSELING HC1 funding to be spread under Housing Counseling Grant Voucher, LOCCS Budget Line Item 9500. MSI funding to be spread under Housing Counseling Grant Voucher, LOCCS Budget Line Item 9525. Total Award: \$32,166.00 HC1 / Counseling Services (9500): \$32,166.00 MSI / Minority Serving Institution Initiative (9525): \$0.00 LOCCS Draw Down Expiration Date: January 30, 2023 Period of Performance: April 1, 2021, to September 30, 2022			
17. <input checked="" type="checkbox"/> Recipient is required to sign and return three (3) copies of this document to the HUD Administering Office		18. <input type="checkbox"/> Recipient is not required to sign this document.	
19. Recipient (By Name) St. Johns County Board of County Commissioners		20. HUD (By Name) David Berenbaum	
Signature & Title	Date (mm/dd/yyyy)	Signature & Title	Date (mm/dd/yyyy)
		 Deputy Assistant Secretary, Office of Housing Counseling, HC	01/24/2022

Office of Housing Counseling
FY 2021 Housing Counseling Grant Award Package Checklist

- ✓ This is a checklist of required documents grantees must submit to execute their FY 2021 grant awards. See enclosed grant agreement for detailed requirements of each item.

- ✓ All documents must be returned to your assigned Point of Contact (POC) within 15 business days of the date of the enclosed award letter. An incomplete package will delay your ability to access grant funding.

Form HUD-1044 and Grant Agreement Signature Page

- HUD-1044 signed and dated

- Grant Agreement signature page signed and dated

Indirect Cost Rate Documentation

- Copy of Grantee's Negotiated Indirect Cost Rate Agreement (NICRA), **OR**

- Statement that Grantee elects to charge a de minimis rate of 10% of modified total indirect costs in accordance with 2 C.F.R. Part 200.414, **OR**

- Statement that Grantee will not seek reimbursement of indirect costs

Financial Management Systems

- Certification from the executive director or other qualified professional that the organization's financial management systems satisfy the requirements in 2 C.F.R. §200.302

Audit

- A copy of Grantee's most recent audit of financial activities (e.g. single or program-specific audit required under 2 C.F.R. Part 200.501) with completed audit no earlier than fiscal year 2018, **OR**

- A copy of the most recent independent financial audit, no earlier than fiscal year 2018, for Grantees that did not expend \$750,000 or more in Federal award

Code of Conduct

- Verify that your code of conduct is listed on HUD's Code of Conduct website, **OR**
- Grantees that have revised a previously submitted Code of Conduct or do not appear on the website listed above must submit a copy of its Code of Conduct

Projected Budget

- A comprehensive budget listing all proposed expenses under the Grant. See Article IV of the Grant Agreement for detailed requirements.
 - The budget may be submitted in the format of the Grantee's choosing, such as form HUD-424 CB. If using form HUD-424 CB, entries relevant to the Grant must be made in column 1, "HUD Share." If there are "other direct costs" on line item h, grantee must provide a breakdown of those costs on a separate page.
- Intermediaries, State Housing Finance Agencies (SHFAs), and Multi-State Organizations (MSOs) must:
 - include a budget for each subgrantee,
 - itemize costs not passed through to subgrantees (such as the costs associated of managing a network; oversight, compliance, quality control, training, etc.), and
 - list your subgrantees and funded branches and their corresponding sub-allocations in HCS's budget allocation screen.
- Grantees seeking to use a fixed-fee methodology (i.e., that seeks reimbursement per activity rather than itemizing salaries and other direct costs), must submit documentation supporting the fixed-fee proposal and ensuring that the rate does not exceed the actual cost of providing the housing counseling services.

Projections for Housing Counseling Grant Activities

- Enter your counseling projections in the HUD Housing Counseling System (HCS).
 - Under the "HUD-9902" menu item, select Projections for NOFA-2021-1.
 - Enter the number of housing counseling activities that the grantee anticipates conducting with the FY2021 grant for each line in Section 8 – Households Receiving Group Education by Purpose, if applicable, and Section 9 Households Receiving One-On One Counseling by Purpose. The screen will display the total values for each line item for the entire funding period.
 - Then click on the "Save as Draft" button.
- Once you have saved your projections as a draft, notify your HUD POC for review and approval.

Client Management System (CMS)

- Grantee must submit a statement certifying that the organization (and subgrantees and funded branches, if applicable) has a HUD-approved CMS
- Intermediaries, MSOs, and SHFAs must submit a list of all relevant subgrantees and their respective CMSs

HBCU and Other MSI Funding Initiative (if applicable)

- Grantee must submit a Memorandum of Understanding (MOU) or similar agreement signed by all partners to signify their formal commitment. At a minimum, the MOU must specify: the partnership's purpose and associated activities; management and organizational structure; each organization's role and responsibilities for funding, participation, and compliance; and how the grantee will integrate data sharing and reporting capabilities.
- Grantee must submit an itemized budget for each of partnerships describing how the Grantee and MSI will use the funding initiative award to further the objectives agreed upon in the MOU.

UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING COUNSELING PROGRAM

FISCAL YEAR 2021 GRANT AGREEMENT

TABLE OF CONTENTS

ARTICLE I	2
ARTICLE II	3
ARTICLE III.....	3
ARTICLE IV	4
ARTICLE V.....	5
ARTICLE VI	5
ARTICLE VII	5
ARTICLE VIII.....	6
ARTICLE IX	6
ARTICLE X.....	8
ARTICLE XI	11
ARTICLE XII	13
ARTICLE XIII.....	13
ARTICLE XIV.....	14
ARTICLE XV	15
ARTICLE XVI.....	16
ARTICLE XVII	16
ARTICLE XVIII.....	16
ARTICLE XIX.....	17
ARTICLE XX.....	17
ARTICLE XXI.....	17
ARTICLE XXII	18
ARTICLE XXIII.....	19
ARTICLE XXIV.....	20

THIS GRANT AGREEMENT (“Agreement”) is made between the United States Department of Housing and Urban Development (“HUD,” “Grantor,” or “Department”) and the organization specified in block seven (7) of the attached form HUD-1044 (“Grantee”).

ARTICLE I

GENERAL

This Agreement is authorized, governed, and controlled by Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x) (“Act”), as amended, and the Further Consolidated Appropriations Act, 2021 (Pub. L. No. 116-94). The purpose of this Agreement is to set forth the terms and conditions under which HUD will provide federal financial assistance to Grantees to carry out a HUD-approved Housing Counseling Program under the Act.

This Agreement and Grant Activities are governed and controlled by the following applicable federal laws, regulations, and documents, which are incorporated by reference, as they may be amended from time to time:

1. Housing Counseling Program regulations contained in 24 CFR Part 214;
2. All other applicable federal laws, regulations, executive orders, and Office of Management and Budget Circulars including, but not limited to, 2 CFR Part 200 and the Grants Oversight and New Efficiency Act (“GONE Act”) (Pub. L. No. 114-117);
3. Notice of Funding Opportunity (NOFO) for the Department’s Comprehensive Housing Counseling Grant Program (“Housing Counseling NOFO”) for the fiscal year in which Grantee applied and was awarded;
4. HUD Handbook 7610.1 REV-5, Housing Counseling Program, as amended (“Handbook 7610.1 REV-5”);
5. All applicable HUD Mortgagee Letters and Housing Notices;
6. Grantee's application submission, including the application, certifications, assurances, and documentation, to the extent consistent with applicable laws, the Housing Counseling NOFO, if applicable, this Agreement, and Handbook 7610.1 REV-5;
7. Applicable HUD forms including, but not limited to, form HUD-1044, Assistance Award/Amendment, and form HUD-50071, Certification of Payments to Influence Federal Transactions;
8. Grantee's current HUD-approved Housing Counseling Work Plan. A participating agency’s plan to provide specified housing counseling activities and services in a specified geographic area to resolve or mitigate identified community needs and problems;

9. The Grantee's proposed plan and budget for expending Grant Funds awarded pursuant to the Housing Counseling NOFO. Grantee agrees to carry out eligible activities under this Agreement.

ARTICLE II

DEFINITIONS

- A. See Definitions in 24 CFR Parts 5 and 214.

ARTICLE III

PERIOD OF PERFORMANCE

- A. **Period of Performance.** The Period of Performance shall begin April 1, 2021 and expire at 11:59:59 p.m. Eastern Time on September 30, 2022.
- B. **Program Costs Incurred Prior to Award:** Unless prior approval by HUD of allowability of costs is required under 2 CFR part 200, Applicants may pursuant to 2 CFR 200.308, revise budget and program plans and OHC may provide reimbursements for eligible costs incurred during the period prior to HUD making an award but no earlier than October 1, 2020. Applicants should indicate whether they intend to seek reimbursement for such costs on form HUD-9906, Chart A, Field R. All costs incurred before the federal awarding agency makes the federal award are at the recipient's risk (i.e., the federal awarding agency is not required to reimburse such costs if the recipient does not receive a federal award or if the federal award is less than anticipated and inadequate to cover such costs).
- C. **Extensions.** The Grantee does not have the authority to extend the Period of Performance without the prior written approval of HUD. Grantee shall advise the HUD POC in writing as early as possible, but no later than ten calendar days prior to the scheduled expiration of the Period of Performance if an extension of the Period of Performance is requested. This request must justify and explain the necessity of the requested extension, the specific time frame of the proposed extension, and how the funds will be effectively spent within the proposed extension period. HUD may approve a one-time extension, for good cause, on a case-by-case basis. Only the HUD POC is authorized to approve an extension of the Period of Performance for up to twelve months. This one-time extension must not be exercised merely for the purpose of using unobligated balances.

ARTICLE IV

PROJECTED SERVICES AND BUDGET

A. Projected Services

1. **Scope of Services.** The housing counseling services proposed in the Grantee's HUD Housing Counseling Work Plan represents the scope of services under this Grant. Grantee shall furnish the necessary personnel, materials, services, facilities, and otherwise do all things necessary for, or incidental to, the performance of the work set forth in their HUD Housing Counseling Work Plan.
2. **Client Projections.** The Grantee will submit projections for the number of Clients to be served under the Grant at the time of Grant execution and submit the projections to the HUD POC for approval. Once approved, any modifications to the Client projections must be approved by the HUD POC via the HUD Housing Counseling System (HCS).
3. **Change in Scope of Services.** Grantees are required to report deviations from budget or project scope or objective, and must receive approval from the HUD POC before implementing any changes in projected services and budget proposed in its application.
4. **Staff Changes.** When there is a change in staff or management responsible for the Grantee's housing counseling program, the Grantee must notify its HUD POC in writing within fifteen days of the change.
5. **Provision of Services.** To be reimbursed for one-on-one counseling, the Grantee and Branches must perform and document housing counseling activities in accordance with HUD Handbook 7610.1 REV-5, section 3-5 "Counseling Services." To be reimbursed for group education, Grantee and Branches must provide formal classes with established curriculum and instructional goals covering one or more of the eligible topics under the definition of "Education" in 24 CFR 214.3.

- B. **Projected Budget.** Grantee must submit a projected budget itemizing all proposed expenses under the Grant and a budget narrative, if necessary. The budget may include salaries, fringe and other employment benefits, travel, training, marketing, outreach, and HUD Housing Counselor Certification exam fees. Grantee must also indicate any indirect cost rate for which they will seek reimbursement.

An amendment(s) to the projected budget may be proposed by the Grantee at any time during the Period of Performance. The initial budget and changes must be approved by the HUD POC prior to any expenditures.

Grantees seeking to utilize a fixed-fee methodology must seek approval from their HUD POC. Grantees that receive HBCU and other MSI related funds should refer to additional requirements in Article XXIII. Grantees who submitted a HUD-2996 Certification for Opportunity Zone Preference Points under the FY 21 CHC NOFO must

ensure that their proposed budget reflects the Opportunity Zone expenditure percentage that they certified to on the HUD-2996.

- C. **Eligible Activities.** To be eligible for reimbursement as direct costs, costs must be incurred pursuant to one or more of the following activities: (1) housing counseling and group education; (2) oversight, compliance, and quality control; (3) supervision of housing counseling staff; (4) housing counselor training and certification; and (5) marketing and outreach of the housing counseling program to potential clients.

ARTICLE V

SUBCONTRACTS

- A. **General Prohibition Against Subcontracting.** Grantees must deliver the housing counseling services set forth in the applicant's HUD Housing Counseling Work Plan. It is not permissible to contract out housing counseling services, except as specified in 24 CFR 214.103(i). The general prohibition does not apply to web-based education services and/or the subgrant, transfer, or subcontract for the purchase of supplies, material, equipment, or general support services. If this exception to the general prohibition applies, Grantee shall comply with the applicable requirements in OMB regulations at 2 CFR Part 200 and all other requirements.

ARTICLE VI

ADMINISTRATIVE REQUIREMENTS

Grantees that are a non-profit organization, state, or unit of general local government shall be subject to the following administrative requirements as they may be amended:

Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR Part 200.

ARTICLE VII

INSPECTION AND ACCEPTANCE

Inspection, review, correction, and acceptance of all products of work of this Agreement shall be the responsibility of the HUD POC.

The HUD POC shall inspect and accept the services and deliverables provided under this Agreement.

ARTICLE VIII
CONDUCT OF WORK

The HUD POC shall be Grantee's first and primary point of contact with HUD on all matters of a technical nature. Grantee shall submit all reports or other materials to the HUD POC. The HUD POC may issue written or oral instructions to Grantee to supplement the Housing Counseling Work Plan described in this Grant. Such instructions must be within the scope of work set forth in this Agreement and Grantee's Housing Counseling NOFO application and may not be of such a nature as to affect price, Period of Performance, or any other provisions of this Agreement. The HUD POC may designate a financial management contractor to assist with Grant management, and the HUD POC shall notify Grantee in writing of the appointment of any financial management contractor.

ARTICLE IX
COST

- A. **Grant Amount.** Grantee shall be reimbursed according to the terms of this Agreement and form HUD-1044.
- B. **Prior Approval Required for Revisions to Work Plan and Budget.** HUD may require prior approval for deviations from grantee's projected services and budget, in accordance with applicable regulations at 2 CFR 200.308. Grantees who receive \$250,000 or more and whose revisions comprise more than a 10% deviation of direct costs must receive prior approval from HUD before amending projected services and budget.
- C. **Allowable Costs.** HUD will reimburse Grantees based on actual expenses. To be reimbursed, costs must be allowable, allocable, and reasonable in accordance with the:
1. Provisions of this Agreement;
 2. The terms and conditions of the Housing Counseling NOFO and the Grant application; and
 3. Applicable principles as outlined in 2 CFR Part 200. Grantee must obtain prior written approval for certain costs as outlined in 2 CFR 200.407. Grantee shall maintain a financial management system that meets or exceeds the federal requirements in 2 CFR Part 200.302.
- D. **Indirect Cost Rates.** HUD will respect cost classifications determined in a negotiated indirect cost rate agreement (NICRA) or cost allocation plan. Costs must be consistently charged as either indirect or direct costs but may not be double charged or inconsistently charged as both (*See* 2 CFR 200.403). HUD may require applicants to provide documentation supporting classification of direct and indirect costs.

If Grantee has a NICRA, the grantee must provide documentation from the cognizant agency showing the approved rate. Successful applicants whose rate changes after the application deadline must submit the new rate and documentation. Applicants without a valid NICRA may choose to take a 10% de minimis indirect cost rate pursuant to 2 CFR 200.414(f). Documentation of the decision to use the de minimis indirect cost rate must be retained on file for audit.

For state and local governments, if Grantee's department or agency unit has a federally negotiated indirect cost rate, the application must include that rate, the applicable distribution base, and a letter or other documentation from the cognizant agency showing the negotiated rate. If Grantee's department or agency unit receives more than \$35 million in direct federal funding per year, it may not claim indirect costs until it receives a negotiated rate from its cognizant agency for indirect costs as provided in Appendix VII to 2 CFR Part 200.

- E. Period of Availability of Funds.** Grantee may charge to the Grant only Allowable Costs resulting from obligations incurred for activities taking place during the Period of Performance unless HUD has approved an extension.
- F. Profits.** No fee, profit, or other increment above allowable costs shall be paid to Grantee.
- G. Grantees with Multiple Sources of Funding.** HUD will not reimburse the Grantee for the same portion of service(s) or good(s) already covered by another funding source. HUD will not limit Grantees' ability to bill other allowable sources for the same client if the cost of counseling exceeds the amount of reimbursement provided by HUD. However, total reimbursement from all funding sources may not exceed the actual cost of providing services. Grantees must have adequate internal controls to ensure there is no double-billing. HUD reserves the right, at any point in time, to request documentation and other information related to non-HUD sources of funding to verify that HUD is not reimbursing Grantees for activities being billed to another source of funding. Inadequately documented reimbursement requests may be disallowed and are subject to repayment using non-federal funds or an offset to current or future grant awards.
- H. Burden of Proof.** The burden of proof for services rendered rests with the Grantee. All grant expenditures and their supporting records are subject to inspection and audit by HUD at any time during and after the expiration of the Period of Performance. Improper payments may be disallowed and subject to repayment using non-federal funds or an offset to current or future grant awards.

ARTICLE X
REPORTING

A. Grant Activity Reports

To be reimbursed, Grantees must submit Grant Activity Reports (GAR). Grantees that also provide counseling services at their main office must submit a separate report for their main office. Grantees that receive HBCU and other MSI funds should refer to additional requirements in Article XXIII.

A Grant Activity Report contains the following:

1. Grantee's name, address, and Grant number as they appear on the Grant document.
2. Start and end dates of the report period.
3. Staff and Hourly rate. Identify each counselor or other employee whose time or activity, or both, is billed to the Grant, the individual's title, the individual's FHA Connection Housing Counselor ID number demonstrating certification (as applicable), and the hourly rate used to calculate reimbursement. Grantee must describe treatment of fringe benefits.
4. Staff hours. For each employee whose time will be reimbursed from the Grant, indicate the total number of hours being billed to the Grant cumulatively and for the quarter. Multiply the relevant hours by the relevant hourly rate (see item #3) and indicate the cumulative salary reimbursement and salary reimbursement for the quarter.
5. Itemized Expenses. Grantees must itemize actual expenses for each quarter and cumulatively.

The accounting must include an itemization of the following, as applicable: salaries, fringe and other benefits, training, marketing and outreach, and indirect costs.

The itemization may be submitted in a format of the Grantee's choosing. HUD reserves the right to require grantees to provide additional documentation and justification of costs to ensure they comport with the requirements of Article IX(C)(1). Deviations between the itemization and the budget submitted at Grant execution must be approved by the HUD POC.

6. Fixed-Fee Methodology. Grantees choosing to use an approved fixed-fee methodology (i.e., that seek reimbursement per activity rather than itemizing salaries and other direct costs), must indicate their reimbursement in accordance with that methodology.

7. **Required Certification.** In accordance with 2 CFR 200.415(a), Grantees must include a certification, signed by an individual who is authorized to execute the certification, which reads as follows:

“By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the terms and conditions of the Federal award. I certify that requests for reimbursements under the grant award have not been reimbursed by any other funding source. I certify that all reimbursement requests comply with the Federal agency’s procurement and travel policies, in addition to the requirements set forth in 2 CFR 200.318 and 2 CFR 200.475. I certify that, as of the final compliance date in accordance with 24 CFR 5.111(a), all housing counseling required under or provided in connection with HUD programs has been provided by a HUD-certified housing counselor. The agency, including the directors, partners, officers, principals, or employees, has been screened in accordance with 24 CFR 214.103(c). I certify that the agency and the agency’s employees have not been convicted for a violation under Federal law relating to an election of a Federal office, 24 CFR 214.311(c)(1). I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise. (U.S. Code Title 18, Section 1001 and Title 31, Sections 3729 – 3730 and 3801 – 3812).”

8. **Form HUD-9902.** As a HUD-approved housing counseling agency, Grantees already report their HUD-9902 data on a quarterly basis. Grantees must continue to report their HUD-9902 data on a quarterly basis, even after their grant is expended. However, as part of the Grant Activity Report, Grantees must update their HUD-9902 data to reflect activity funded through this Agreement. Grant activity should be transmitted through a client management system (CMS) directly into HCS and Grantees must report activities billed to the HUD Housing Counseling Grant in the “All Counseling and Education Activities” column. HUD will not consider retroactive updates to the “HUD Housing Counseling Program Grantees Only” data as late. For assistance with form HUD-9902 reporting, the Housing Counseling 9902 Online Toolkit is available on the HUD Exchange.

9. **Reverse Mortgage Default Counseling Activities.** Grantees must submit a report indicating the total number of counselors providing default counseling for reverse mortgage borrowers, the number of hours of training in reverse mortgage default counseling for each counselor, and the number of clients for which reverse mortgage default counseling was provided by each counselor.

- B. Final Report.** A final report containing the following is due 120 calendar days after the period of performance ends. See 2 CFR 200.329(c)(1):

1. All items listed in Section A of this Article.
2. A brief narrative report describing any problems, delays, or adverse conditions that impaired their ability to meet the objective of the federal award, and any favorable

developments which enabled their ability to meet the objective of the federal award sooner or at less cost.

3. Grantees with expired Grants and Undisbursed Balances at the end of the Period of Performance must provide a narrative description explaining the challenges leading to delays in Grant closeout.
4. In addition to the Certification required in Section A(7) of this Article, the Grantee must also submit with the final report a Certification, signed by an authorized individual, which states that all closeout activities per 2 CFR 200.344-345 have been completed.
5. NICRAs containing final rates for any period for which the grantee received reimbursement of indirect costs.
6. Grantees that receive HBCU and other MSI funds should refer to additional requirements in Article XXIII.

- C. **Federal Subaward Reporting System.** Grantees are required to report the total compensation and names of the top five executives of the Grantee in the Federal Subaward Reporting System (FSRS) if:
1. More than eighty percent (80%) of annual gross revenues are received from the federal government and those revenues are greater than \$25 million annually; and
 2. Compensation information is not already available through reporting to the Securities and Exchange Commission (SEC).
- D. **Compliance with NOFO Obligations.** Should Grantee fail to meet the commitments made in the Grant application, HUD may adjust the award amount and require repayment using non-federal funds or an offset to future grant awards. Such commitments may include but are not limited to network size, oversight of funded network, and counselors.
- E. **Delinquent Reports.** Submission of any reports required in this Article beyond the stated due dates will be considered delinquent unless HUD grants a written extension.
- F. **Withholding of Funds.** HUD may withhold payment to a Grantee if any project objective, term, or condition of this Agreement, or federal reporting requirement is not being satisfied including, but not limited to: (1) completing Grant reports; (2) updating agency HCS profile data in a timely manner when changes occur; (3) submitting quarterly client-level data; and (4) submitting form HUD-9902 data reflecting counseling activities attributable to all sources of funding. See 2 CFR 200.339. HUD may also withhold payment or partial payment to Grantee if Grantee is voluntarily or involuntarily placed on inactive status, including for

noncompliance with program requirements, or suspended or terminated from HUD's Housing Counseling Program.

- G. **Funds Recapture.** HUD may recapture any unspent funds.

ARTICLE XI

PAYMENT REQUESTS

- A. **General Payment Procedures.** The forms referred to in this paragraph are available from HUD's website under the forms section and, upon request, from HUD by contacting the HUD POC. The SF-1199A form is also available at local banking institutions.

1. A Grantee that is not currently signed-up to receive payments via direct deposit from HUD must submit a completed SF-1199A, Direct Deposit Sign-Up Form. Grantee must submit the SF-1199A to the HUD POC.

2. To request funds under this Agreement, an individual in the Grantee's organization must request access authorization from HUD by submitting a form HUD-27054E, eLOCCS Access Authorization Form. A new Form is not required for any individual who currently has access to LOCCS for prior year Grant Funds for the same Grantee. Grantees whose LOCCS access was suspended or terminated must also submit the Form to reset their password, reinstate a user, or establish a new user.

3. Grantees are responsible for changing their LOCCS password once every sixty days. Termination of access due to password expiration will require resubmission of form HUD-27054E.

4. It is Grantee's responsibility to immediately notify the HUD POC when any individual with current access to LOCCS is no longer employed by the Grantee and/or should be denied access to Grant funds for any reason.

5. The HUD POC may provide additional instructions on accessing and using LOCCS.

6. All vouchers for Grant payments must be submitted to HUD electronically through Form HUD-50080, eLOCCS payment voucher. Reimbursement requested for counseling services must be reported under Budget Line Item 9500 (Counseling Services), while reimbursement requested for the Minority Serving Institutions funding initiative must be reported under Budget Line Item 9525 (MSI). Grantees may seek reimbursement under more than one Budget Line Item on a single HUD-50080. A record of each payment request must be maintained in Grantee's files and be available for review by HUD upon request.

7. Vouchers cannot be submitted until Grantees are notified to do so by the HUD POC. A HUD POC will approve payment requests only upon receipt of an acceptable Grant Activity Report and, if applicable, the Final Report required in accordance with Article XI of this agreement. The period covered by the Grant Activity Report and payment request must cover one or more complete quarters (i.e. partial quarters are not allowed).

A copy of the eLOCCS voucher must be transmitted to the HUD POC by email at the time the request is made through eLOCCS.

8. Grantees shall comply with 2 C.F.R. § 200.305.

- B. Documentation of Expenses.** Grantee must maintain source documentation of direct costs, such as invoices, receipts, cancelled checks, documentation of personnel expenses (to include personnel activity reports and certified payroll), and indirect cost rate agreements to support all draw requests. In addition, Grantee must maintain a list of all Client Counseling File numbers and group education file numbers attributed to the Grant in alpha or numeric order. This list must indicate the activity attributed to the relevant quarter, the cumulative total for the entire Grant year, and the relevant counseling or education type. Itemize for each Client and/or group education session on the list: the relevant counselor and/or other employee that provided service, the duration of service provided in hours and minutes and the total amount of funds charged to the HUD Grant. The Client Counseling File list must also identify the Branch or main office that served the Client.

All Grantees must be able to demonstrate and document the actual cost of service provision. The amount billed to the Grant cannot exceed the actual cost of providing the service. Where Grant Funds are used for counseling services, individual Client Counseling Files and group education files must support the duration of service billed to the Grant. Grantees must also document the methodology used for charging costs to the HUD Grant, such as salaries, employee benefits, travel, training, marketing, outreach, and other expenses that are not classified as indirect costs.

All information required to document expenses charged to the Grant must be made available to HUD upon request and maintained for a period of at least three years after the expiration of the grant period or date of last payment, whichever occurs first.

Budget estimates (i.e., estimates determined before the services are performed) alone do not qualify as support for charges to this Grant award. Records must reasonably reflect the total activity for which employees are compensated. Charges to federal awards for salaries and wages must be based on records that accurately reflect the work performed and meet the standards required in 2 CFR 200.430. The records must support the distribution of employees' salaries and wages among specific activities or cost objectives if the employee works on: more than one federal award; a federal award and non-federal award; an indirect cost activity and a direct cost activity; two or more indirect activities which are allocated using different allocation bases; or an unallowable activity and a direct or indirect cost activity.

- C. Documentation of Other Funding Sources.** A Grant awarded under the Housing Counseling NOFO is not intended to cover the total cost of carrying out a Grantee's counseling program, and Grantee shall obtain funds from sources other than HUD to cover that portion of the program not funded by HUD. Grantee shall maintain, and make available to HUD upon request, evidence that the resources cited in Grantee's NOFO application were actually provided to Grantee.

ARTICLE XII

CONFLICTS OF INTEREST

- A. General Requirements.** Grantee shall comply with all programmatic disclosure and conflict of interest requirements at 24 CFR Part 214, 2 CFR 200.112, HUD Handbook 7610.1 REV-5, HUD Grants Management Office (GMO) Handbook 2210.17 Rev. 3 Chapter 2-5 (B)(3)(b), and any other applicable HUD requirements. Grantee must provide to all Clients a disclosure statement that explicitly describes the various types of services provided by the agency and any financial relationships between Grantee and any other industry partners. The disclosure must clearly state that the Client is not obligated to receive any other services offered by the organization or its exclusive partners. Furthermore, the agency must provide information on alternative services, programs, and products.
- B. HUD Reform Disclosures.** Grantee shall comply with the disclosure requirements of Section 102(b) of the HUD Reform Act of 1989 (42 U.S.C. 3545(b)) and its implementing regulations at 24 CFR Part 4. To satisfy this requirement, Grantee shall complete the form HUD-2880, Applicant/Recipient Disclosure/Update Report, and this completed Form is hereby incorporated into this Agreement. Grantee shall update the form HUD-2880 as required by the HUD Reform Act of 1989 and 24 CFR 4.11.

ARTICLE XIII

SECURITY OF CONFIDENTIAL INFORMATION

- A. Security.** Grantee shall secure all information regarding counseling of Clients in accordance with the requirements in HUD Handbook 7610.1 REV-5, Chapter 5, whether such information is generated by the agency itself or received from outside sources. This includes securing credit reports, information on current financial status, notes on counseling sessions, and any other information. Grantee shall not disclose such information to anyone other than HUD or other parties to whom the Client consents to release of the information.
- B. Confidentiality.** Grantee must protect the confidentiality of each Client's personal and financial information, including credit reports, regardless of whether the information is received from the Client or from another source, or is collected electronically or on paper. In accordance with HUD Handbook 7610.1 REV-5, Chapter 5-6, Grantee must ensure that neither they nor their CMS vendor disclose the information in the individual's Client Counseling File to anyone except for authorized agency personnel and HUD. Any disclosure of Client information requires the express written permission of the counseling recipient whose information is to be shared.

ARTICLE XIV

DEFAULTS AND REMEDIES

- A. Special Conditions.** In addition to the criteria provided in 24 CFR Part 214, HUD may impose additional requirements or special conditions on a Grantee who demonstrates the characteristics or behaviors specified in 2 CFR 200.208.
- B. Events of Default.** Each of the following shall be deemed an Event of Default:
1. Any material failure by Grantee to comply with the terms and conditions of this Grant Agreement, whether stated in a federal statute, regulation, the Housing Counseling NOFO, HUD Handbook 7610.1 REV-5, assurance, certifications, application, or notice of award;
 2. Grantee is determined to have used Grant Funds provided through the Housing Counseling Program in a manner that constitutes a material violation of applicable statutes and regulations or any requirements or conditions under which these Grant Funds were provided;
 3. Grantee's failure to execute the grant before the end of the period of performance or failure to submit a drawdown request for all remaining funds within 120 days following the end of the period of performance.
 4. Where applicable, Grantee's failure to maintain HUD-approved status during the term of this Agreement; and
 5. Any misrepresentation in the Grantee's NOFO application that, if known by HUD, would have resulted in this Grant not being awarded.

C. Notice of Default.

1. If an Event of Default occurs under sections B(1) or (4)-(5), the HUD POC shall give Grantee written notice of the occurrence of the Event of Default and a reasonable opportunity to take corrective action.

The Notice shall identify:

- a. The Event of Default;
- b. The required corrective action to be taken by the Grantee;
- c. The date by which the corrective action must be taken; and
- d. The consequences for failing to take corrective action. Grantee must comply with the corrective action specified in the Notice of Default by the date specified.

2. If an Event of Default occurs under section B(2), the HUD POC shall give Grantee written notice of the occurrence of the Event of Default. The Notice shall identify the Event of Default. The Notice shall advise Grantee that there is no opportunity to cure and any attempted or completed corrective action, if any, by the Grantee will not remove or mitigate the Event of Default.
3. If an Event of Default occurs under section B(3), HUD may recapture unexpended funds without additional notice to grantee.

D. HUD's Remedies.

1. If Grantee fails to comply with the corrective action specified in the Notice of Default with respect to defaults under section B(1) or (3)-(5), HUD may take one or more of the following actions: recover misspent funds, withhold Grant Funds, suspend the Grant, terminate the Grant for cause, or take other remedies that may be legally available such as, but not limited to, remedies described in 24 CFR Part 214, 2 CFR 200.339, the NOFO, and any other applicable HUD requirements.
2. For a Notice of Default with respect to a default under section B(2), HUD's remedies include:
 - a. Requiring that, within twelve months after the date of the determination of such misuse, the Grantee shall reimburse HUD for such misused amounts and return to HUD any such amounts that remain unused or unobligated for use;
 - b. Notifying the Grantee that they shall be ineligible to apply for or receive further funds under the Housing Counseling Program; and
 - c. Imposing any other remedies that may be available under the law.

E. Termination. The Federal award may be terminated in whole or in part in the event of default or for reasons specified in 2 C.F.R. 200.340.

ARTICLE XV

AMENDMENTS

This Agreement may be amended at any time by a written amendment. Grantee shall submit requests for amendments to the HUD POC. Amendments that affect the rights and obligations of either party shall be executed by both HUD and the Grantee. Notwithstanding the foregoing, HUD may unilaterally execute administrative amendments, such as changes in the HUD POC or appropriation data, or amendments that result from signed requests from the Grantee where the Department adopts the requested amendment without any changes. HUD POCs are not authorized to unilaterally amend any provision of this Agreement.

ARTICLE XVI

RECORD KEEPING AND AUDITING

- A. **Record Keeping Requirements.** Grantee shall comply with the requirements for record retention and access to records specified in the applicable regulations at 24 CFR 214.315 and 2 CFR 200.334-200.338. Grantee may be required to retain certain records for a longer period. Grantee may also be subject to record retention requirements under other applicable laws and regulations including, but not limited to, the nondiscrimination regulations cited in Article XXII.
- B. **Type of Record Keeping System.** Grantees may use any record keeping system provided that the system chosen interfaces with HCS for reporting and lends itself to easy monitoring by HUD when conducting a performance review.
- C. **Maintenance of Client Counseling Files.** Client Counseling Files (including files on group education Clients) must be maintained in accordance with HUD Handbook 7610.1 REV-5.

ARTICLE XVII

DISPUTES

- A. **Disputes.** During performance of this Agreement, disagreements may arise between the Grantee and HUD on various issues. If a dispute concerning a question of fact arises and cannot be resolved through negotiation, the HUD POC shall prepare a written decision, considering all facts and documentation presented. The decision shall be mailed by return receipt requested to the Grantee. Grantee may appeal the decision within thirty calendar days of receipt of HUD's decision by submitting a written appeal. Grantee shall submit their appeal to their HUD POC.
- B. **False Statements.** A false statement in the Grantee's NOFO application or Grant-related documents and reports may be grounds for denial or termination of the Grant and punishable as provided in 18 U.S.C. 1001.

ARTICLE XVIII

AUDIT REQUIREMENTS

Grantee shall comply with the audit requirements of the Single Audit Act (31 U.S.C. 7501-07) and 2 CFR Part 200, Subpart F - Audit Requirements, including the associated Compliance Supplement, as amended. The requirements of the Single Audit Act and 2 CFR Part 200, Subpart F shall supersede the requirements in HUD Handbook 7610.1 REV-5 for an audit every two years. All Grantees not required to complete a single or program-specific audit under 2 CFR 200; Subpart F must submit their most recent independent financial audit. Grantees who do not have an audit or who are not required to have an audit are subject to a financial review at HUD's expense. HUD will review individual circumstances upon request. Grant reimbursement

may be withheld until all findings and observations in the most recent audit or financial review are resolved.

ARTICLE XIX

DEBARMENT AND SUSPENSION

Grantee shall comply with HUD's requirements for participants at 2 CFR Part 2424, which includes prohibiting Grantee from doing business to undertake the activities under this Grant Agreement with persons who are excluded or disqualified from federal programs.

ARTICLE XX

DRUG-FREE WORKPLACE REQUIREMENTS

Grantee shall comply with HUD's requirements for recipients of financial assistance at 2 CFR Part 2429, which requires Grantee to maintain a drug-free workplace and to take such actions as publishing a drug-free workplace statement, establishing a drug-free awareness program, and taking actions concerning employees convicted of violating drug statutes in the workplace.

ARTICLE XXI

LOBBYING RESTRICTIONS

- A. **Prohibition Against Lobbying Activities.** Grantees are subject to the provisions of Section 319 of Public Law 101-121, 31 U.S.C. 1352 (Byrd Amendment), 24 CFR Part 87, and 2 CFR 200.450, which prohibit recipients of federal awards and their contractors, subcontractors at any tier, and subgrantees at any tier from using appropriated funds for lobbying the executive or legislative branches of the federal government in connection with a federal award. In addition, Grant Funds under this NOFO shall not be utilized to advocate or influence the outcome of any federal, state or local election, referendum, initiative or similar procedure, or policy position through contributions, endorsements, publicity, or similar activity.
- B. **Certifications.** As a precondition to receiving Grant Funds exceeding \$100,000, a Grantee shall certify, using form HUD-50071, Certification of Payments to Influence Federal Transactions, that it will comply with 24 CFR Part 87. A Grantee shall submit its certification to the HUD POC.
- C. **Disclosures.** As required by 24 CFR 87.110, a Grantee that receives Grant Funds exceeding \$100,000 shall disclose, using SF-LLL, Disclosure of Lobbying Activities, any payments made or any agreement to make any payment from non-appropriated funds that would be prohibited under 24 CFR 87.100(a) if paid for with appropriated funds. These disclosures shall be updated as required by section 24 CFR 87.110(c). Grantee shall submit its disclosures to the HUD POC if not submitted at time of application. These disclosures and updates are hereby incorporated into this Agreement.

- D. **Lobbyist Registration and Reporting.** Grantee shall comply with the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601, *et seq.*), which requires all persons and entities who lobby covered Executive or Legislative Branch officials to register with the Secretary of the Senate and the Clerk of the House of Representatives and file reports concerning their lobbying activities.

ARTICLE XXII

NONDISCRIMINATION REQUIREMENTS

- A. **General.** Notwithstanding the permissibility of applications that serve target areas or populations, Grantee shall comply with these requirements for nondiscrimination based on race, color, religion, sex, national origin, age, familial status, and disability. The SF-424B, Assurances for Non-Construction Programs, is hereby incorporated into this Agreement.
- B. **Nondiscrimination Requirements.** Grantee shall comply with nondiscrimination requirements enumerated in certification six in the SF-424B, Assurances - Non-Construction Programs, and:
1. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and implementing Federal Register Notice 72 FR 2732, Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons; and
- C. **Requirements Applicable to Religious Organizations.** Where Grantee is a primarily religious organization, or a wholly secular organization established by a primarily religious organization, and is awarded Grant funds to provide, manage, or operate a housing counseling program, Grantee must undertake their responsibilities in accordance with the following principles:
1. Grantee shall not discriminate on behalf of or against any segment of the population in the provision of services or in outreach, including those of other religious affiliations.
 2. Grantee shall not engage in inherently religious activities, such as worship, religious instruction, or proselytization, as part of the programs or services funded under this Grant. If an organization conducts such activities, these activities must be offered separately, in time or location, from the activities funded under this Grant Agreement. Participation must be voluntary for the Clients receiving services covered, either completely or in part, by HUD funds.

ARTICLE XXIII

HISTORICALLY BLACK COLLEGE AND UNIVERSITY AND OTHER MINORITY SERVING INSTITUTIONS FUNDING INITIATIVE

- A. **Applicability.** This section only applies to grantees receiving the HBCU and other MSI funding initiative. Grantees can verify they received such funds by referring to their FY 2021 Form HUD-1044.
- B. **Memorandum of Understanding (MOU).** At grant execution, Grantees must submit the MOU or similar agreement signed by all partners to signify their formal commitment. At a minimum, the MOU must specify: the partnership's purpose and associated activities; management and organizational structure; each organization's role and responsibilities for funding, participation, and compliance; and how the grantee will integrate data sharing and reporting capabilities. The Grantee is expected to initiate the activities promptly. HUD may withhold or recapture funds if the grantee fails to provide a copy of the signed MOU by March 31, 2022.
- C. **Projected Budget.** In addition to the projected budget requirements in Article IV(B), at grant execution, Grantees must describe how these funds will be used to further the objectives agreed upon in the MOU.
- D. **Reporting Requirements.** In their Grant Activity Reports, Grantees must indicate the amount of funds expended and the relevant category of eligible activities carried out pursuant to this funding initiative. Grantees must include a brief narrative describing progress and challenges achieving performance goals and objectives described in the grant application.

In their Final Report, Grantees must describe the extent to which they (or their HBCU and/or other MSI partner(s)) were able to fulfill the program objectives described in their grant application, including outcomes and lessons learned. At a minimum, Grantees must address the five topics below:

1. Describe how Grantee measured outcomes on the target population. Note improvements in any of the following areas (if applicable to program objectives):
 - Financial literacy
 - Knowledge of housing-related rights
 - Credit scores
 - Home ownership
 - Securing safe, affordable, sanitary off-campus housing
 - Number of individuals employed because of training
 - Employment opportunities in the target community
 - Access to other social services
 - New clients gained as a result of marketing and outreach efforts
 - Survey results
 - Other

2. Describe how the institution's students and faculty were included in the proposed activities.
3. Describe how the institution expanded its role in the target community.
4. Describe how you would refine your program if you were to receive grant funds for a second year.
5. Describe how HUD should refine this funding initiative.

ARTICLE XXIV

MISCELLANEOUS

- A. Order of Precedence.** In the event of any inconsistency among any provisions of this Agreement, the following order of precedence shall apply:
1. Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x), as amended, and other applicable federal laws;
 2. Applicable federal regulations including, but not limited to, 24 CFR Part 214;
 3. The Housing Counseling Program Comprehensive NOFO;
 4. HUD Handbook 7610.1 REV-5;
 5. HUD Handbook 2210.17 Rev-3, and
 6. This Grant Agreement.
- B. No waiver.** No delay or omission by HUD to exercise any right or remedy available to it under this Agreement or applicable law, or to insist upon strict compliance by the Grantee with its obligations hereunder, shall impair any such right or remedy or constitute a waiver of HUD's right to demand exact compliance with the terms of this Agreement.
- C. Applicable Law.** This Agreement shall be construed, and the rights and obligations of the parties determined, in accordance with federal law.
- D. Relationship of the Parties.** No party to this Agreement is an agent of the other party, and neither party has the authority to represent or bind the other party to anyone else as to any matter.
- E. Disclose Investigations.** Grantees are required to report to HUD within fifteen days if Grantee is subject to unresolved findings as a result of HUD or other government audits or investigations. *See* 24 CFR 214.305(c)(4).
- F. HUD Oversight.** Grantee must cooperate with all HUD oversight activities, requests for access to facilities, requests for access to agency's CMS, and requests for information including, but not limited to, complete Client Counseling Files and Client-level data. Oversight may include, but is not limited to, remote inspection of Client Counseling Files, on-site performance reviews by HUD staff or designee, and mystery shopping. If

Grantee has obligations that require Client information to be kept confidential, Grantee must take measures to ensure that HUD has access to Client Counseling Files and information for audit and oversight purposes that demonstrates, to the satisfaction of HUD, that Grantee is in compliance with 24 CFR Part 214, HUD Handbook 7610.1 REV-5, and the requirements of this Grant Agreement and the Housing Counseling Program Comprehensive NOFO.

- G. Payment to Grantee from Lender.** Grantees are permitted to receive payments from a lender for housing counseling services (except for reverse mortgage counseling services), provided that the level of payment received is commensurate with the services provided and does not otherwise violate the Real Estate Settlement Procedures Act. *See* 24 CFR 214.313. These transactions and relationships must be disclosed to the Client as required in 24 CFR 214.303(g) and HUD Handbook 7610.1 REV-5, Chapter 6.
- H. Assurances and Certifications.** By signing form HUD-1044, the Grantee renews the assurances and certifications made with its application for HUD approval (form HUD-9900).
- I. Survival.** Any provisions of this Agreement that expressly or by their operation should reasonably continue to apply to a party after the termination or suspension (in whole or in part) of this Agreement shall continue in full force and effect for such time as is necessary to fully carry out the intent of such provisions. The applicable regulations at 24 CFR 200.16, 200.344, and 200.345 describe Grantee's closeout requirements and continuing responsibilities after the closeout of this Grant.
- J. Organizational Changes.** Mergers, acquisitions, or other changes in form or organizational structure should be reported to the HUD POC no later than fifteen (15) days prior to the implementation of such changes. In the case of a simple name change, HUD may make the award in the name of the newly named entity. In the case of a merger, the new or merged entity may be eligible to receive Grant Funds made to the original Grantee, provided they meet certain conditions including, but not necessarily limited to:
- The new or merged entity receives HUD approval as a housing counseling agency and,
 - The new or merged entity demonstrates that its application, Housing Counseling Work Plan, target community, and personnel are substantially similar to that of the original Grantee.
- K. Succession Plans.** Grantee shall make available to HUD, upon request, a succession plan. Grantee will cooperate and make all reasonable efforts to facilitate the continuation of housing counseling services to the communities served either directly by Grantee or through Grantee's Branches.

IN WITNESS WHEREOF, each of the Parties has caused the following Housing Counseling Program 2021 Grant Agreement to be executed by its duly authorized officer or agent. No alterations of the official version of the Housing Counseling Program 2021 Grant Agreement delivered by HUD to Grantee have been accepted unless such change is acknowledged by HUD through a signature on the page of the Grant Agreement containing such change.

GRANTEE:

HUD

St. Johns County Board of County
Commissioners

UNITED STATES DEPARTMENT
OF HOUSING AND URBAN
DEVELOPMENT

By: _____

By:  _____

Name:

Name: David Berenbaum

Title:

Title: Deputy Assistant Secretary for
Housing Counseling

Date:

Date: 1/24/2022



St. Johns County Board of County Commissioners

Housing & Community Development

February 2022

Stan Marion
Management Analyst
U.S. Department of Housing and Urban Development
Office of Outreach and Capacity Building
40 Marietta St, Floor 15
Atlanta, GA 30303

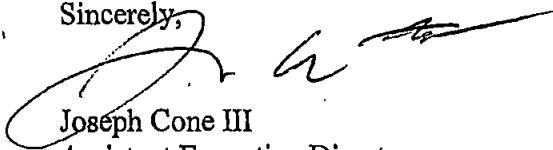
Dear Mr. Marion:

Per the 2021 NOFO Housing Counseling Program Grant requirements:

St Johns County will not apply indirect costs to this grant.

Please advise if further documentation is required.

Sincerely,



Joseph Cone III
Assistant Executive Director
St Johns County Health and Human Services



U.S. Department of Housing and Urban Development

Office of Housing

Notice of Funding Opportunity (NOFO) for the Department's Fiscal Year 2021 Comprehensive
Housing Counseling Grant Program

FR-6500-N-33

10/14/2021

Table of Contents

Overview	3
I. FUNDING OPPORTUNITY DESCRIPTION.....	3
A. Program Description.	3
B. Authority.	9
II. Award Information.	9
A. Available Funds	9
B. Number of Awards.	9
C. Minimum/Maximum Award Information	10
D. Period of Performance.....	10
E. Type of Funding Instrument.	10
III. Eligibility Information.	10
A. Eligible Applicants.....	11
B. Ineligible Applicants.	11
C. Cost Sharing or Matching.....	11
D. Threshold Eligibility Requirements.	11
E. Statutory and Regulatory Requirements Affecting Eligibility.	12
F. Program-Specific Requirements.	13
G. Criteria for Beneficiaries.....	16
IV. Application and Submission Information.	16
A. Obtaining an Application Package.....	16
B. Content and Form of Application Submission.	18
C. System for Award Management (SAM) and Dun and Bradstreet Universal Numbering System (DUNS) Number.	21
D. Application Submission Dates and Times.	21
E. Intergovernmental Review.	24
F. Funding Restrictions.	24
G. Other Submission Requirements.....	26
V. Application Review Information.....	27
A. Review Criteria.	27
B. Review and Selection Process.	33
VI. Award Administration Information.	38
A. Award Notices.....	38

B. Statutory and Administrative, National and Department Requirements for HUD Recipients39

C. Reporting.....39

D. Debriefing.40

VII. Agency Contact(s).....40

VIII. Other Information.....41

APPENDIX.....42

Program Office:

Office of Housing

Funding Opportunity Title:

Notice of Funding Opportunity (NOFO) for the Department's Fiscal Year 2021 Comprehensive Housing Counseling Grant Program

Funding Opportunity Number:

FR-6500-N-33

Primary CFDA Number:

14.169

Due Date for Applications:

10/14/2021

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):

2502-0261

I. FUNDING OPPORTUNITY DESCRIPTION.

A. Program Description.

1. Purpose

a. Program Description. The purpose of HUD's Comprehensive Housing Counseling (CHC) Grant Program is to provide funds to HUD-approved housing counseling agencies that provide counseling and advice to tenants and homeowners, with respect to property maintenance,

financial management and literacy, and other matters as may be appropriate to assist program clients in improving their housing conditions, meeting their financial needs, and fulfilling the responsibilities of tenancy or homeownership. This NOFO plays an integral role in helping individuals and families obtain housing and stay in their homes through responsible homeownership or affordable rental housing. Housing counseling agencies are an important safeguard in the prevention of housing scams and discrimination and serve as an important gateway to local, state, federal, and private housing assistance and resources.

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

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

2. Changes from Previous NOFO.

Two-Year NOFO. One Competition Distributes Subsequent Year Funding if Available.

HUD will use the grant applications received for FY 2021 and the corresponding scores to make awards for FY 2022, subject to the availability of appropriations. HUD will contact eligible FY 2021 grantees to determine their interest in FY 2022 funds if available. HUD also reserves the right to issue a supplemental comprehensive housing counseling NOFO in FY 2022, which may be limited to new applicants or to provide support for a specific housing counseling activity.

Historically Black Colleges and Universities (HBCU), Tribal Colleges and Universities, and Minority Serving Institutions (MSI). HUD will provide increased financial support to eligible HUD-approved housing counseling agencies that demonstrate their status as an HBCU or other MSI and/or to HUD-approved housing counseling agencies partnering with HBCUs and MSIs.

Changes to Eligibility Information. Applicants and Subgrantees are prohibited from applying for or receiving FY 2021 CHC Program grant funding from multiple sources. For example,

applying for funding under this NOFO as both a direct Grantee (e.g. a Local Housing Counseling Agency (LHCA)) and as a Subgrantee of an Intermediary or SHFA is prohibited. Likewise, applying for funding under this NOFO as a Subgrantee of two different Intermediaries or as a Subgrantee of an Intermediary and as a Subgrantee of an SHFA is prohibited. There are no exceptions to this requirement.

Changes to the Minimum Fundable Score. For FY 2021, HUD anticipates making awards to all Applicants scoring 75 points or greater.

Change to the Period of Performance. The period of performance for grants awarded under this program is April 1, 2021, through September 30, 2022.

Changes to the Application Package.

1. **Leveraging.** Any Applicant with leveraged resources must complete *Chart B: Leveraged Resources (Excel)*. Applicants will no longer be required to transfer their total leveraging to form HUD-9906 (PDF). (*Note:* Unless otherwise specified, the term “Form HUD-9906” refers to form HUD-9906-L for LHCA Applicants and to form HUD-9906-P for Intermediary/SHFA/MSO Applicants).
2. **Total Program Expenses.** There is a new *Chart E: Use of Funds (Excel)*. All Applicants must document their total housing counseling program expenses using this chart.
3. **Historically Black Colleges and Universities (HBCU), Tribal Colleges and Universities, and other Minority Serving Institutions (MSI).** There is a new *Chart F*. This Chart only needs to be completed by Applicants requesting funds dedicated for HBCUs and other MSIs (and partnerships therewith).

Changes to Preference Points.

1. Applicants do not have to reach a fundable score to be awarded preference points.
2. There are no longer preference points for “Emergency Preparedness/Disaster Recovery.” Points for “Emergency Preparedness/Disaster Recovery” will be considered in Rating Factor 2.

Changes to the Funding Methodology and Rating Factor.

1. **Funding to Support a Network.** HUD may augment an Applicant’s award for oversight and quality control activities. The bonus will be capped at the lesser of a) five reviews or b) 50% or less of the Applicants funded network.

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

- ii. 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.

Opportunity Zone (OZs) are defined in 26 U.S.C. 1400Z-1. In general, OZs are census tracts located in low-income communities where new investments, under certain conditions, may be eligible for preferential tax treatment.

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.

Promise Zones (PZs) are high poverty communities where the federal government partners with local leaders to increase economic activity, improve educational opportunities, leverage private investment, reduce violent crime, enhance public health and address other priorities identified by the community.

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

Program specific definitions are available in Appendix A, Definitions.

B. Authority.

HUD's Housing Counseling Program is authorized by Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. § 1701x) (Section 106) and Section 4 of the Department of Housing and Urban Development Act (42 U.S.C. § 3533) as amended. The Housing Counseling Program regulations are codified at 24 C.F.R. Part 214. The Home Equity Conversion Mortgage Program (HECM) is authorized by Section 255 of the National Housing Act (12 U.S.C. § 1715z-20), and its regulations are codified at 24 C.F.R. Part 206. Funding for this program is provided by the Consolidated Appropriations Act, 2021 (Public. Law 116-260, approved December 27, 2020).

II. Award Information.

A. Available Funds

Funding of approximately \$ 51,000,000 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.

\$3,000,000 of the approximately \$51,000,000 will be for HUD-approved housing counseling agencies that are HBCUs or other MSIs and/or for HUD-approved housing counseling agencies that partner with an HBCU or other MSI to provide counseling and group education.

One Competition Distributes Subsequent Year Funding if Available. HUD will use the grant applications received for FY 2021 and the corresponding scores to make awards for FY 2022, subject to the availability of appropriations. HUD will contact eligible FY 2021 grantees to determine their interest in FY 2022 funds if available. HUD also reserves the right to issue a supplemental comprehensive housing counseling NOFO in FY 2022, which may be limited to new applicants or to provide support for a specific housing counseling activity.

B. Number of Awards.

HUD expects to make approximately 250 awards from the funds available under this NOFO.

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

C. Minimum/Maximum Award Information

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

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

Estimated Total Funding:

\$ 51,000,000

Minimum Award Amount:

\$ 1

Per Project Period

Maximum Award Amount:

\$ 3,000,000

Per Project Period

D. Period of Performance

Estimated Project Start Date:

04/01/2021

Estimated Project End Date:

09/30/2022

Length of Project Periods:

18-month project period and budget period

Length of Periods Explanation of Other:

The initial period of performance for grants awarded under this program will be for a period of 18 months. For planning purposes, Applicants should assume that the period of performance is April 1, 2021 through September 30, 2022.

E. Type of Funding Instrument

Funding Instrument Type:

G (Grant)

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

III. Eligibility Information

A. Eligible Applicants.

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

Additional Information on Eligibility

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

2. Limits on Applicants. Applicants and Subgrantees are prohibited from receiving FY 2021 Housing Counseling Program grant funding from multiple sources. For example, receiving funding under this NOFO as both a direct Grantee (e.g. LHCA) and as a Subgrantee of an Intermediary or SHFA is prohibited. Likewise, receiving funding under this NOFO as a Subgrantee of two different Intermediaries/SHFAs is prohibited.

B. Ineligible Applicants.

Applicants that do not meet the criteria of Section III.A. are ineligible.

C. Cost Sharing or Matching.

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

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

D. Threshold Eligibility Requirements.

Applicants who fail to meet any of the following threshold eligibility requirements 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.

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.

1. **Audits and Investigations.** Successful Applicants must provide the most recent audit of financial activities (e.g., a single or program-specific audit required under 2 C.F.R. §200.501) completed no earlier than fiscal year 2018. All Applicants not required to complete a single or program-specific audit under 2 C.F.R. §200.501 must submit their most recent independent financial audit. HUD will review individual circumstances upon request.
At the time of the NOFO application submission date and thereafter, all Applicants must disclose to HUD the status of active investigations as outlined in 24 CFR § 214.103(c)(3). HUD may determine that Applicants are not eligible for grant funding based on its review of HUD, HUD Office of Inspector General (OIG), or other government audits or investigations.
2. **Client Management System.** All Applicants, Branches, and Subgrantees must use a HUD-compliant Client Management System (CMS) that interfaces with HUD's Housing Counseling System (HCS). HUD will review individual circumstances when an agency is transitioning CMSs.
3. **Subgrant Allocation.** Applicants that manage networks of counseling agencies must submit a proposed sub-allocation plan indicating how they will divide their HUD CHC Grant funds among their Branches and Subgrantees, based on percentages of the grant rather than dollar amounts (see Form HUD-9906-P, Chart A2, Fields P1 and P2). Only Subgrantees and Branches that provide housing counseling services should be listed. Subgrantees or Branches that perform only administrative functions should not be listed. Intermediaries and SHFAs that award subgrants to counseling agencies that are not HUD-approved must ensure that they meet or exceed HUD's approval standards as outlined in 24 C.F.R. Part 214 and clarified in HUD policy guidance. Further, a Subgrantee cannot be funded at 100% of its budget. During grant execution, Grantees will input this sub-allocation plan into HCS. If, after the grants are awarded, a Grantee would like to change its sub-allocation plan, the Grantee must make a request in writing and provide justification.
4. **Subgrant Agreement.** Intermediaries and SHFAs that award subgrants must execute subgrant agreements with Subgrantees that delineate the mutual responsibilities for program management, including appropriate time frames for reporting results to HUD and compliance with HUD rules and regulations. These records must meet the data requirements of the Federal Funding Accountability and Transparency Act of 2006 (FFATA) (P.L. 109-282), and must be made available to Subgrantees, Branches, and HUD within 30 days of making the subaward or allocation.
5. **Succession and Contingency Plans.** Grantees shall make available to HUD, upon request, plans demonstrating how they will ensure continuity of services to consumers.
6. **Documentation of Expenses.** All Grantees and Subgrantees must be able to demonstrate and document the actual cost of service provision. The amount billed cannot exceed the actual cost of providing the service. The Grantee and Subgrantees must maintain source documentation of direct costs, such as invoices, receipts, cancelled checks, and personnel activity reports, to support all Line of Credit Control System (LOCCS) draw requests for payment. This information must be made available upon request and maintained for a

period of at least three years after the expiration of the Grant period or date of last payment, whichever occurs first.

7. **Documentation of Personnel Expenses.** Charges to Federal awards for salaries and wages must be based on records that accurately reflect the work performed and meet the standards required in 2 C.F.R Part 200.430(i). The records must support the distribution of employee's salaries and wages among specific activities or cost objectives if the employee works on more than one Federal award; a Federal award and non-Federal award; an indirect cost activity and a direct cost activity; two or more indirect activities which are allocated using different allocation bases; or an unallowable activity and a direct or indirect cost activity. Budget estimates alone do not qualify as support for charges to awards. Records must reasonably reflect the total activity for which employees are compensated.
8. **Subcontracting.** Grantees and Subgrantees must deliver the housing counseling services set forth in the Applicant's Work Plan. It is not permissible to contract out housing counseling services, except as approved by HUD as specified in 24 C.F.R. § 214.103(i).
9. **Conflicts of Interest.** See 24 C.F.R. Part 214 and Handbook 7610.1 for information about the Applicant's code of conduct and the prohibition against real and apparent conflicts of interest that may arise among officers, employees, agents, or other parties.
10. **Affirmatively Furthering Fair Housing (AFFH).** Under Section 808(e)(5) of the Fair Housing Act, HUD has a statutory duty to affirmatively further fair housing and requires the same of its funding recipients: As provided in the AFFH rule (24 CFR § 5.151), "Affirmatively furthering" means: "taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with racially balanced living patterns, transforming racially or ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws." "Meaningful actions" are significant actions that are designed and can be reasonably expected to achieve a material positive change that affirmatively furthers fair housing by, for example, increasing fair housing choice or decreasing disparities in access to opportunity. Specifically, action must be taken to fulfill, as much as possible, the goal of open, integrated residential housing patterns and to prevent the increase of segregation, of racial groups whose lack of opportunities the Act was designed to combat. Examples of housing counseling activities that would be consistent with the obligation to AFFH include, but are not limited to, the following:
 - a. Providing persons with counseling, education, or information on discriminatory housing and mortgage lending practices and the rights and remedies available.
 - b. Maintaining a data base of accessible housing opportunities in the community and providing database for use by LEP persons or persons with disabilities.
 - c. Providing mobility counseling to help persons move to and access affordable housing in the community, including helping persons identify housing opportunities, helping them connect with landlords, and assisting them with applying for such housing.
11. **Prohibition Against Lobbying Activities.** Applicants are subject to the provisions of Section 319 of Pub L No. 101-121, 31 U.S.C. § 1352 (the Byrd Amendment), 24 CFR Part 87, and 2 CFR §200.450, which prohibit recipients of Federal awards and their

contractors, subcontractors, at any tier, and Subgrantees at any tier, from using appropriated funds for lobbying the executive or legislative branches of the federal government in connection with a Federal award. In addition, grant funds under this NOFO shall not be utilized to advocate or influence the outcome of any federal, state or local election, referendum, initiative, or similar procedure or policy position through contributions, endorsements, publicity, or similar activity.

12. Tax Exempt. Applicants, Subgrantees, and Branches must be:

- a. exemption from taxation under Internal Revenue Code (IRC) Section 501 (a) as an entity described in IRC Section 501(c) (26 U.S.C. § 501 (a) and (c)), or units of local, county, or state government,
- b. in good standing under the laws and regulations of the state of their organization, and
- c. authorized to do business in the states in which they propose to provide housing counseling services.

13. Provide Accessible Services. Applicants receiving federal financial assistance shall operate their housing programs or activities so that they are readily accessible to and usable by persons with disabilities. All programs or activities must be held in accessible locations, and successful applicants must give priority to methods that provide physical access to individuals with disabilities. Where accessibility for persons with disabilities is not possible, successful applicants must give priority to alternative participatory methods of delivery that are accessible to and usable by individuals with disabilities. Applicants receiving federal financial assistance shall administer their housing programs or activities in the most integrated setting appropriate to the needs of individuals with disabilities. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) and HUD's implementing regulations at 24 CFR part 8; Titles II and III of the Americans with Disabilities Act (42 U.S.C 12101 et seq.) and its implementing regulations at 28 CFR parts 35 and 36.

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

Accessibility arrangements, auxiliary aids and services, and reasonable accommodations may include, but are not limited to, materials provided in different formats, including large print or Braille and interpreter services. Information on how to request available assistive services and reasonable accommodations must be available, as well as available in different formats. Regarding accessible technology, HUD requires its funding recipients to adopt the goals and objectives of Section 508 of the Rehabilitation Act of 1973 by ensuring, whenever electronic and information technology (EIT) is used, procured, or developed, that persons with disabilities have access to and use of the information and data made available through the EIT on a comparable basis as is made available to and used by persons without disabilities.

Further, Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., and Executive

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

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

G. Criteria for Beneficiaries.

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:

Email:

Housing.Counseling@hud.gov

HUD Organization:

Street:

City:

State:

Zip:

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

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

1. Go to the "Package" tab of the Grant Opportunity. Click "Preview" to view the instructions and application package. Click "Apply" and "Create a Workspace" to access fillable forms and begin the application process.
2. Click "Download Instructions" to download a WinZip folder containing the following files:
 - a. Comprehensive Housing Counseling NOFO (PDF)
 - b. Form HUD-9906-L, Local Housing Counseling Agency Application (PDF)
 - c. Form HUD-9906-P, Intermediary, State Housing Finance Agency, and Multi-Sate Organization Application (PDF)
 - d. Form HUD-9906, Chart A2 Supplement (for Intermediaries, SHFAs, and MSOs) (Excel)
 - e. Form HUD-9906, Chart B: Leveraged Resources (Excel)
 - f. Form HUD-9906, Chart E: Use of Funds (Excel)
 - g. Form HUD-50153, Certification of Consistency with Promise Zone Goals and Implementation (PDF)
3. The Grants.gov Workspace will list Mandatory and Optional forms, fillable as PDFs or webforms, if available. Applicants must complete all required fields and upload the Mandatory forms in order for Grants.gov to allow submission of the application package. Grants.gov may not permit submission of an incomplete or improperly filled-out form.
4. To add required attachments (like Form HUD-9906, supplemental spreadsheets, etc.), click "Include in Package" to use the "Attachments Form." Click the "Add Attachment" box to attach documents and forms.
5. When the application is complete, you may click "Check Package for Errors."

6. To submit the completed application on behalf of the organization, an Authorized Organization representative must click "Sign and Submit." Applications may not be received by Grants.gov or by HUD until they have been signed and submit by an AOR prior to the application deadline. For the SF-424, Form HUD-2880, and Certification Regarding Lobbying, the signature of the authorized representative and the date signed are completed upon submission.

If Applicants have difficulty accessing the information, Applicants may call the help desk at (800) 518-GRANTS or e-mail support@grants.gov. Persons who are deaf or hard of hearing, or who have speech disabilities, may contact customer support through the Federal Relay Service's teletype service at 1-800-877-8339. The Grants.gov help desk is available 24 hours a day, 7 days per week, except federal holidays.

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.

Forms/Assurances/Certifications	Submission Requirement	Notes/Description
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

Forms/Assurances/Certifications	Submission Requirement	Notes/Description
		an executed copy of the Certification Regarding Lobbying prior to award.
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.

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

See Application Checklist below for a list of required content.

2. Format and Form.

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

_____ Pages maximum length of narratives

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

1. **SF-424, Application for Federal Assistance.** Applicants should check "new" for block 2 for "Type of Application." Applicants may leave blocks 4, 5a, and 5b blank. For block 8c of the form, ensure that your DUNS Number is correct and is listed on SAM.gov with an active registration. In block 8d, you must include a 9-digit number for your organization's zip code (zip plus 4 digits). Applicants are not required to request a specific grant amount, but should enter a response of \$1.00 in block 18a.
2. **Form HUD-2880 Applicant/Recipient Disclosure/Update Report.** Applicants must complete the Form HUD-2880. Applicants should check the box "Initial Report." In block 4, "Amount of HUD Assistance Requested/Received" of this form, Applicants may enter \$1.00: HUD will not use this amount as a cap in establishing the maximum grant amount for the Applicant (Applicants may indicate a maximum grant amount in the Form HUD-9906). Applicants that have received or expect to receive HUD assistance for housing counseling in excess of \$200,000 during FY 2021 must select "yes" under the second question in "Part I Threshold Determinations." Detailed instructions for completing the form are found at this link: [http://portal.hud.gov/hudportal/documents/huddoc?id=2880 .pdf](http://portal.hud.gov/hudportal/documents/huddoc?id=2880.pdf) .
3. **Form HUD-9906 Housing Counseling Charts.** LHCA applicants must complete and submit form HUD-9906-L (PDF). Intermediary/SHFA/MSO applicants must complete and submit the HUD-9906-P (PDF) and the Chart A2 Supplement (Excel). All applicants

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

4. **Certification Regarding Lobbying (Grants.gov Lobbying Form).** All applicants must complete the Certification Regarding Lobbying to ensure applicants acknowledge the requirements in the Byrd Amendment and 24 CFR Part 87. These statutes and regulation prohibit the use of Federal award funds for lobbying the executive or legislative branches of the Federal government in connection with a specific award. This is separate from the requirement for Applicants to report lobbying activities using SF-LLL.

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

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

1. **Form HUD-50153, Certification of Consistency with Promise Zone Goals and Implementation.** Applicants requesting Promise Zone preference points must submit a form signed by the authorized official for the designated Promise Zone.
2. **Form HUD-9902, Housing Counseling Agency Fiscal Year Activity Report, for the Period October 1, 2019 through September 30, 2020.** Applicants will be evaluated based on HUD-9902 data in HUD's HCS. Newly approved Applicants that received approval as HUD housing counseling agencies after September 30, 2020 and did not submit a Fiscal Year 2020 Quarter 4 HUD-9902 by January 1, 2021, must prepare and submit a form HUD-9902 as part of the application for the period October 1, 2019 through September 30, 2020.
3. **SF-LLL, Disclosure of Lobbying Activities.**
4. **SHFA Statutory Authority.** SHFAs must submit evidence of their statutory authority to operate as a SHFA, as defined in this NOFO, and must submit evidence of their authority to apply for funds and subsequently use any funds awarded. Applicants should verify that their agency profile information is accurately represented in HUD's HCS and validate the information prior to submitting the grant application. HUD will contact SHFA Applicants that are new to the program to establish their profiles in the HCS.
5. **Form HUD-2996 Certification for Opportunity Zone Preference Points.** Applicants must complete and submit this form in order to be eligible for Opportunity Zone preference points.
6. **Historically Black Colleges and Universities (HBCU): Preference Points.** An Applicant partnering with a Historically Black College or University will receive up to two (2) Preference Points when the application includes a Letter of Commitment certifying that an HBCU Partnership is in place and signed by an authorizing official of the HBCU and documentation of the college or university's status as an HBCU.
7. **Historically Black Colleges and Universities (HBCU), Tribal Colleges and Universities, and other Minority Serving Institutions (MSI).** Applicants requesting funds dedicated for HBCUs and other MSIs (and partnerships therewith) must submit evidence of the college or university's status as an HBCU or MSI. Additionally, Applicants that are partnering with an HBCU or other MSI must submit a letter certifying that an HBCU or other MSI partnership is in place or that there is an intent to enter a partnership. The letter must be signed by the Applicant and an authorizing official of the

HBCU or other MSI and the Applicant must provide documentation of the partnering college or university's status as an HBCU or other MSI.

C. System for Award Management (SAM) and 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

10/14/2021

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

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

The subject line of the email sent to applicationsupport@hud.gov must state: Technical Cure and include the Grants.gov application tracking number or the GrantSolutions application number (e.g., Subject: Technical Cure - GRANT123456 or Technical Cure - 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.

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

1. Housing counseling and group education
2. Oversight, compliance, and quality control
3. Supervision of housing counseling staff
4. Housing counselor training and certification
5. Marketing and outreach of the CHC Program

HUD will respect cost classifications determined in a negotiated indirect cost rate agreement (NICRA) or cost allocation plan. HUD may require Applicants to provide documentation supporting classification of direct and indirect costs. HUD will not reimburse as direct costs those items that are classified as indirect costs in cost rate calculations and applications (See 24 CFR §§200.403, 200.412, and 200.414). Applicants may choose to take a 10% de minimis indirect cost rate as provided in the Uniform Guidance to cover indirect costs.

To be eligible for reimbursement, housing counseling or group education performed on or after

the Final Compliance Date, must be provided by a HUD-certified housing counselor (See 24 CFR §214.103(n) Certification of Housing Counselors and updated guidance).

Program Costs Incurred Prior to the Period of Performance. Unless prior approval by HUD of allowability of costs is required under 2 CFR part 200, Applicants may, pursuant to 2 CFR 200.308, revise budget and program plans and OHC may provide reimbursements for eligible costs incurred during the period prior to HUD making an award but no earlier than October 1, 2020. Applicants should indicate whether they intend to seek reimbursement for such costs on form HUD-9906, Chart A, Field R. All costs incurred before the federal awarding agency makes the federal award are at the recipient's risk (i.e., the federal awarding agency is not required to reimburse such costs if the recipient does not receive a federal award or if the federal award is less than anticipated and inadequate to cover such costs).

Indirect Cost Rate.

Normal indirect cost rules under 2 CFR part 200, subpart E apply. If you intend to charge indirect costs to your award, your application must clearly state the rate and distribution base you intend to use. If you have a Federally negotiated indirect cost rate, your application must also include a letter or other documentation from the cognizant agency showing the approved rate. Successful applicants whose rate changes after the application deadline must submit new rate and documentation.

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.

State and local governments. If your department or agency unit has a Federally negotiated indirect cost rate, your application must include that rate, the applicable distribution base, and a letter or other documentation from the cognizant agency showing the negotiated rate. If your department or agency unit receives more than \$35 million in direct Federal funding per year, you may not claim indirect costs until you receive a negotiated rate from your cognizant agency for indirect costs as provided in Appendix VII to 2 CFR Part 200.

If your department or agency unit receives no more than \$35 million in direct Federal funding per year and your department or agency unit has developed and maintains an indirect cost rate proposal and supporting documentation for audit in accordance with 2 CFR Part 200, Appendix VII, you may use the rate and distribution base specified in that indirect cost rate proposal. Alternatively, if your department or agency unit receives no more than \$35 million in direct Federal funding per year and does not have a current negotiated rate (including provisional) rate,

you may elect to use the de minimis rate of 10% of MTDC. As described in 2 CFR 200.403, costs must be consistently charged as either indirect or direct costs but may not be double charged or inconsistently charged as both. Once elected, the de minimis rate must be applied consistently for all Federal awards until 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.

1. Rating Factors.

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

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

RATINGS FACTOR

POINTS CHART

Rating Factor 1. Capacity of the Applicant

Sub-factor A HECM Average Hours	2	N/A
Sub-factor B Training and Industry Standards	7	Chart A
Sub-factor C Client Satisfaction and Progress	4	Chart A

Rating Factor 2. Need / NOFO Priorities

Sub-factor A Rural Communities	2	N/A
Sub-factor B Vulnerable Populations: Fair Housing	2	Chart C
Sub-factor C Vulnerable Populations: Staff Training	2	Chart C
Sub-factor D Vulnerable Populations: Disabilities	2	Chart C
Sub-factor E Vulnerable Populations: Limited English Proficiency	2	Chart C
Sub-Factor F Vulnerable Populations: Mobility Counseling	2	Chart C
Sub-factor G Vulnerable Populations: Lead Paint	1	Chart C
Sub-factor H Emergency Preparedness	2	Chart C

Rating Factor 3. Soundness of Approach

Sub-factor A Clients Served	14	N/A
Sub-factor B Cost per Client	6	Chart E
Sub-factor C Counseling Expense Ratio	3	Chart E
Sub-factor D Grant to Total Program Expenses Ratio	5	Chart E
Sub-factor E Allocation to Subgrantees	2	Chart A
Sub-factor F Counseling and Education Services	4	N/A
Sub-factor G Modes of Providing Services	8	Chart A
Sub-factor H Oversight Activities	6	Chart D

Rating Factor 4. Leveraging Resources

Sub-factor A Itemized Leveraging	4	Chart B
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Rating Factor 5. Achieving Results and Program Evaluation

Sub-factor A Performance and HCS Reporting	8	N/A
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Sub-factor B Grant Expenditure History	4	N/A
Sub-factor C Counseling Outcomes	8	N/A
Preference Points (maximum of 2 points total)		
Option 1 Opportunity Zones	2	Chart A
Option 2 Promise Zones	2	Chart A
Option 3 HBCU	2	Chart A

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

Rating Factor 1: Capacity of the Applicant

Maximum Points: 13

(a) Duration of HECM Counseling Session (2 points). Agencies with HECM Roster counselors will be assessed on the average duration of a counseling session. HUD will use its own records to score this factor.

(b) Counselor Training and Industry Standards (7 points). Using Chart A, indicate by entering an “x” in the appropriate field if:

- Agencies have counselors on staff that have received formal housing counseling training in the past two years, not including on-the-job training (Field I)
- Agencies have counselors on staff who have passed the HUD Housing Counseling Certification Exam (Field J)
- Agencies adopted the National Industry Standards for Homeownership Education and Counseling (<http://homeownershipstandards.com>) prior to the NOFO application submission date (Field K)

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

In addition, Applicants that manage networks of counseling agencies and also provide housing counseling services at their main office must include this office in the list of Subgrantees and Branches. The main office will be treated as a Branch for scoring and funding formula purposes. When completing Chart A2, Applicants must only list offices that provide housing counseling services to a minimum of thirty clients per year. (This requirement does not apply to agencies that offer only reverse mortgage counseling.)

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

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

counseling (Field N)

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

Rating Factor 2: Need / NOFO Priorities

Maximum Points: 15

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

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

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

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

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

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

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

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

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

Maximum Points: 48

(a) Clients Served (14 points). HUD will evaluate the total number of clients served by the Applicant as reported in its HUD-9902 for Fiscal Year 2020. Applicants who were approved after September 30, 2020 and therefore were not required to submit a form HUD-9902 covering this period must prepare and submit a Form HUD-9902 as part of the application (See *Section IV.B.Content and Form of Application Submission* for more details). Such agencies must ensure that their HUD-9902 data reflects the entire fiscal year, and not just that portion for which the agency was HUD-approved.

(b) Cost Per Client (6 points). HUD will evaluate the Applicant's Housing Counseling Program actual expenses for the period October 1, 2019, through September 30, 2020, which includes salaries and fringe of housing counselors and staff who provide counseling or group sessions, other direct costs, and indirect costs. Applicants must document their total housing counseling program expenses in Chart E. MSOs, SHFAs, and Intermediaries must include total expenses for their entire proposed network.

Agencies that became HUD-approved during the past year should ensure their expenses reflect the entire fiscal year 2020, and not just that portion for which the agency was HUD-approved.

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

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

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

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

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

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

Rating Factor 4: Leveraging Resources

Maximum Points: 4

HUD's CHC grants should not be the sole source of funds for a Housing Counseling Program. Grantees are expected to seek other sources of funding, both private and public, to supplement

HUD grant funding. This rating factor will assess an Applicant's financial capacity per 24 CFR § 214.303(i) and is not tied to a voluntary or required cost-share assessment. HUD will calculate the ratio of an Applicant's anticipated HUD grant to its total qualified leveraged funding.

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

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

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

- In Field A, enter the name of the Applicant, Subgrantee, or Branch (not applicable to LHCAs).

- In Field B, enter the name of the organization providing the resources, including the point of contact who can verify that these resources are dedicated.

- In Field C, enter the type of contribution.

- In Field D, enter the use of the leveraged funds. For in-kind contributions, describe the goods or services contributed.

- In Field E, enter the amount of funds from this resource.

Include only funds that will be available during the period of performance. If Applicant's funding is available outside of the grant period, the Applicant must pro-rate the funding to reflect the amount that is available during the grant period. For example, if funds are only available for three months, then only include 25% of the total amount. Funds available for multiple years must also be pro-rated (e.g., \$100,000 leverage available January 1, 2020 through December 31, 2021, only \$37,500 should be entered on Chart B for the 9 months of April 1, 2021 through December 31, 2021).

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

Rating Factor 5: Achieving Results

Maximum Points: 20

(a) Performance and HCS Reporting (8 points).

- HUD will evaluate Applicant compliance with programmatic requirements and oversight results. HUD will use its own records to score this factor.
- Applicants will be assessed on timely validation of their agency profile in HCS, timely submission of form HUD-9902 reports, and use of their CMS to submit form HUD-9902 reports. HUD will use its own records to score this factor.

(b) Grant Expenditure History (4 points). HUD will evaluate the Applicant's use of previously awarded grant funds. Significant delays in grant execution and expenditure,

including the need to recapture funding, will be taken into consideration. HUD will use its own records to score this factor. Applicants without a previous HUD grant will be awarded full points.

(c) Counseling Outcomes (8 points). HUD will evaluate the positive impacts that an Applicant's housing counseling services had on clients. HUD will use its own records to score this factor.

2. Other Factors.

This program does not offer points for Section 3.

Preference Points

HUD encourages activities in support of the Secretary's Initiatives. HUD may award no more than two (2) points for any of the three (3) preferences (OZ, PZ or HBCU). Each preference is worth two points and only one preference can apply to any situation, meaning that applicants will ONLY be awarded 2 points for being within an OZ, PZ or involving HBCUs.

Opportunity Zones.

Opportunity Zone (OZ) Certification: HUD encourages activities in Opportunity Zones. To receive two (2) points for this preference, applicants proposing projects in an Opportunity Zone community must submit the Certification for Opportunity Zone Preference Points (HUD-2996) that identifies the state, county and census tract(s) of the opportunity zone(s) in which the activity will be carried out. To view the list of designated Opportunity Zones, please see the following link on the U.S. Department of the Treasury website:

<https://opportunityzones.hud.gov/>

Applicants who do not complete this form and submit it along with the rest of their application package will not be eligible to receive the points. Additionally, applicants who do complete and submit this form, but indicate they intend to use less than 50% of the award within Opportunity Zone tracts, will also be ineligible to receive preference points, unless: a.) the applicant can show why they are unable to expend at least 50% of the grant award within Opportunity Zone designated tracts, or b.) the applicant is able to make a compelling case for why the amount that will be expended will have a significant impact within Opportunity Zone designated tracts. [Click here to view HUD's Opportunity Zones webpage.](#)

To receive these OZ preference points, investment and activities must be located in an OZ. Intermediaries, SHFAs, and MSOs will be assessed based on the location of their Subgrantees and Branches. HUD will use the list of designated OZs as it exists at the application due date. To qualify for these two preference points, you must list your agency's 11-digit census tract number in Chart A, Field O1. Do not list census tracts for Branches or Sub-grantees that are not located in OZs.

Successful applicants who receive these Opportunity Zone preference points must commit to expending the estimated percentage of their award in OZ census tracts, as certified in the Certification for Opportunity Zone Preference Points.

HBCU.

An applicant partnering with a Historically Black College or University (HBCU) will receive up to two (2) Preference Points when the application includes a Letter of Commitment certifying that an HBCU Partnership is in place and signed by an authorizing official of the HBCU and documentation of the college or university's status as an HBCU. [Click here to view the list of accredited HBCU's](#)

Promise Zones

HUD encourages activities in Promise Zones (PZ). To receive Promise Zones Preference Points, applicants must submit form HUD-50153, "Certification of Consistency with Promise Zone Goals and Implementation," signed by the Promise Zone Official authorized to certify the project meets the criteria to receive preference points. To view the list of designated Promise Zones and persons authorized to certify, please see the [Promise Zone](#) pages on HUD's website.

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;

The number of persons served or targeted for assistance;

Producing positive outcomes and results.

HUD may reduce scores based on the past performance review, as specified under V.A. Review Criteria. Whenever possible, HUD will obtain 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. Review and Selection Process.

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

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

Minimum Fundable Score. All applications will be scored on a 102-point scale, including preference points, as outlined in Section V.A of this NOFO. For FY21, HUD anticipates making awards to all Applicants scoring 75 points or greater from this section. To be eligible for any funding under the NOFO, Applicants must meet the minimum fundable score. If available funds are insufficient to provide grants to all Applicants achieving the minimum fundable score, grants will be awarded in rank order until all available funds have been distributed. HUD reserves the right to adjust the minimum fundable score.

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

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

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

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

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

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

(b) Competitive Funding Amount. Higher scoring submissions may receive incentive funding on top of the base funding.

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

(d) Number of Counselor FTEs. HUD may augment the award based on the number of Housing Counselor Full-Time Equivalents (FTEs) that provide housing counseling services as of September 30, 2020 (Chart A, Field F). Applicants that provide counseling services at their main office may count the number of housing counselor FTEs at the main office in addition to the offices of Subgrantees and/or Branches.

(e) Funding of Reverse Mortgage Counseling. HUD may augment the award based on the number of HECM Roster Counselors that provide housing counseling services as of September 30, 2020 (Chart A, Field G).

(f) Funding of Default Counseling for Reverse Mortgages. HUD may augment the award based on an Applicant's commitment to providing HECM default counseling. Applicants are asked to indicate how many of their counselors will provide default counseling for reverse mortgage borrowers from April 1, 2021 to September 30, 2022 (Chart A, Field H). The bonus will be capped at five such counselors per Agency, Branch, and Subgrantee. As a reminder, default counseling for reverse mortgages can be provided by non-HUD HECM Roster Counselors.

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

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

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

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

Mergers, Acquisitions, and Other Changes in Organizational Structure. Anticipated mergers, acquisitions, or other changes in Grantee(s) legal or organizational structure must be reported to Grantee's Point of Contact in HUD's Office of Housing Counseling within 15 days of implementation of such changes. However, HUD encourages grantees to report such changes as early as possible to ensure that the organization remains eligible for grant funds. In the case of a simple name change, HUD may make the award in the name of the newly named entity. In the case of a merger, the new or merged entity may be eligible to receive grant funding made to the original Grantee(s), provided they meet certain conditions, including but not necessarily limited to:

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

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

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

population.

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

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

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

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

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

1. **Number of Clients Served.** How many housing counseling clients the Applicant or the Applicant's network of HBCUs or other MSIs partners plan to serve with the funding.
2. **Award Amount (Budget).** Provide the total amount of funds requested for these purposes, and if applicable, indicate the amount allocated to each partnership.
3. **Statement of Work.** Applicants must describe the following.
 - a. All proposed eligible activities and major tasks required to successfully implement the proposed initiative.
 - b. The extent to which there is a need to fund the proposed initiative and the importance of meeting the need(s).
 - c. The relevant experience and capacity of the Applicant, its staff, and HBCU or other MSI partners in implementing the proposed eligible activities.
 - d. How the Applicant will measure the outcomes on the target population by the end of the grant performance period.
 - e. How the Applicant proposes to integrate the institution's students and faculty into proposed eligible activities.

- f. How the community (e.g., businesses, residents, and others) will be involved in the implementation of the program and how the institution will expand its role in the target community.
- g. The other resources (not including HUD's CHC Grant) that support or fund the Applicant's existing housing counseling related partnerships with HBCUs or other MSIs. Include the dollar amounts of support provided, if applicable.

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.

B. Statutory and Administrative, National and Department 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 24 CFR part 50 or 58 procedures is explained below:

In accordance with 24 CFR 50.19(b)(2), (3), (4), (9), (12), and (13), activities funded under this NOFO are exempt or categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and not subject to environmental review under related laws and authorities.

2 CFR 200.340 *Termination*

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

Lead Based Paint Requirements.

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

C. Reporting.

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

1. Recipient Integrity and Performance Matters. 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. 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

Grant Activity Report. Grantees must comply with all reporting requirements found in the grant agreement including but not limited to HUD-9902 reporting, providing itemized costs, fulfilling commitments made in the NOFO, and submitting final narratives. Grantees receiving HBCU/other MSI funds will have additional requirements as outlined in the grant agreement.

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.

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

VII. Agency Contact(s).

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

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

Name:

Tracie Oaks

Phone:

Email:

Housing.Counseling@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 pursuant to Section 106 as implemented in 24 CFR Part 214, which does not contain environmental review provisions because activities under these regulations are excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321) ("NEPA"). Accordingly, under 24 CFR 50.19(c)(5), this NOFO is categorically excluded from environmental review under NEPA.

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**](#)

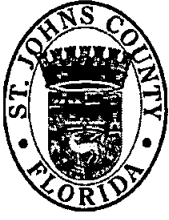
3. Program Relevant Web Resources

APPENDIX

Appendix A Definitions

1. **Affiliate.** See definition at 24 CFR 214.3.
2. **Applicant.** A HUD-approved housing counseling agency or SHFA, MSO or local government applying for a CHC grant from HUD through this NOFO. The term Applicant includes the agency's branches identified in its application.
3. **Branch.** See definition at 24 CFR 214.3.
4. **Continuity of Operations Plan (COOP).** An organization's internal efforts to ensure that a viable capability exists to continue essential functions across a wide range of potential emergencies. COOP plans and procedures delineate essential functions, specify succession to office and the emergency delegation of authority, provide for the safekeeping of vital records and databases, identify alternate operating facilities, and provide for interoperable communications.
5. **Counseling.** See definition at 24 CFR 214.3.
6. **Education.** See definition at 24 CFR 214.3.
7. **Final Compliance Date.** The date, determined by HUD, when all housing counseling required by or provided in connection with any HUD program must be performed by a HUD certified housing counselor and all group education must be overseen by a HUD certified housing counselor. See 24 CFR 214.103(n).
8. **Full-time equivalent.** The number of total hours worked divided by the maximum number of compensable hours in a full-time schedule as defined by law. For example, if the normal schedule for a quarter is defined as 411.25 hours ($[35 \text{ hours per week} * 52 \text{ weeks per year} - 5 \text{ weeks regulatory vacation}] / 4$), then someone working 100 hours during that a quarter represents $100/411.25 = 0.24$ FTE. Two employees working in total 400 hours during that same quarterly period represent 0.97 FTE.
9. **Grantee.** A HUD-approved housing counseling agency or SHFA that receives housing counseling funds from HUD through this NOFO. The term Grantee includes the Grantee's branches identified in its application.
10. **Historically Black College and University (HBCU).** Any historically black college or university that was established prior to 1964, whose principal mission was, and is, the education of black Americans, and that is accredited by a nationally recognized accrediting agency or association determined by the Secretary of Education to be a reliable authority as to the quality of training offered or is, according to such an agency or association, making reasonable progress toward accreditation.
11. **Homeownership Counseling.** See definition at 24 CFR 5.100.
12. **HUD HECM Roster Counselor.** A housing counselor that has met the requirements pertaining to HUD's HECM Counseling Standardization and Roster (24 C.F.R. 206, Subpart E) and appears on the HUD HECM Counselor Roster.
13. **Intermediary.** See definition at 24 CFR 214.3.
14. **Local Housing Counseling Agency (LHCA).** A housing counseling agency that directly provides housing counseling services. An LHCA may have a main office, and one or more branch offices, in no more than two contiguous states.

15. **Minority Serving Institution (MSI).** An institution serving a high proportion of minority students. 'Minority students' refers to students who are Black, Hispanic, Asian/Pacific Islander, or American Indian/Alaska Native.
16. **Multi-State Organization (MSO).** See definition at 24 CFR 214.3.
17. **Participating Agency.** See definition at 24 CFR 214.3.
18. **State Housing Finance Agency (SHFA).** See definition at 24 CFR 214.3.
19. **Subgrantee.** See definition at 24 CFR 214.3.
20. **Reverse Mortgage.** See definition at 24 CFR 214.3.



St. Johns County Board of County Commissioners

Housing & Community Development

Stanley Marion
Department of Housing and Urban Development
Office of Housing Counseling

SUBJECT: Certification of Financial Management System Compliance with 2 CFR 200.302 and Certification of Client Management System in Compliance with HUD Requirements.

Dear Mr. Marion,

The St. Johns County Board of County Commissioners, division of Housing & Community Development Department is a recipient of funds from the U.S. Department of Housing and Urban Development.

As Chairperson for the Board of County Commissioners of St. Johns County, I hereby delegate to Hunter Conrad, County Administrator, the authority to carry out the responsibilities of certifying officer.

I hereby attest to the fact that St. Johns County's financial management system is fully compliant with all applicable regulations stated at 2 CFR 200.302.

Additionally, I attest to the fact that St Johns County utilizes the client management system (CMS) CounselorMax through contract with NeighborWorks Reinvestment Corp.

Henry Dean, Chair
St Johns County Board of County Commissioners

Signed on this _____ of February, 2022

NAME AND CONTACT INFORMATION FOR CERTIFYING OFFICER:
Hunter Conrad, County Administrator, 500 San Sebastian View, St Augustine, FL 32084