

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

[Docket No. FR-4210-N-01]

**Notice of Funding Availability for
Housing Opportunities for Persons
With AIDS**

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice of Funding Availability (NOFA).

SUMMARY: This Notice announces the availability of \$19,600,000 in funds to be allocated by competition for housing assistance and supportive services under the Housing Opportunities for Persons With AIDS (HOPWA) program. This NOFA contains information concerning eligible applicants, the funding available, the categories of assistance, including Special Projects of National Significance, projects under the HIV Multiple-Diagnoses Initiative (MDI) and projects in areas that do not receive HOPWA formula allocations, the availability of funds for national HOPWA technical assistance, the availability of additional funds for current MDI grantees for additional evaluation activities, the use of performance measures, the rating criteria, the application package, its processing, and the selection of applications.

DEADLINE DATE: Applications for HOPWA assistance are due in HUD Headquarters by midnight Eastern Time on July 15, 1997.

Before and on the deadline date, and during normal business hours (up to 6:00 pm) completed applications will be accepted at the Processing and Control Branch, Room 7251, Office of Community Planning and Development (CPD) in Washington at the address below.

On the deadline date and after normal business hours (after 6:00 pm), hand-carried applications will be received at the South Lobby of the Department of Housing and Urban Development at the address below. HUD will treat as ineligible for consideration delivered applications that are received after that deadline.

Applications Mailed. Applications will be considered timely filed if postmarked before midnight on July 15, 1997, and received by HUD Headquarters within ten (10) days after that date.

Applications Sent by Overnight Delivery. Overnight delivery items will be considered timely filed if received before or on July 15, 1997, or upon

submission of documentary evidence that they were placed in transit with the overnight delivery service by no later than July 15, 1997, and received by HUD Headquarters within ten (10) days after that date.

No facsimile (FAX). Applications may not be sent by FAX.

Copies of Applications to Field Offices. Two copies of the application must also be sent to the HUD Field Office serving the area in which the applicant's projects are located or, in the case of a project that proposes to undertake activities on a national basis, the area in which the applicant's administering office is located. Field office copies must be received by the application deadline as well, but a determination that an application was received on time will be made solely on receipt of the application at HUD Headquarters in Washington. All three copies may be used in reviewing the application.

ADDRESSES: For a copy of the application package and supplemental information please call the Community Connections information center at 1-800-998-9999 (voice) or 1-800-483-2209 (TTY), or by internet at www.hud.gov/fundopp.html.

The address of the HUD Headquarters is: Processing and Control Branch, Room 7251, Office of Community Planning and Development (CPD), Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, Attention: HOPWA Funding. A list of the CPD Directors in the area CPD offices appears at the end of this NOFA.

ELECTRONIC COPY: You may obtain an electronic copy of the HOPWA application form that may be used in applying under this notice as well as a copy of this NOFA with attached Frequently Asked Questions (FAQ) and other information, via HUD's World Wide Web home page at www.hud.gov/fundopp.html. The electronic copy of the application is available on HUD's home page in a Portable Document Format (pdf) that can be used in preparing the standard forms, narrative exhibits and the budget exhibit for your application. Material from this electronic version can be used interchangeably with the printed application. The additional general information on the HUD Home Page provides descriptions of grants selected in prior HOPWA competitions and summaries of area consolidated plans, as well as information on other HUD programs. Instructions on how to access the application and the files are available at those sites.

**Promoting Comprehensive Approaches
to Housing and Community
Development**

HUD is interested in promoting comprehensive, coordinated approaches to housing and community development. Economic development, community development, public housing revitalization, homeownership, assisted housing for special needs populations, supportive services, and welfare-to-work initiatives can work better if linked at the local level. Toward this end, the Department in recent years has developed the Consolidated Planning process designed to help communities undertake such approaches.

In this spirit, it may be helpful for applicants under this NOFA to be aware of other related HUD NOFAs that have recently been published or are expected to be published in the near future. By reviewing these NOFAs with respect to their program purposes and the eligibility of applicants and activities, applicants may be able to relate the activities proposed for funding under this NOFA to the recent and upcoming NOFAs and to the community's Consolidated Plan.

The list of related NOFAs the Department has published in the **Federal Register** in the last few weeks includes:

The Continuum of Care Homeless Assistance NOFA (including the Supportive Housing Program, the Shelter Plus Care program, and the Sec. 8 Moderate Rehabilitation Single Room Occupancy Programs for Homeless Individuals), published on April 8, 1997 (62 FR 17024); *The Family Unification NOFA*, published on April 18, 1997 (62 FR 19208); *The Designated Housing NOFA*, published on April 10, 1997 (62 FR 17672); and *The NOFA for Mainstream Housing Opportunities*, published on April 10, 1997 (62 FR 17666).

The related NOFAs that the Department expects to publish in the next few weeks include the following: *The Supportive Housing for the Elderly NOFA*; *The Housing for Persons With Disabilities NOFA*; and *The Service Coordinator Funds NOFA*.

To foster comprehensive, coordinated approaches by communities, the Department intends for the remainder of FY 1997 to continue to alert applicants to upcoming and recent NOFAs as each NOFA is published. In addition, a complete schedule of NOFAs to be published during the fiscal year and those already published appears under the HUD Homepage on the Internet, which can be accessed at <http://>

www.hud.gov/fundopp.html. Additional steps on NOFA coordination may be considered for FY 1998.

For help in obtaining a copy of your community's Consolidated Plan, please contact the community development office of your municipal or State government.

FOR FURTHER INFORMATION AND TECHNICAL ASSISTANCE CONTACT: A video presentation providing general background that can be useful in preparing your application can be obtained for a nominal fee from the Community Connections information center. The fee may be waived in the event of financial hardship.

For answers to your questions, you have several options: you may contact the HUD CPD office that serves your area, at the phone and address shown in the appendix; you may contact the Community Connections information center at 1-800-998-9999 (voice); 1-800-483-2209 (TTY) or by email at comcon@aspensys.com; or you may contact the Office of HIV/AIDS Housing at 1-202-708-1934 (voice) or by 1-800-877-8339 (TTY) at HUD Headquarters.

An appendix also provides frequently asked questions and answers on the HOPWA competition. Information is also available on the HOPWA program, including descriptions of the 1996 competitive grants, area consolidated plans and other related topics on the HUD HOME Page on the World Wide Web at <http://www.hud.gov>.

Prior to the application deadline, staff will be available to provide general guidance, but not guidance in actually preparing the application. Staff in the HUD CPD office that serves your area also will be available to help identify organizations in your community that are involved in developing the area's Consolidated Plan and Continuum of Care system. Following conditional selection, HUD staff will be available to assist in clarifying or confirming information that is a prerequisite to the offer of a grant agreement by HUD. However, between the application deadline and the announcement of conditional selections, HUD will accept no information that would improve the substantive quality of the application pertinent to the funding decision.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act Statement

The information collection requirements for the HOPWA program have been approved under the Paperwork Reduction Act of 1995 (42 U.S.C. 3501-3520) by the Office of Management and Budget (OMB), and have been assigned OMB control

number 2506-0133 (exp. 5/31/97). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

I. Purpose and Substantive Description

(a) Purpose and General Statement

Under selection procedures established in Section II, the funds available under this NOFA will be used to fund projects for low-income persons with HIV/AIDS and their families under three categories of assistance:

(1) Grants for Special Projects of National Significance (SPNS) which, due to their innovative nature or their potential for replication, are likely to serve as effective models in addressing the needs of eligible persons;

(2) Grants for projects under the HIV Multiple-Diagnoses Initiative (MDI) which establish model and innovative projects that address the needs of eligible persons who are also homeless and have chronic alcohol and/or other drug abuse issues and/or serious mental illness; and

(3) Grants for projects which are part of Long-term Comprehensive Strategies (Long-term) for providing housing and related services for eligible persons in areas that are not eligible for HOPWA formula allocations.

In addition, the Department proposes to select at least one Special Project of National Significance award to operate a national HOPWA technical assistance program over three years, as described in paragraph (g). This notice also provides for a separate selection process for applications that request additional funds to complete, modify and/or expand the evaluation of MDI projects that were selected in the 1996 HOPWA competition. The program requirements for this separate selection process for current MDI grants are described in Section I(f)(4) and are provided in Section III, below.

The Department recommends that applicants for HOPWA assistance under this NOFA emphasize client access to housing and to appropriate supportive services in designing their programs. In establishing goals to end the epidemic of HIV and AIDS, President Clinton identified, in *The National AIDS Strategy* (issued in December 1996), the national goal of ensuring that all people living with HIV have access to services, from health care to housing and supportive services, that are affordable, of high quality, and responsive to their needs. The Strategy further recognized that "without stable housing a person living with HIV has diminished access

to care and services and a diminished opportunity to live a productive life." In addition, the Department recommends that proposals also emphasize how they will meet requirements for the accessibility of the housing to be provided to eligible persons, and applicants may also address the visitability of units and structures, including integrating universal design features that provide basic accessibility in entry and mobility throughout structures and other modifications that respond to the needs of clients with disabilities.

The Department anticipates selecting projects under each of the three categories of assistance that will serve as model components of the community's larger effort to use Federal and other resources to meet area needs, including the development of a consolidated plan for these resources and the creation of a continuum of care system to assist homeless persons. For a community to successfully address its often complex and interrelated problems, including homelessness and the risk of homelessness among persons living with HIV/AIDS and their families, the community must marshal its varied community and economic development resources, and use them in a coordinated and effective manner.

The Consolidated Plan serves as the vehicle for a community to comprehensively identify each of its needs and to coordinate a plan of action for addressing them. Within the context of the consolidated plan, communities are also asked to address the needs of persons who are homeless by creating, improving and/or maintaining the area's Continuum of Care system.

The Continuum of Care system seeks to achieve two goals: (1) maximum participation by non-profit providers of housing and services; homeless and formerly homeless persons; State and local governments and agencies; veteran service organizations; the private sector; housing developers; homeless persons with disabilities; foundations and other community organizations; and (2) creation, maintenance and building upon the community-wide inventory of housing and services for homeless families and individuals; identification of the full spectrum of needs of homeless families and individuals; and coordination of efforts to obtain resources, particularly resources sought through the Department's Continuum of Care NOFA to fill gaps between the current inventory and existing needs.

Under the MDI category, this notice continues for a second year a HUD initiative to assist homeless persons who are living with HIV/AIDS who have

chronic alcohol and/or other drug abuse issues and/or serious mental illness. The 1996 notice was published on February 28, 1996, at 61 FR 7664. The 1996 initiative responded to recommendations expressed during the 1995 White House Conference on HIV and AIDS, as well as to recommendations to HUD by residents and providers of HIV/AIDS housing. *The National AIDS Strategy* noted the importance of this 1996 initiative by HUD and the Department of Health and Human Services (HHS) and stated that efforts "to improve integration will be continued and expanded, with special attention to linking HIV and substance abuse prevention and services." The HIV Multiple-Diagnoses Initiative continues to be a collaborative effort to establish, evaluate and disseminate information on model programs to provide the integration of health care and other supportive services with housing assistance for eligible persons. The initiative targets assistance to homeless persons who often have complex needs and for whom service systems are often least developed.

(b) Authority

The assistance which may be made available under this NOFA is authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901) and from the Department's fiscal year 1997 appropriation, the "Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997," Pub. L. 104-204, approved September 26, 1996.

The regulations for HOPWA are found at 24 CFR part 574. The Fiscal Year 1997 program is governed by the HOPWA Final Rule, published in the **Federal Register** on April 11, 1994 (59 FR 17194), 24 CFR Part 574. The rule was amended by the Consolidated Submissions for Community Planning and Development Programs, Final Rule, 24 CFR Part 91, published on January 5, 1995 (60 FR 1878), amended by a Final Rule, General HUD Program Requirements: Cross-Cutting Requirements, published on February 9, 1996 (61 FR 5198), and further amended by a Final Rule, Regulatory Reinvention: Streamlining the Housing Opportunities for Persons with AIDS Program, published on February 29, 1996 (61 FR 7962).

(c) Categories of Assistance

This notice will provide funds under three categories of assistance for new grants that will be selected under section II:

(1) Grants for Special Projects of National Significance (SPNS) which, due to their innovative nature or their potential for replication, are likely to serve as effective models in addressing the needs of eligible persons, including at least one grant for national HOPWA technical assistance;

(2) Grants for projects under the HIV Multiple-Diagnoses Initiative (MDI) which establish model and innovative projects that address the needs of eligible persons who are also homeless and have chronic alcohol and/or other drug abuse issues and/or serious mental illness; and

(3) Grants for projects which are part of Long-term Comprehensive Strategies (Long-term) for providing housing and related services for eligible persons in areas that are not eligible for HOPWA formula allocations in fiscal year 1997.

This notice will also provide funds for current MDI grantees under section III.

(d) Eligibility

For new grants that will be selected under section II:

(1) States, units of general local government, and nonprofit organizations may apply for grants for Special Projects of National Significance and grants under the HIV Multiple-Diagnoses Initiative.

(2) Certain states and units of general local government may apply for grants for projects under the Long-term category of grants, if the proposed activities will serve areas that were not eligible to receive HOPWA formula allocations in fiscal year 1997; an appendix describes these areas. Nonprofit organizations are not eligible to apply directly for the Long-term category of grants but may serve as a project sponsor for an eligible state or local government grantee.

(e) Award Amounts and Performance Benchmarks

(1) Amount of Available Funds

A total of \$19,600,000 is being made available by this NOFA. The Department expects that approximately \$9 million will be used under an initiative to address the needs of multiply-diagnosed homeless persons who are living with HIV/AIDS and have chronic alcohol and/or other drug abuse issues and/or serious mental illness. Subject to the reprogramming procedures required by the 1997 VA-HUD-Independent Agencies Appropriations Act, P.L. 104-204, section 218, additional funds may be awarded if funds are recaptured, deobligated, appropriated or otherwise made available during the fiscal year.

(2) Maximum Grant Amounts

The maximum amount that an applicant may receive is \$1,000,000 for program activities. An applicant may receive up to 3 percent of the amount that is awarded for program activities for grantee administrative costs and, if the application involves project sponsors, up to 7 percent of the amount that is provided to project sponsors for program activities for the project sponsors' administrative costs. For example, an applicant might receive up to an additional \$100,000 for administrative costs (potentially up to \$30,000 for grantee administrative costs and up to \$70,000 for project sponsors' administrative costs). Due to statutory limits on administrative costs, no project sponsor administrative costs are available in cases where the grantee directly carries out the program activities and that grantee is limited to using up to 3 percent of the grant amount for administering the grant. An applicant should note that the costs of staff that are carrying out the program activities may be included in those program activity costs and that costs may be prorated between categories as may be appropriate. A sponsor is only eligible to use up to 7 percent of the amount that they receive for the sponsor's administrative costs.

For a MDI applicant only, this notice also makes available up to \$170,000 for program development support to undertake the MDI evaluation and dissemination component described below in paragraph (f)(3).

(3) Award Modifications

HUD reserves the right to fund less than the full amount requested in any application, to make mathematical corrections, to remove funds designated for an ineligible activity and to modify requests accordingly. If a request is modified by HUD, the conditionally selected applicant will be required to modify its project plans and application to conform to the terms of HUD approval before execution of a grant agreement. HUD also reserves the right to ensure that a project that is applying for and eligible for selection under this and other competitions, including the 1997 Continuum of Care Homeless Assistance NOFA, is not awarded funds that duplicate activities.

(4) Performance Benchmarks

Funds received under this competition are expected to be expended within three years following the date of the signing of a grant agreement. As a condition of the grant, selected projects are expected to

undertake activities based on the following performance benchmarks: (a) a project that involves the acquisition or leasing of a site is required to gain site control within one year of their selection, i.e., one year from the date of the signing of their selection letter by HUD; (b) if the project is proposing to use HOPWA funds to undertake rehabilitation or new construction activities, the project is required to begin the rehabilitation or construction within eighteen months of their selection and to complete the activity within three years of that date; and (c) except for a project that involves HOPWA-funded rehabilitation or construction activities, the project is required to begin program operations within one year of their selection. If a selected project does not meet the appropriate performance benchmark, the Department reserves the right to cancel or withdraw the grant selection or otherwise deobligate awarded funds. In exercising this right, the Secretary may waive a termination action in cases that HUD determines evidence that the delay and failure to meet the performance benchmark are due to factors that were beyond the control of the grantee.

(f) HIV Multiple-Diagnoses Initiative

(1) Overview of MDI

This notice implements, for a second year, an initiative to address the needs of multiply-diagnosed homeless persons who are living with HIV/AIDS and have chronic alcohol and/or other drug abuse issues and/or serious mental illness. In 1996, this HUD-HHS initiative began to address these needs by funding projects for model programs for multiply-diagnosed clients under the Special Projects of National Significance components of the HOPWA program administered by HUD and the Ryan White CARE Act programs administered by HHS. During the 1996 competition, HUD received 78 approvable MDI applications which requested over \$79 million in HOPWA program funds. Based on their responsiveness to the rating criteria, eight of these applications were selected by the Department and awarded a total of \$8,171,233 under the MDI category of assistance. Applications that were not selected in 1996, as a result of available funds, constitute an example of the unmet need in communities throughout the nation in assisting persons who are homeless and are living with HIV/AIDS who also have chronic alcohol and/or other drug abuse issues and/or serious mental illness.

The HOPWA assistance announced in this notice may be undertaken in conjunction with related assistance available under the Ryan White CARE Act as administered by the Department of Health and Human Services, programs under the Department of Veterans Affairs, and other Federal, state and local programs. Projects to be selected under the fiscal year 1997 HOPWA funding will also benefit from guidance or experience on project successes and lessons learned as well as other information that will be developed on the fiscal year 1996 MDI grantees through the efforts of the HHS-funded Evaluation Technical Assistance Center. The Center is undertaking national and multi-site evaluations and providing support for project assessment for the MDI projects selected by HUD and by HHS in 1996.

The Department estimates that approximately \$9 million will be used to address the needs of MDI clients. This expected amount will help ensure that a sufficient number of applications, estimated to be six to nine projects, are selected under the initiative in 1997 in order to provide for the operation and evaluation of a variety of model programs as well as provide additional resources to the targeted underserved population. HUD reserves the right to reduce this estimate for the HIV Multiple-Diagnoses Initiative and reallocate funds to the other categories of assistance if an insufficient number of approvable applications are received for this initiative.

(2) Standard MDI Elements

The Department advises applicants that, in proposing activities to be funded under HOPWA and other sources, the following standard program elements should be addressed in providing assistance to multiply-diagnosed homeless persons who are living with HIV/AIDS and have chronic alcohol and/or other drug abuse issues and/or serious mental illness. Among those elements are:

- Outreach to homeless persons who are living with HIV/AIDS and have chronic alcohol and/or other drug abuse issues and/or serious mental illness;
- Client needs assessment and monitoring;
- Short-term or transitional supportive housing;
- Permanent supportive housing;
- Health care and other supportive services that address the needs of eligible homeless persons with chronic alcohol and/or other drug abuse issues and/or serious mental illness;
- Safe haven residences or other housing assistance for homeless persons

with serious mental illness that have minimal initial demands on residents and do not require participation in services. It is hoped and anticipated that, in time, safe haven clients will participate in mental health programs and/or substance abuse programs and move to or accept short-term, transitional or other supportive housing;

- Participant involvement in decision-making and project operations;
- Participant safety, how activities address required accessibility to housing units and other structures, transportation needs and access to community amenities are addressed;
- Program evaluation in coordination with a nation-wide multi-site evaluation; and
- Optionally, other innovative features of the project.

The elements may be funded under this initiative or funded in part under this initiative in connection with efforts supported from other federal, state, local or private sources, including health-care and other supportive services funded under the Ryan White CARE Act and services for veterans under the Department of Veterans Affairs. Given the limited amount of housing assistance funds available under this program, HUD encourages applicants to fund supportive services activities from non-HOPWA sources.

Under this initiative, the targeting of assistance to homeless persons means that assistance is provided to persons who are sleeping in emergency shelters (including hotels or motels used as shelter for homeless families), other facilities for homeless persons, or places not meant for human habitation, such as cars, parks, sidewalks, or abandoned buildings. This includes persons who ordinarily live in such places but are in a hospital or other institution on a short-term basis (short-term is considered to be 30 consecutive days or less). In targeting assistance, HUD expects that only an incidental percentage of clients who are not homeless, as described above, but are at risk of homelessness will be assisted under this initiative.

An applicant may propose to assist eligible persons in a Safe Haven, which is a form of assistance designed to provide persons with serious mental illness who have been living on the streets with a secure, non-threatening, non-institutional, supportive environment. A safe haven proposal should: (1) propose to serve hard-to-serve homeless persons; (2) provide 24 hour residence; (3) provide private or semi-private accommodations; (4) provide for accessibility, including, optionally, for the common use of accessible kitchen facilities, dining

rooms, and bathrooms; and (5) limit overnight occupancy to no more than 25 persons in any one structure. The rating criteria have been modified for safe haven proposals to ensure that the special characteristics of safe havens are not considered less competitive than alternative supportive housing proposals.

(3) MDI Evaluations

A prime feature of any model project that will be selected under the HIV Multiple-Diagnoses Initiative is the project's active participation in the national evaluation of project activities and the dissemination of information to other organizations in order to help improve the systems of care and continuum-of-care initiatives for the targeted population in other localities and nationally. The MDI applicant must establish measurable objectives for their project in their application and must agree to participate in the process and outcome evaluation and dissemination component. This notice provides up to \$170,000 in additional funds to MDI applicants that sign the agreement that is provided in the 1997 application package.

To ensure the highest degree of coordination in a nation-wide multi-site evaluation of MDI projects that were selected in 1996 by HUD and by HHS, this notice requires applicants for MDI grants to acquire the services of the Evaluation Technical Assistance Center (ETAC). This center was established by HHS in 1996 in collaboration with HUD to advance knowledge and skills in HIV services delivery to stimulate the design of innovative models of care by providing technical support and evaluation of MDI projects selected under the related HUD and HHS notices. In continuing MDI under this notice, HUD also recognizes the continued national significance of creating effective evaluation tools and disseminating information on a national basis on the success or lessons learned from MDI projects.

As a condition of the MDI grant award, the grantee will use up to \$170,000 in additional program development and evaluation funds to conduct their local evaluation activities as well as participate in national evaluation meetings (for up to \$90,000 of these funds) and to acquire ETAC services to evaluate project performance and disseminate information on project outcomes (for up to \$80,000 of these funds). The Department expects that six semiannual evaluation meetings will be held with MDI participants over the three year operating period for these grants.

Although successful MDI applicants will be assigned an ETAC evaluator after selection, the applicant should consider designing and proposing activities in their application that anticipate the planned role of this evaluator. In assisting MDI grantees, the ETAC evaluator will help: (1) Define research questions that will be addressed and examined during the project period; (2) Design the full local evaluation in consultation with the project director and staff; (3) Develop instruments to assess qualitative and quantitative variables; (4) Train project staff in the collection of data or collect the data; (5) Monitor data collection activities to assure that submissions are complete and accurate, including data coding and entry; (6) Analyze the data collected; (7) Prepare reports summarizing findings; (8) Maintain communications with the project director and staff in furtherance of evaluation activities; (9) Assist in the ETAC 1997 national multi-site data evaluation effort; and (10) Serve as a liaison to the national multi-site data evaluation effort underway for MDI grantees that were selected in 1996.

The program development support and evaluation activities are eligible HOPWA activities under 24 CFR 574.300(b) (2) and (11) as: "Resource identification to establish, coordinate and develop housing assistance resources for eligible persons (including conducting preliminary research and making expenditures necessary to determine the feasibility of specific housing-related initiatives"; and "For competitive grants only, any other activity proposed by the applicant and approved by HUD." The later paragraph is based on section 855 of the AIDS Housing Opportunity Act (AHOA) that authorizes grantees selected by HOPWA competitive funds to carry out other activities that the Secretary develops in cooperation with eligible States and localities. The Department has received recommendations that the program place additional emphasis on technical assistance in the planning, development and operation of projects as well as greater use of information obtained through the evaluation of programs. In addition, as noted by HUD in 1996 in establishing MDI, communities have requested that additional efforts be made to address the needs of the MDI target population, multiply-diagnosed homeless persons who are living with HIV/AIDS who have chronic alcohol and/or other drug abuse issues and/or serious mental illness. The use of funds for program evaluation and dissemination of information responds to these recommendations.

(4) Additional Evaluation Funds for Current MDI Grantees

The Department has decided to set aside part of the amounts available under this NOFA to promote the evaluation and dissemination of information among current MDI grantees. Therefore, as provided in section III, a separate competition within this year's funding will be undertaken to select applications from current MDI grantees that propose responsive evaluation and dissemination activities. Under the funds available in this NOFA, up to \$400,000 will be set aside for a competition among the grantees awarded MDI grants in fiscal year 1996. It is estimated that the eight grantees that were selected under the Department's 1996 HIV Multiple-Diagnoses Initiative will apply for and be selected for up to \$50,000 each under this selection to be used in completing, modifying and/or expanding the planned evaluation of project performance and dissemination of information on project outcomes and in acquiring the services of the Evaluation Technical Assistance Center, as described in paragraph 3. If any funds set aside for current MDI grantees are not awarded at the time of selection, the funds will be awarded under Part II for new grants.

The Department recognizes that the eligible applicants under this paragraph were selected in the first national competition under MDI and that, except for activities that would be completed, modified and/or expanded for project evaluation with these 1997 funds, the grantees will be carrying out activities that were already determined on a competitive basis to be exemplary and/or innovative in responding to the needs of the target population. The Department is therefore not requiring that these potential applicants for 1997 funds resubmit their 1996 application that the Department has already reviewed and selected for grant award in that prior competition. However, the Department will require this group of applicants to submit a SF-424, Applicant certifications, and a letter or other written documentation which provides a justification based on need for and their plan to use funds for evaluation activities. As provided in Section III, the Department will review these 1997 applications based on rating criteria that have been modified.

(g) National HOPWA Technical Assistance

The Department proposes to select at least one Special Project of National

Significance award to operate a national HOPWA technical assistance program over three years. From the funds to be made available under this category, HUD reserves up to \$1 million to be awarded to the highest rated application (or applications) that proposes national HOPWA technical assistance activities.

The Department anticipates that the selected national HOPWA technical assistance proposal would provide technical assistance and consultations to improve community-based needs assessments, multiple-year HIV/AIDS housing planning, facility operations and other management practices of organizations which provide or plan to provide housing assistance and/or related supportive services for persons living with HIV/AIDS and their families. The assistance would also provide support for HOPWA grantees and project sponsors, including recipients of HOPWA formula allocations and competitive awards and designated first-time recipients of formula allocations. The organizations would receive advice and training on capacity-building and housing development and operation and the use of the Department's Consolidated Planning Process, Integrated Disbursement and Information System, and Grants Management System. The program may also provide assistance in developing community-based needs assessments and assistance for State-wide, metropolitan, non-metropolitan and/or rural areas in development of area multi-year HIV and AIDS housing plans. A research and information services component of this effort may include the development of information on HIV/AIDS housing and the performance of HOPWA grants which will be published for national distribution. This component should emphasize the collection and dissemination of information on the "best practices" of HUD grantees that should serve as a basis for peer support, technical assistance, and program improvement. As part of this technical assistance grant, the grantee should plan for conducting grantee and sponsor workshops, developing training materials and sponsoring conferences. HUD employees involved in the management of the consolidated planning process and development of Continuum of Care systems may also use materials developed under this grant.

In proposing to select this award, the Department advises that other proposals may also propose and be selected to use HOPWA funds for program development and evaluation activities. HOPWA funds may be used for these

activities at 24 CFR 574.300(b) under these related categories: technical assistance in establishing and operating a community residence; resource identification to establish, coordinate and develop housing assistance resources; housing information services; and other proposed activities that are accepted by HUD. Applications that propose these activities will be considered under the appropriate category of assistance.

In addition, the full scope of technical assistance activities that may be undertaken are eligible HOPWA activities under section 855 of AHOA that authorizes grantees selected by HOPWA competitive funds to carry out other activities that the Secretary develops in cooperation with eligible States and localities. The Department has received community recommendations that the program place additional emphasis on technical assistance in the planning, development and operation of projects as well as in undertaking the evaluation of performance from grantees and project sponsors which have been administering HOPWA formula allocations and/or competitive grants. The use of funds for national technical assistance responds to these recommendations.

(h) Performance Measures and Measurable Objectives

(1) General Measures

Applicants under all three categories of assistance should establish general HOPWA-related performance measures in connection with more specific goals and objectives of their proposed activities. The measures should reflect area needs assessments, priorities and other elements of the strategic plan and one-year action plans under the area's consolidated planning process and area Continuum of Care systems. In soliciting proposed performance measures, the Department anticipates that applications to be selected under this competition will provide examples of best practices in developing and documenting performance standards and outcomes in programs that assist HOPWA eligible beneficiaries. The Department also anticipates that information on these examples will be shared with other entities to further promote the use of performance standards and program outcome measures under the HOPWA program.

As general guidance, the applicant's objectives should relate to two overall goals of the HOPWA program. These general goals are: maximizing independent living; and maximizing

self-determination. In developing more standard, program-wide performance measures, this notice recommends that applicants may benefit from using the following examples of general performance measures:

A. In the area to be served, increase the number of short-term housing units (or beds) that include access to related supportive services by an estimated "xx" by the end of the program year and that allow a client to maintain or to access permanent housing at the completion of the short-term program; for example, a short-term program that provides drug and/or alcohol abuse treatment and counseling or mental health services with an outplacement to housing.

B. In the area to be served, increase the number of housing units (or beds of supportive housing) by an estimated "xx" by the end of the program year; for example, a program designed to offer housing with access to service components which could assist clients in maintaining daily living activities through an appropriate range of support.

(2) Measurable Objectives

In addition to performance measures, more responsive programs are also likely to provide specific measurable objectives or milestones, i.e. a time sensitive statement of planned accomplishments. For measurable objectives or milestones, HUD will not consider the level of expectation described for each objective. An application that sets 85% for an objective is not necessarily "better" than one that sets 25% as a realistic numerical objective for achievement. Once a program is operating, the objectives become tools for monitoring the results that are being accomplished.

(3) Goal: Maximizing Independent Living

This goal refers to assisting persons with HIV/AIDS to avoid, to the maximum extent possible, institutional living and the expense of hospitalization by increasing the availability of housing alternatives. The housing to be provided may offer clients access to related supportive services that could assist a client in maintaining daily living activities through an appropriate range of support, including helping to prevent homelessness by assisting clients maintain their current residences. Efforts may also address the needs of HOPWA-eligible clients who are homeless by coordinating assistance with area Continuum of Care programs that assist persons who are homeless. The goal recognizes that the economic burdens imposed by diseases related to

HIV and AIDS can lead to homelessness and institutional living if assistance is not available to help persons with HIV/AIDS remain in their homes, with homecare as necessary, or move to community residences offering health care services or more intensive care in a non-institutional setting. This goal also recognizes that periods of hospitalization can be unnecessarily prolonged if housing and health care alternatives are not available.

Consistent with this goal, proposals should be designed to increase the availability of non-institutional housing alternatives. Because a single project funded under this notice cannot be expected by itself to address the range of needed housing alternatives, the proposed activities should be coordinated with other programs, to the maximum extent possible, to form networks that can respond to the needs of persons with HIV/AIDS and their families as those needs change over time. For example, HOPWA projects should be integrated with area Continuum of Care plans under the homeless assistance programs, to the degree that area needs include persons living with HIV/AIDS who are homeless. Programs should also show coordination with area health-care, rental assistance and other supportive services that are funded under the Ryan White CARE Act that is administered by the Department of Health and Human Services. This is necessary to help achieve a non-duplicative continuum of care approach to offering assistance to eligible persons.

Examples of measurable objectives for maximizing independent living. The following are examples of measurable objectives:

- "X" persons with HIV/AIDS will be receiving rental assistance in the apartments in which they are currently living, with access to home health care and homemaker/chore services within "X" months.
- "X" units in a community residence providing access to a range of health care and personal support, including intensive care, as needed, will become available within
- "X" months through the acquisition and renovation of a small apartment building.
- "X" persons with HIV/AIDS currently living in emergency shelters will move within
- "X" months to scattered-site apartments with rental assistance and access to services.

(4) Goal: Maximizing Self-determination

This goal refers to the opportunities provided to participants to make

informed decisions that affect their lives. Those opportunities could result from the participant's involvement in developing his or her individualized plan for housing and related supportive services, including participant selection of service providers. It could be shown in the opportunities to select available legal, therapeutic and other types of personal assistance, as well as educational, employment assistance, social, and volunteer activities made accessible through the program. This goal may also be achieved through client participation in advisory group meetings, such as residential councils, in efforts to evaluate and improve program procedures, comment on planned renovations to a community residence, and through other means of client expression within the program.

Examples of measurable objectives for maximizing self-determination. The following are examples of measurable objectives:

- "X" percent of participants, who have a need for home health care, will choose their home health care provider within one month of entering the program;
- "X" percent of a community resident's clients will attend a weekly resident advisory meeting that is held at least once a month;
- "X" percent of the residents of the city's group homes for persons with HIV/AIDS will participate each year in completing a survey that evaluates the residential program.

(i) Application Certifications

The application under this NOFA also contains certifications that the applicant will comply, and require any project sponsor to comply, with fair housing and civil rights requirements, program regulations, and other Federal requirements. In addition, applications under this notice are required to file a Certification of Consistency with the Consolidated Plan from the jurisdiction in the proposed area to be served. Under 24 CFR Part 91, sections 225 for local governments and 325 for States, the jurisdiction is required to submit a certification in its annual consolidated plan submission that it will affirmatively further fair housing, which means that it will conduct an analysis to identify impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting the analysis and actions in this regard. The Consolidated Plan certification is not required for an application that proposes nation-wide activities. In addition, MDI applicants

are required to certify that they will participate in the MDI evaluation component.

(j) *Nondiscrimination, Fair Housing and Accessibility*

Projects funded under this NOFA shall operate in a fashion that does not deprive any individual of any right protected by the Fair Housing Act (42 U.S.C. 3601-19), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) or the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et. seq.*). All HUD-financed and insured new construction must be in compliance with the Fair Housing Act and programs must amend their inspection and certification procedures to provide for these provisions.

The requirements of 24 CFR 574.603 concerning nondiscrimination and equal opportunity apply to use of the HOPWA funds. Applicants should note that, in accordance with paragraph (b) of that regulation, "[a] grantee or project sponsor must adopt procedures to ensure that all persons who qualify for the assistance, regardless of their race, color, religion, sex, age, national origin, familial status, or handicap, know of the availability of the HOPWA program, including facilities and services accessible to persons with a handicap, and maintain evidence of implementation of the procedures."

The requirements of 24 CFR part 8, Nondiscrimination based on handicap in Federally assisted programs and activities of the Department of Housing and Urban Development, apply to the use of HOPWA funds. Section 8.1 addresses the purpose of this part "that no otherwise qualified individual with handicaps in the United States shall, solely by reason of his or her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance from the Department * * *" In addition, the requirements of 24 CFR part 100, Discriminatory Conduct Under the Fair Housing Act, apply to the use of HOPWA funds.

The Department recommends that applications for assistance under this NOFA should emphasize how they will meet requirements for the accessibility of the housing to be provided to eligible persons. In addition to these requirements, the Department strongly encourages all applicants, especially those that use funds for new construction and/or substantial rehabilitation activities, to develop and/or provide housing that is visitable by persons with mobility impairments and

to insure accessibility for persons with disabilities to all aspects of the program. Under the visitability standard, accessible housing means that the unit is located on an accessible route (32" clear passage) and, when designed, constructed, altered or adapted, can be approached, entered and used by an individual with physical disabilities. Visitability involves two specifications: (1) At least one outside entrance is at grade (no steps or other barrier to a wheelchair), and (2) all interior and exterior doors provide a 32" clear passage.

The Department's Office of Policy Development and Research has issued the following guide which will be useful in designing appropriate modifications, including integrating universal design features that provide basic accessibility in entry and mobility throughout structures and contain other modifications that respond to the needs of clients with disabilities: *Homes for Everyone: Universal Design Principles in Practice*. To obtain this document, applicants should contact the HUD User information office at 1-800-245-2691 or 1-800-877-8339 (TTY).

II. Application Selection Process—New Grants

(a) Review and Clarifications

Applications will be reviewed to ensure that they meet the following:

(1) *Applicant eligibility*. The applicant and project sponsor(s), if any, are eligible to apply for the specific program;

(2) *Eligible population to be served*. The persons proposed to be served are eligible persons;

(3) *Eligible activities*. The proposed activities are eligible for assistance under the program;

(4) *Certification of Consistency with Area Consolidated Plans*. The proposed activities that are located in a jurisdiction are consistent with the jurisdiction's current, approved Consolidated Plan, except that this certification is not required for projects that propose to undertake activities on a national basis; and

(5) *Other requirements*. The applicant is currently in compliance with the federal requirements contained in 24 CFR part 574, subpart G, "Other Federal Requirements."

The Department will use the following standards to assess compliance with civil rights laws at the threshold review. In making this assessment, the Department shall review appropriate records maintained by the Office of Fair Housing and Equal Opportunity, e.g., records of monitoring,

audit, or compliance review findings, complaint determinations, compliance agreements, etc. If the review reveals the existence of any of the following, the application will be rejected:

(A) There is a pending civil rights suit against the sponsor instituted by the Department of Justice.

(B) There is an outstanding finding of noncompliance with civil rights statutes, Executive Orders or regulations as a result of formal administrative proceedings, unless the applicant is operating under a HUD-approved compliance agreement designed to correct the area of noncompliance, or is currently negotiating such an agreement with the Department.

(C) There is an unresolved Secretarial charge of discrimination issued under Section 810(g) of the Fair Housing Act, as implemented by 24 CFR 103.400.

(D) There has been an adjudication of a civil rights violation in a civil action brought against it by a private individual, unless the applicant is operating in compliance with a court order designed to correct the area of noncompliance or the applicant has discharged any responsibility arising from such litigation.

(E) There has been a deferral of the processing of applications from the sponsor imposed by HUD under Title VI of the Civil Rights Act of 1964, the Attorney General's Guidelines (28 CFR 1.8) and procedures, or under Section 504 of the Rehabilitation Act of 1973 and the HUD Section 504 regulations (24 CFR 8.57).

In accordance with the provisions of 24 CFR part 4, subpart B, HUD may contact an applicant to seek clarification of an item in the application, or to request additional or missing information, but the clarification or the request for additional or missing information shall not relate to items that would improve the substantive quality of the application pertinent to the funding decision.

(b) Competition

This national competition will involve the review, rating and selection of applications under each of the three categories of assistance, including selection for the national HOPWA technical assistance funds. To rate applications, the Department may establish a panel or panels including persons not currently employed by HUD to obtain certain expertise and outside points of view, including views from other federal agencies. The separate competition for additional funds for current MDI grantees is provided below in Section III and described in Section I(f)(4).

(c) Rating of Applications

(1) Procedure

Applications will be rated based on the criteria listed below. The criteria listed in paragraph (2) (A), (B), (C), and (D) are common for all applications. Paragraphs (3), (4) and (5) are specific for the category of assistance under which the application is being submitted. Ratings will be made with a maximum of 100 points awarded. After rating, these applications will be placed in the rank order of their final score for selection within the appropriate category of assistance, except that the proposals for the national HOPWA technical assistance activities will be placed in the rank order of their final score for selection under a separate selection list for the purposes of selecting the highest rated application or applications to be awarded the amounts reserved for national HOPWA technical assistance activities and applications that were not selected for the reserved amounts will be returned to the SPNS category of assistance for consideration under that selection list.

(2) Common Rating Criteria

Applications under the three categories of grant will be rated on the following four common criteria for up to 70 points:

(A) *Applicant and Project Sponsor capacity (20 points)*. HUD will award up to 20 points based on the ability of the applicant and, if applicable, any project sponsor(s) to develop and operate the proposed program, such as housing development, management of housing facilities or units, and service delivery, in relation to which entity is carrying out an activity. With regard to both the applicant and the project sponsor(s), HUD will consider: (a) past experience and knowledge in serving persons with HIV/AIDS and their families; (b) past experience and knowledge in programs similar to those proposed in the application; and (c) experience and knowledge in monitoring and evaluating program performance and disseminating information on project outcomes.

As applicable, the rating under this criterion will also consider prior performance with any HUD-administered programs, timeliness in implementing HUD-administered programs, including any serious, outstanding audit or monitoring findings that directly affect the proposed project.

(B) *Need for the project in the area to be served (10 points)*. HUD will award up to 10 points based on the extent to which the need for the project in the area to be served is demonstrated with

5 of these points to be determined by the relative numbers of AIDS cases and per capita AIDS incidence, as reported to and confirmed by the Director of the Centers for Disease Control and Prevention.

After the other rating criteria have been determined for up to 95 points, HUD will award 5 of the points under this criterion for each category to the highest rated application in each state and to the highest rated application among the applications that propose nation-wide activities.

(C) *Appropriateness of program activities: housing, supportive services and other assistance (30 points)*. HUD will award up to 30 points based on the extent to which a plan for undertaking and managing the proposed activities is coordinated with a community strategy and is responsive to the needs of clients.

(i) The award of points for coordination with a community strategy, for up to 10 of these points, will be based on how the proposal describes how activities were planned and are proposed to be carried out with HOPWA funds and other resources in order to provide a continuum of housing and services to meet the changing needs of eligible persons, such as the coordination of housing with access to health-care and other supportive services in area continuum of care efforts. Within the points available under this criterion, HUD will award three bonus points for projects that propose to locate activities within the boundaries of an area that has been designated an Empowerment Zone, Enterprise Community, Supplemental Empowerment Zone, or Enhanced Enterprise Community by the Secretary or by the Secretary of the Department of Agriculture, if priority placement will be given by the project: to eligible persons whose last known address was within the designated area; or to eligible persons who are homeless persons living on the streets or in shelters within the designated area.

Within the points available under this paragraph, HUD will award three place-based points for an application based on the assessment of the Secretary's Representative who is serving the area in which the project will be located. The Secretary's Representative shall consider prior HUD experience with the applicant and any project sponsor and the application's description of the applicant's and any project sponsor's participation in the development, operation or assessment of a State or local government strategy to address the housing and related health care or other supportive service needs of eligible persons in the area to be served. The

views may include but are not limited to whether the entities evidence sufficient experience and/or ability to carry out the proposed activities in coordination with other related resources and that the proposed activities are consistent with and/or complement other related initiatives in the area to be served.

(ii) The award of points for responsiveness to the needs of clients, for up to 20 of these points, will be based on how the proposal:

(a) Describes and responds to the need for housing and related supportive services of eligible persons in the community; or, in relation to technical assistance activities proposed in the application, describes and responds to the technical assistance needs of programs which provide housing and related supportive services for eligible persons;

(b) Describes how activities will offer a personalized response to the needs of clients which maximizes opportunities for independent living, including accessibility of housing units and other structures, and in the case of a family, accommodates the needs of families;

(c) Provides for monitoring and the evaluation of the assistance provided to participants;

(d) In relation to technical assistance activities proposed in the application, provides technical assistance related to the development and operation of programs and the capacity of organizations to undertake and manage assistance for eligible persons;

(e) In relation to a safe haven, describes how the activities that will be carried out with HOPWA funds and other resources provide for the stabilization of clients, provide basic services in the safe haven, and provide coordination with other assistance; under this activity, HUD will consider how the safe haven proposal proposes to offer housing assistance for homeless persons with serious mental illness through a program that places minimal initial demands on residents and does not require participation in services but that also anticipates that safe haven residents, in time, will participate in mental health programs and/or substance abuse programs and move to or accept transitional or other supportive housing;

(f) In accordance with an order of the U.S. District Court for the Northern District of Texas, Dallas Division, with respect to any application submitted by the City of Dallas, Texas, HUD will also consider the extent to which the proposal for the use of HOPWA funds will be used to eradicate the vestiges of racial segregation in the Dallas Housing

Authority's low-income housing programs. The City of Dallas should address the effect, if any, that vestiges of racial segregation in Dallas Housing Authority's low income housing programs have on potential participants in the programs covered by this NOFA, and identify proposed actions for remedying those vestiges. HUD may consider up to 2 points of the points available under this criterion based on this consideration.

(D) *Extent of leveraged public and private resources for the project (10 points)*. HUD will award up to 10 points based on the extent to which resources from other public or private sources have been committed to support the project at the time of application. In establishing leveraging, HUD will not consider other HOPWA-funded activities, entitlement benefits inuring to eligible persons, or conditioned commitments that depend on future fund-raising or actions. In assessing the use of acceptable leveraged resources, HUD will consider the likelihood that state and local resources will be available and continue during the operating period of the grant.

(3) Additional Criterion for Special Projects of National Significance (30 points)

Applications for projects for this category of assistance will be rated on the *innovative nature of the proposal and its potential for replication, including the use of performance measures and the evaluation of activities*. HUD will award up to 30 points based on the extent to which the applicant demonstrates that:

(A) The project involves a new program for, or alternative method of, meeting the needs of eligible persons, when compared to other applications and projects funded in the past. The Department will consider the extent to which the project design, management plan, proposed effects, local planning and coordination of housing programs, and proposed activities are exemplary and appropriate as a model for replication in similar localities or nationally, when compared to other applications and projects funded in the past.

Within the points available under this criterion, HUD may award up to five bonus points for projects that propose to continue the operations of HOPWA funded activities that have been supported by HOPWA competitive funds in prior years and that have operated with reasonable success. An applicant has operated with reasonable success if it evidences that previous HOPWA-funded activities have been

carried out and funds have been used in a timely manner, that benchmarks, if any, in program development and operation have been met, and that the number of persons assisted is comparable to the number that was planned at the time of application. The Department recognizes that the clients which benefit under these projects may have only limited access to other HOPWA funds, except as provided through this national competition; and

(B) The project establishes performance measures, provides for the evaluation of activities based on those performance measures, and provides for the dissemination of information on the success of the proposed activities in assisting eligible persons and/or in establishing or operating systems of care for eligible persons.

(4) Additional Criterion for Projects under the HIV Multiple-Diagnoses Initiative (30 points)

Applications for Projects under this category of assistance will be rated on:

(A) *Innovative nature of the proposal and its potential for replication.* HUD will award up to 25 points based on the extent to which the project involves a new program for, or alternative method of, meeting the needs of the targeted population of eligible persons, when compared to other applications and projects funded in the past. The Department will consider the extent to which the project design, management plan, proposed effects, local planning and coordination of housing programs, and the likelihood that activities will benefit the targeted population of eligible persons and proposed activities are exemplary and appropriate as a model for replication in similar localities or nationally, when compared to other applications and projects funded in the past.

Within the points available under this criterion, HUD may award up to five bonus points for projects that propose to continue the operations of HOPWA funded activities that have been supported by HOPWA competitive funds in prior years and that have operated with reasonable success. An applicant has operated with reasonable success if it evidences that previous HOPWA-funded activities have been carried out and funds have been used in a timely manner, that benchmarks, if any, in program development and operation have been met, and that the number of persons assisted is comparable to the number that was planned at the time of application. The Department recognizes that the clients which benefit under these projects may have only limited access to other

HOPWA funds, except as provided through this national competition; and

(B) *Performance measures and national MDI evaluation.* HUD will award up to 5 points to an applicant that establishes performance measures and agrees to fully participate in the national MDI evaluation component.

(5) Additional Criterion for Projects Which are Part of Long-Term Comprehensive Strategies for Providing Housing and Related Services (30 points).

Applications for projects for this category of assistance will be rated on the extent of local planning and coordination of housing programs, including the use of performance measures and the evaluation of activities. HUD will award up to 30 points based on the extent to which the applicant demonstrates:

(A) The proposed project is part of a community strategy involving local, metropolitan or state-wide planning and coordination of housing programs designed to meet the changing needs of low-income persons with HIV/AIDS and their families, including programs providing housing assistance and related services that are operated by federal, state, local, private and other entities serving eligible persons.

Within the points available under this criterion, HUD may award up to five bonus points for projects that propose to continue the operations of HOPWA funded activities that have been supported by HOPWA formula or competitive funds in prior years and that have operated with reasonable success. An applicant has operated with reasonable success if it evidences that previous HOPWA-funded activities have been carried out and funds have been used in a timely manner, that benchmarks, if any, in program development and operation have been met, and that the number of persons assisted is comparable to the number that was planned at the time of application. The Department recognizes that the areas which benefit under this category of assistance currently have no other access to HOPWA funds except as provided through this national competition; and

(B) Establishes performance measures, provides for the evaluation of activities based on those performance measures, and provides for the dissemination of information on the success of the proposed activities in assisting eligible persons and/or in establishing or operating systems of care for eligible persons.

(d) Selection of Awards

Whether an application is conditionally selected will depend on its overall ranking compared to other applications within each of the three categories of assistance, and for an application that proposes national HOPWA technical assistance, with any other applications that propose similar activities. The Department will select applications to the extent that funds are available. In allocating amounts to the categories of assistance, HUD reserves the right to ensure that a minimum number of applications under each category of assistance are among the conditionally selected applications. HUD reserves the right to fund less than the full amount requested in any application and to make mathematical corrections.

HUD reserves the right to achieve greater geographic diversity (i.e. resulting in funding activities within a variety of states) by selecting a lower rated application. In selecting a lower rated application in order to achieve greater geographic diversity under this paragraph, HUD will not select an application that is rated below 50 points.

In the event of a tie between applications in a category of assistance, HUD reserves the right to break the tie: by selecting the proposal that increases geographic diversity; and, if not greater geographic diversity is achievable, by subsequently designating as the higher rated proposal, that proposal which was scored higher on a rating criterion, taken in the following order until the tie is broken: the category specific criterion under Section II (c) paragraphs (3), (4), or (5); the appropriateness of program activities; the applicant and project sponsor capacity criterion; the need for the project criterion; and the extent of leveraged resources criterion.

In the event of a procedural error that, when corrected, would result in selection of an otherwise eligible application during the funding round under this NOFA, HUD may select that application when sufficient funds become available.

HUD will notify conditionally selected applicants in writing. Such applicants will subsequently be notified of any modification made by HUD, the additional project information necessary for grant award and the date of deadline for submission of such information. In the event that a conditionally-selected applicant is unable to meet any conditions for fund award within the specified timeframe or funds are deobligated under a grant awarded under this competition, HUD reserves

the right not to award funds to the applicant, but instead to: use those funds to make awards to the next highest rated applications in this competition; to restore amounts to a funding request that had been reduced in this or in a prior year competition; or to add amounts to funds available for the next competition.

III. Application Selection Process— Current MDI Grants

(a) General Requirements

All requirements of this NOFA apply also to this selection, except as otherwise noted herein. The amounts available under this section are provided in addition to and are not subject to the limitation in paragraph I(c)(2) on the amount that the applicant may otherwise qualify for under the selection process for new grants.

(b) Eligible Applicants

An eligible applicant under this selection is an entity that was selected for a MDI award under the 1996 HOPWA competition. The 1996 NOFA was published in the **Federal Register** on February 28, 1996 (61 FR 7664) and the notice of funding awards was published on October 23, 1996 (61 FR 55009). In regard to determining eligibility, the review process contained in Section II has been reduced. Based on the information provided in the application under paragraph (e), HUD will determine if an applicant is eligible. Since the eligible applicants are limited to current recipients of HOPWA MDI grants, the Department will not otherwise require applicants to duplicate their submission of documentation to determine the applicant's eligibility, that an eligible population is to be served, that eligible activities will be undertaken and that the applicant is in conformance with other requirements. The Department is satisfied that the review that was undertaken for these entities in the 1996 MDI competition, for which these entities were determined to be eligible, is sufficient for the award of these additional funds.

(c) Eligible Activities

As described in paragraph I(f)(5), a current MDI grantee may also apply for up to \$50,000 in additional funds to be used in modifying and expanding the planned evaluation of project performance and dissemination of information on project outcomes and in acquiring the services of the Evaluation Technical Assistance Center. Applicants under this section are not required to

establish additional performance measures.

(d) Rating Factors

The rating factors contained in Section II have been modified and the leveraging criterion was eliminated. Applications for funds under this section from current MDI grantees will be rated, with a maximum of 100 points awarded, on the following:

(1) *Applicant and Project Sponsor capacity (25 points)*. HUD will award up to 25 points based on the ability of the applicant and, if applicable, any project sponsor(s) to develop and operate their current MDI project and to undertake the proposed additional evaluation activities. HUD will consider their prior performance on the 1996 MDI project.

(2) *Need for the project in the area to be served (5 points)*. HUD will award up to 5 points based on the extent to which the need for the project in the area to be served is demonstrated by the relative numbers of AIDS cases and per capita AIDS incidence, as reported to and confirmed by the Director of the Centers for Disease Control and Prevention.

(3) *Appropriateness of program activities (25 points)*. HUD will award up to 25 points based on the extent to which a plan for undertaking and managing the proposed activities describes and responds to the need for additional support to complete, modify and/or expand evaluation activities in regard to a MDI program that provides housing and related supportive services for eligible persons;

(4) *Additional Criterion for Special Projects of National Significance—HIV Multiple-Diagnoses Initiative (45 points)*.

(A) HUD will award up to 5 points for *the innovative nature of the proposal and its potential for replication*, based on the extent to which the project involves a new or alternative method for carrying out evaluation activities and the extent to which the proposed evaluation activities, the relationship of these activities to related local planning and coordination of housing programs for eligible persons, are exemplary or appropriate as a model for replication in similar localities or nationally; and

(B) HUD will award up to 40 points for *evaluation and dissemination*, based on the extent to which the applicant describes an evaluation and dissemination plan that includes an assessment of the assistance provided to clients, based on HUD's assessment of the extent to which the plan will ensure that activities are undertaken in a timely manner and that funds are expended within the planned use period.

(e) Applications

The application requirements have been modified. An eligible applicant under this section is not required to resubmit their 1996 application or to submit their 1997 application based on the form that is made available for applicants under section II, except as noted below in using the SF-424 and the HOPWA Applicant Certifications (see item B of Statutory Certifications). An applicant under this section is required to submit each of the following items:

(a) a signed SF-424;

(b) a signed HOPWA Applicant Certifications; and

(c) a letter or other written document of approximately one page that requests an amount (up to \$50,000) and describes the applicant's need for and plan to use additional funds to complete, modify and/or expand the planned program development and evaluation efforts under its 1996 award.

(f) Selection Process

The selection process contained in Section II has been modified. An applicant that meets the review criteria in section (b), must have a rating score of at least 50 points in order to be funded. Applicants will not be ranked for this selection. There is sufficient funding for all eligible applications under this section.

IV. Other Matters

Environmental Impact

This NOFA provides funding under, and does not alter the environmental requirements of, regulations in 24 CFR part 574. Accordingly, under 24 CFR 50.19(c)(5), this NOFA is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321). Activities under this NOFA are subject to the environmental review provisions set out at 24 CFR 574.450.

Federalism Impact

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, *Federalism*, has determined that the policies contained in this Notice will not have substantial direct effects on states or their political subdivisions, or the relationship between the federal government and the states, or on the distribution of power and responsibilities among the various levels of government. As a result, the Notice is not subject to review under the Order. The Notice announces the availability of funds and invites applications from eligible applicants for the HOPWA program.

Accountability in the Provision of HUD Assistance

HUD's regulation implementing section 102 of the Department of Housing and Urban Development Reform Act of 1989, found at 24 CFR part 12, contains a number of provisions designed to ensure greater accountability and integrity in the provision of certain types of assistance administered by HUD. Additional information on the implementation of section 102 was published on January 16, 1992 at 57 FR 1942. The documentation, public access, and disclosure requirements of section 102 apply to assistance awarded under this NOFA as follows:

HUD will ensure documentation and other information regarding each application submitted pursuant to this NOFA are sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of support, will be made available for public inspection for a five-year period beginning not less than 30 days after the award of the assistance. Material will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. In addition, HUD will publish notice of awards made in response to this NOFA in the **Federal Register**.

HUD will make available to the public for five years all applicant disclosure reports (HUD Form 2880) submitted in connection with this NOFA. Update reports (also Form 2880) will be made available along with the applicant disclosure reports, but in no case for a period less than three years. All reports—both applicant disclosures and updates—will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. (See subpart C, and the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942), for further information on these disclosure requirements.)

Prohibition on Advance Release of Funding Information

HUD's regulation implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989, found at 24 CFR part 4, applies to the funding competition announced today. The requirements of that rule continue to apply until the announcement of the selection of successful applicants.

HUD employees involved in the review of applications and in the

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

Applicants who have questions should contact the HUD Ethics Law Division (202) 708-3815 (this is not a toll-free number). A telecommunications device for hearing-and speech-impaired persons (TTY) is available at 1-800-877-8339 (Federal Information Relay Service). The Ethics Law Division can provide information of a general nature to HUD employees, as well. However, a HUD employee who has specific program questions, such as whether particular subject matter can be discussed with persons outside the Department, should contact his or her Field Office Counsel, or Headquarters Counsel for the program to which the question pertains.

Prohibition Against Lobbying Activities

The use of funds awarded under this NOFA is subject to the disclosure requirements and prohibitions of section 319 of the Department of Interior and Related Agencies Appropriations Act for Fiscal Year 1990 (31 U.S.C. 1352) (The "Byrd Amendment") and the implementing regulations at 24 CFR part 87. These authorities prohibit recipients of federal contracts, grants, or loans from using appropriated funds for lobbying the Executive or Legislative branches of the federal government in connection with a specific contract, grant, or loan. The prohibition also covers the awarding of contracts, grants, cooperative agreements, or loans unless the recipient has made an acceptable certification regarding lobbying. Under 24 CFR part 87, applicants, recipients, and subrecipients of assistance exceeding \$100,000 must certify that no federal funds have been or will be spent on lobbying activities in connection with the assistance. A standard disclosure form, SF-LLL, "Disclosure Form to Report Lobbying," must be used to disclose lobbying with other than federally appropriated funds at the time of application.

Drug-Free Workplace Certification

In accordance with 24 CFR 24.630, an applicant must submit its Certification for a Drug-Free Workplace (Form HUD-50070).

Dated: May 1, 1997.

Jacque Lawing,

General Deputy Assistant Secretary for Community Planning and Development.

Appendix A.—List of HUD Area CPD Offices (as of 2-20-97)

In addition to filing the original application with HUD Headquarters, as described in the NOFA, applicants are required to submit two (2) copies of the application to the HUD CPD office serving the area in which the applicant's project is located; applicants proposing nation-wide activities should file the two (2) copies with the original application to HUD Headquarters. This appendix provides a list of the CPD Directors in those area CPD offices.

Telephone numbers for Telecommunications Devices for the Deaf (TTY machines) are listed for CPD Directors in HUD Field Offices; all HUD numbers, including those noted *, may be reached via TTY by dialing the Federal Information Relay Service on 1-800-877-TDDY or (1-800-877-8339).

Alabama

William H. Dirl, Beacon Ridge Tower, 600 Beacon Pkwy. West, Suite 300, Birmingham, AL 35209-3144; (205) 290-7645; TTY (205) 290-7624.

Alaska

Colleen Bickford, 949 E. 36th Avenue, Suite 401, Anchorage, AK 99508-4399; (907) 271-4684; TTY (907) 271-4328.

Arizona

Martin H. Mitchell, Two Arizona Center, Suite 1600, 400 N. 5th St., Phoenix, AZ 85004; (602) 379-4754; TTY (602) 379-4461.

Arkansas

Billy M. Parsley, TCBY Tower, 425 West Capitol Ave., Suite 900, Little Rock, AR 72201-3488; (501) 324-6375; TTY (501) 324-5931.

California

(Southern) Herbert L. Roberts, 611 West Sixth St., Suite 800, Los Angeles, CA 90017-3127; (213) 894-8026; TTY (213) 894-8133.

(Northern) Steve Sachs, 450 Golden Gate Ave., P.O. Box 36003, San Francisco, CA 94102-3448; (415) 436-6597; TTY (415) 436-6594.

Colorado

Guadalupe M. Herrera, First Interstate Tower North, 633 17th St., Denver, CO 80202-3607; (303) 672-5414; TTY (303) 672-5248.

Connecticut

Mary Ellen Morgan, 330 Main St., Hartford, CT 06106-1866; (860) 240-4508; TTY (860) 240-4665.

Delaware

Joyce Gaskins, Wanamaker Bldg., 100 Penn Square East, Philadelphia, PA 19107; (215) 656-0624; TTY (215) 656-3452.

District of Columbia (and MD and VA suburbs)

James H. McDaniel, 820 First St., NE, Washington, DC 20002; (202) 275-0994; TTY (202) 275-0772.

Florida

(Northern) James N. Nichol, 301 West Bay St., Suite 2200, Jacksonville, FL 32202-

- 5121; (904) 232-3587; TTY (904) 232-1241.
(Miami-So. Dade) Angelo Castillo, Gables Tower 1, 1320 South Dixie Hwy., Coral Gables, FL 33146-2911; (305) 662-4570; TTY (305) 662-4511.
- Georgia**
John L. Perry, Russell Fed. Bldg., Room 270, 75 Spring St., SW, Atlanta, GA 30303-3388; (404) 331-5139; TTY (404) 730-2654.
- Hawaii (and Pacific)**
Patty A. Nicholas, 7 Waterfront Plaza, Suite 500, 500 Ala Moana Blvd., Honolulu, HI 96813-4918; (808) 522-8180 x264; TTY (808) 522-8193.
- Idaho**
John G. Bonham, 400 S.W. Sixth Ave., Suite 700, Portland, OR 97204-1632 (503) 326-7012; TTY * via 1-800-877-8339.
- Illinois**
James Barnes, 77 W. Jackson Blvd., Chicago, IL 60604-3507; (312) 353-1696; TTY (312) 353-5944.
- Indiana**
Robert F. Poffenberger, 151 N. Delaware St., Indianapolis, IN 46204-2526; (317) 226-5169; TTY * via 1-800-877-8339.
- Iowa**
Gregory A. Bevirt, Executive Tower Centre, 10909 Mill Valley Road, Omaha, NE 68154-3955; (402) 492-3144; TTY (402) 492-3183.
- Kansas**
William Rotert, Gateway Towers 2, 400 State Ave., Kansas City, KS 66101-2406; (913) 551-5485; TTY (913) 551-6972.
- Kentucky**
Ben Cook, P.O. Box 1044, 601 W. Broadway, Louisville, KY 40201-1044; (502) 582-6141; TTY 1-800-648-6056.
- Louisiana**
Gregory J. Hamilton, 501 Magazine St., New Orleans, LA 70130; (504) 589-7212; TTY (504) 589-7237.
- Maine**
David Lafond, Norris Cotton Fed. Bldg., 275 Chestnut St., Manchester, NH 03101-2487; (603) 666-7640; TTY (603) 666-7518.
- Maryland**
Joseph J. O'Connor, Acting Director, 10 South Howard Street, 5th Floor, Baltimore, MD 21202-0000; (410) 962-2520 x3071; TTY (410) 962-0106.
- Massachusetts**
Robert L. Paquin, Thomas P. O'Neill, Jr., Fed. Bldg., 10 Causeway St., Boston, MA 02222-1092; (617) 565-5342; TTY (617) 565-5453.
- Michigan**
Richard Paul, Patrick McNamara Bldg., 477 Michigan Ave., Detroit, MI 48226-2592; (313) 226-4343; TTY * via 1-800-877-8339.
- Minnesota**
Shawn Huckleby, 220 2nd St. South, Minneapolis, MN 55401-2195; (612) 370-3019; TTY (612) 370-3185.
- Mississippi**
Jeanie E. Smith, Dr. A. H. McCoy Fed. Bldg., 100 W. Capitol St., Room 910, Jackson, MS 39269-1096; (601) 965-4765; TTY (601) 965-4171.
- Missouri**
(Eastern) James A. Cunningham, 1222 Spruce St., St. Louis, MO 63103-2836; (314) 539-6524; TTY (314) 539-6331.
(Western) William Rotert, Gateway Towers 2, 400 State Ave., Kansas City, KS 66101-2406; (913) 551-5485; TTY (913) 551-6972.
- Montana**
Guadalupe Herrera, First Interstate Tower North, 633 17th St., Denver, CO 80202-3607; (303) 672-5414; TTY (303) 672-5248.
- Nebraska**
Gregory A. Bevirt, Executive Tower Centre, 10909 Mill Valley Road, Omaha, NE 68154-3955; (402) 492-3144; TTY (402) 492-3183.
- Nevada**
(Las Vegas, Clark Cnty) Martin H. Mitchell, Two Arizona Center, Suite 1600, 400 N. 5th St., Phoenix, AZ 85004; (602) 379-4754; TTY (602) 379-4461.
(Remainder of State) Steve Sachs, 450 Golden Gate Ave., P.O. Box 36003, San Francisco, CA 94102-3448; (415) 436-6597; TTY (415) 436-6594.
- New Hampshire**
David J. Lafond, Norris Cotton Fed. Bldg., 275 Chestnut St., Manchester, NH 03101-2487; (603) 666-7640; TTY (603) 666-7518.
- New Jersey**
Kathleen Naymola, Acting Director, 1 Newark Center, Newark, NJ 07102; (201) 622-7900x3300; TTY (201) 645-3298.
- New Mexico**
Frank Padilla, 625 Truman St. N.E., Albuquerque, NM 87110-6472; (505) 262-6463; TTY (505) 262-6463.
- New York**
(Upstate) Michael F. Merrill, Lafayette Ct., 465 Main St., Buffalo, NY 14203-1780; (716) 551-5768; TTY * via 1-800-877-8339.
(Downstate) Joseph D'Agosta, 26 Federal Plaza, New York, NY 10278-0068; (212) 264-0771; TTY (212) 264-0927.
- North Carolina**
Charles T. Ferebee, Koger Building, 2306 West Meadowview Road, Greensboro, NC 27407; (910) 547-4006; TTY (910) 547-4055.
- North Dakota**
Guadalupe Herrera, First Interstate Tower North, 633 17th St., Denver, CO 80202-3607; (303) 672-5414; TTY (303) 672-5248.
- Ohio**
John E. Riordan, 200 North High St., Columbus, OH 43215-2499; (614) 469-6743; TTY (614) 469-6694.
- Oklahoma**
David H. Long, 500 West Main Place, Suite 400, Oklahoma City, OK 73102; (405) 553-7569; TTY * via 1-800-877-8339.
- Oregon ***
John G. Bonham, 400 S.W. Sixth Ave., Suite 700, Portland, OR 97204-1632 (503) 326-7012; TTY * via 1-800-877-8339.
- Pennsylvania**
(Western) Bruce Crawford, 339 Sixth Ave., Pittsburgh, PA 15222-2515; (412) 644-5493; TTY (412) 644-5747.
(Eastern) Joyce Gaskins, Wanamaker Bldg., 100 Penn Square East, Philadelphia, PA 19107; (215) 656-0624; TTY (215) 656-3452.
- Puerto Rico (and Caribbean)**
Carmen R. Cabrera, 159 Carlos Chardon Ave., San Juan, PR 00918-1804; (787) 766-5576; TTY (787) 766-5909.
- Rhode Island**
Robert L. Paquin, Thomas P. O'Neill, Jr., Fed. Bldg., 10 Causeway St., Boston, MA 02222-1092; (617) 565-5342; TTY (617) 565-5453.
- South Carolina**
Louis E. Bradley, Fed. Bldg., 1835 Assembly St., Columbia, SC 29201; (803) 765-5564; TTY (803) 253-3071.
- South Dakota**
Guadalupe Herrera, First Interstate Tower North, 633 17th St., Denver, CO 80202-3607; (303) 672-5414; TTY (303) 672-5248.
- Tennessee**
Virginia E. Peck, John J. Duncan Federal Bldg., Third Floor, 710 Locust St. S.W., Knoxville, TN 37902-2526; (423) 545-4391; TTY (423) 545-4559.
- Texas**
(Northern) Katie Worsham, 1600 Throckmorton, P.O. Box 2905, Fort Worth, TX 76113-2905; (817) 978-9016; TTY (817) 978-9274.
(Southern) John T. Maldonado, Washington Sq., 800 Dolorosa, San Antonio, TX 78207-4563; (210) 472-6820; TTY (210) 472-6885.
- Utah**
Guadalupe Herrera, First Interstate Tower North, 633 17th St., Denver, CO 80202-3607; (303) 672-5414; TTY (303) 672-5248.
- Vermont**
David J. Lafond, Norris Cotton Fed. Bldg., 275 Chestnut St., Manchester, NH 03101-2487; (603) 666-7640; TTY (603) 666-7518.
- Virginia**
Joseph K. Aversano, 3600 W. Broad St., Richmond, VA 23230-4920; (804) 278-4503; TTY (804) 278-4501.
- Washington ***
John W. Peters, Federal Office Bldg., 909 First Ave., Suite 200, Seattle, WA 98104-1000; (206) 220-5150; TTY (206) 220-5185.
- West Virginia**
Bruce Crawford, 339 Sixth Ave., Pittsburgh, PA 15222-2515; (412) 644-5493; TTY (412) 644-5747.
- Wisconsin**
Lana J. Vacha, Henry Reuss Fed. Plaza, 310 W. Wisconsin Ave., Ste. 1380, Milwaukee, WI 53203-2289; (414) 297-3113; TTY * via 1-800-877-8339.
- Wyoming**
Guadalupe Herrera, First Interstate Tower North, 633 17th St., Denver, CO 80202-3607; (303) 672-5414; TTY (303) 672-5248.

Appendix B. Areas Eligible To Receive HOPWA 1997 Formula Allocations and not Eligible for Long-Term Projects

The following are the areas that are eligible to receive HOPWA formula allocations in FY

* The following areas in Washington State are served by the Oregon CPD office: Clark, Klickitat and Shania Counties.

1997. State or local governments located in or serving eligible persons in these areas are only eligible to apply for grants for Special Projects of National Significance under the HOPWA 1997 competition. The Long-term category of assistance, grants for projects that are part of long-term comprehensive strategies for providing housing and related services, is reserved by statute for areas that are not eligible to receive HOPWA formula awards, i.e. any area outside of the list below.

1. 1997 formula allocations are available for all areas in the States of:

Alabama
Arkansas
California
Connecticut
Delaware
District of Columbia
Florida
Georgia
Hawaii
Illinois
Indiana
Kentucky
Louisiana
Massachusetts
Michigan
Mississippi
New Jersey
New York
North Carolina
Ohio
Oklahoma
Pennsylvania
Puerto Rico
South Carolina
Tennessee
Texas
Washington State
Wisconsin.

2. 1997 formula allocations are available for all areas in the following metropolitan areas in the States of Arizona, Colorado, Kansas, Maryland, Minnesota, Missouri, Nevada, New Hampshire, Oregon, Virginia and West Virginia:

1120 Boston MA-NH PMSA (part)
Rockingham County, NH (part):
Seabrook town, NH
South Hampton town, NH
0720 Baltimore, MD PMSA
Anne Arundel County, MD
Baltimore County, MD
Carroll County, MD
Harford County, MD
Howard County, MD
Queen Anne's County, MD
Baltimore City, MD
6760 Richmond-Petersburg, VA MSA
Charles City County, VA
Chesterfield County, VA
Dinwiddie County, VA
Goochland County, VA
Hanover County, VA
Henrico County, VA
New Kent County, VA
Powhatan County, VA
Prince George County, VA
Colonial Heights city, VA
Hopewell city, VA
Petersburg city, VA
Richmond city, VA
8840 Washington, DC-MD-VA-WV PMSA

Calvert County, MD
Charles County, MD
Frederick County, MD
Montgomery County, MD
Prince George County, VA
Arlington County, VA
Clarke County, VA
Culpeper County, VA
Fairfax County, VA
Fauquier County, VA
King George County, VA
Loudoun County, VA
Prince William County, VA
Spotsylvania County, VA
Stafford County, VA
Warren County, VA
Alexandria City, VA
Fairfax City, VA
Falls Church City, VA
Fredericksburg City, VA
Manassas City, VA
Manassas Park City, VA
Berkeley County, WV
Jefferson County, WV
5720 Norfolk-Virginia Beach-Newport News, VA-NC MSA
Gloucester County, VA
Isle of Wight County, VA
James City County, VA
Mathews County, VA
York County, VA
Chesapeake city, VA
Hampton city, VA
Newport News city, VA
Norfolk city, VA
Poquoson city, VA
Portsmouth city, VA
Suffolk city, VA
Virginia Beach city, VA
Williamsburg city, VA
5120 Minneapolis-St. Paul, MN-WI MSA (part)
Anoka County, MN
Carver County, MN
Chisago County, MN
Dakota County, MN
Hennepin County, MN
Isanti County, MN
Ramsey County, MN
Scott County, MN
Sherburne County, MN
Washington County, MN
Wright County, MN
3760 Kansas City, MO-KS MSA (part)
Cass County, MO
Clay County, MO
Clinton County, MO
Jackson County, MO
Lafayette County, MO
Platte County, MO
Ray County, MO
Johnson County, KS
Leavenworth County, KS
Miami County, KS
Wyandotte County, KS
7040 St. Louis, MO-IL MSA (part)
Crawford County, MO (part): Sullivan City, MO
Franklin County, MO
Jefferson County, MO
Lincoln County, MO
St. Charles County, MO
St. Louis County, MO
Warren County, MO
St. Louis City, MO
2080 Denver, CO PMSA

Adams County, CO
Arapahoe County, CO
Denver County, CO
Douglas County, CO
Jefferson County, CO
6200 Phoenix-Mesa, AZ MSA
Maricopa County, AZ
Pinal County, AZ
4120 Las Vegas, NV-AZ MSA
Clark County, NV
Nye County, NV
Mohave County, AZ
6440 Portland-Vancouver, OR-WA PMSA (part)
Clackamas County, OR
Columbia County, OR
Multnomah County, OR
Washington County, OR
Yamhill County, OR

Appendix C.—Frequently Asked Questions (FAQ) on the 1997 HOPWA Competition

1. How do you define "Special Projects of National Significance?"

Grants for Special Projects of National Significance (SPNS) and grants under the HIV Multiple-Diagnoses Initiative (MDI) component, will be made for proposals that demonstrate qualities that are innovative, exemplary and appropriate as a model to be replicated in other similar localities. Such qualities may be demonstrated in any of the eligible activities, such as housing assistance, supportive services, technical assistance, and others and may involve, for example, how activities will adapt to the changing needs of clients or filling gaps in community efforts to provide access to a comprehensive range of care. HUD will consider the extent to which the project design, management plan, proposed effects, local planning and coordination of housing programs, and proposed activities are exemplary and appropriate as a model for replication in similar localities or nationally, when compared to other applications and projects funded in the past. Examples of SPNS and MDI grants from prior competitions can be found under the HOPWA listing on the HUD HOME page on the World Wide Web at <http://www.hud.gov/fundopp.html>.

2. What do you mean by performance measures?

General performance measures and specific measurable objectives or milestones are required for all three types of proposals and are discussed in the NOFA. A general performance measure will establish the overall goal of a proposal such as the number of short-term housing and number of supportive housing units to be added in a community during an operating period with grant funds. A measurable objective or milestone is a specific, achievable and time-limited statement of how an activity will help obtain the overall goals of a program. An example of a measure is "25 persons with HIV/AIDS currently in emergency shelters will move within 6 months to scattered-site apartments with rental assistance and access to services." The measure will be a tool for the project for monitoring the results and noting the milestones that are being accomplished as the funded activities are undertaken. A special focus of the MDI component involves participation in

evaluations of actual program performance under the established performance measures to better understand what works to assist these clients and to disseminate information on such findings as model efforts.

3. Can a city or State that is a HOPWA formula recipient also apply for a Special Project of National Significance?

Yes. Both types of grants, SPNS and MDI, are available to all States, localities and non-profit organizations. Only the Long-term component is reserved for certain areas, those that are not part of a formula HOPWA allocation.

4. Can an agency submit a Continuum of Care homeless assistance application and a HOPWA proposal which will be linked but not identical?

Yes. You can apply for funding under both competitions and other Federal funds that may be available. A HOPWA grant and a Continuum of Care grant may serve the same group of clients but with distinct activities that may complement but not duplicate the other HUD-funded activities. If the activities are duplicated in the two applications, HUD will ensure that an activity will only be funded from one source; however, if they are dependent on each other, they must still compete under the separate competitions. If they do not duplicate the same activities for the same participants, then both may be funded.

5. As an applicant, we plan to carry out activities directly. Can we qualify for both the grantee's (3%) as well as the sponsor's (7%) administrative costs?

No. A grantee is limited to using no more than three (3) percent of the grant amount for administering the grant, such as providing general management, oversight, coordination, evaluation and reporting on activities. Please note that costs of staff that are carrying out the program activities may be included in those program activity costs, including prorating costs between categories as may be appropriate. A sponsor is eligible to use up to seven (7) percent of the amount that they receive for the sponsor's administrative costs.

6. Can a HOPWA program be designated to assist homeless and large families only?

Yes, to the degree that a program responds to the greater or specialized needs of eligible persons, for example, you can look at homelessness as a greater need and try to serve those in the greatest need as a priority in selecting participants. Program features might also be appropriate for certain clients, such as housing units with larger number of bedrooms to serve large families. However, as required by law and provided under the certifications, programs are required to comply with nondiscrimination and equal opportunity requirements.

7. We have applied to IRS for a 501(c)(3) designation but we have not received it yet. Can we apply? If not, can we go to the state or another non-profit and partner with them and come in under their application?

Nonprofit organizations that are either the applicant or a project sponsor must either: (a) have an IRS ruling that provides your tax exempt status under Sec. 501(c)(3) of the IRS Code by the application due date; or (b) provide documentation that shows that the organization satisfies the criteria provided by

the statutory definition of non-profit organization found at 42 U.S.C. 12902 (13) or your organization cannot serve in those capacities.

The statutory definition reads: "The term 'nonprofit organization' means any nonprofit organization (including a State or locally chartered, nonprofit organization) that—(A) is organized under State or local laws; (B) has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual; (C) complies with standards of financial accountability acceptable to the Secretary; and (D) has among its purposes significant activities related to providing services or housing to persons with acquired immunodeficiency syndrome or related diseases."

The Department interprets this definition to include the following: (a) in lieu of a IRS exemption for nonprofits in Puerto Rico, a ruling from the Treasury Department of the Commonwealth of Puerto Rico granting income tax exemption under Section 101 of the Income Tax Act of 1954, as amended (13 LPR 3101);

(b) that documentation of an IRS ruling of tax exempt status under Sec. 501(c)(4), (6), (7), (9) or (19) is acceptable in lieu of the Sec. 501(c)(3) documentation;

(c) that in lieu of the IRS ruling, a nonprofit organization may provide documentation to evidence that it satisfies the statutory definition; HUD would consider as satisfactory the submission of the following four items: (1) a certification by the appropriate official of the jurisdiction under whose laws the nonprofit organization was organized, that the organization was so organized and is in good standing; (2) documentation showing that the organization is a certified United Way member agency or other documentation that shows that no inurement of benefits will occur; (3) documentation from a CPA or Public Accountant that the organization has a functioning accounting system that is operated in accordance with generally acceptable accounting principles or that a qualifying entity is designated for that activity, or the United Way member agency certification noted in item 2; and (4) a certified copy of the nonprofit organization's articles of incorporation, by-laws, statement of purposes, board of director's resolution or a similar document which includes a provision demonstrating its purpose regarding significant activities for persons living with HIV/AIDS; and

(d) that the term "related diseases" includes HIV infection.

If your organization does not provide the requested documentation, the organization would not be eligible to receive funds and serve as the grantee or as a project sponsor. However, you could collaborate with eligible nonprofit organizations (e.g. which have the 501(c)(3) designation) or with a government agency that applies for the grant and assist them, for example, in planning for the proposed activities, identifying needs in your community and identifying clients who will be assisted. Eligible grantees and project sponsors may also contract out services that are funded by this grant.

8. Renewals. Can an existing HOPWA program funded for up to a three-year period through a prior HOPWA competitive grant program apply for additional 1997 HOPWA funds to supplement or continue the same program?

Yes. (1) Under the SPNS and MDI components, it is possible for existing grantees to propose and be selected in order to continue the same activities, or, alternatively, to provide additional activities that expand on or modify what the current grant is accomplishing. For example, in addition to their model features, an existing SPNS or MDI grant may contain innovative features; if that applicant proposes activities that only continue existing activities, the application would not be viewed as innovative nor receive rating points associated with innovation but that application may still be selected based on its other qualities. If HUD determines that a project has been reasonably successful under a prior HOPWA competitive grant, a proposal to continue its operations may be given up to 5 bonus points, even if the proposal contains no new innovative approaches.

As an alternative, your proposal may be based on your existing program but propose additional features that benefit recipients; for example, you may want to apply some new things you learned from the program you operate or want to try a new approach, that might be considered innovative and awarded points on that basis.

(2) If your existing project was selected under the Long Term component, you could seek additional funds to continue assistance in this competition based on your eligibility for this category and its criteria. If HUD determines that a project has been reasonably successful, a proposal to continue its operations may be given up to 5 bonus points. If, in the alternative, your area now qualifies for a formula allocation, you are not eligible to apply for the Long-term category of funds in this competition; in this case, you may apply under the SPNS or MDI categories or you could seek formula HOPWA funds that are available from your area's State or city grantee for your project.

For all three categories of assistance, an applicant will be deemed to have operated with reasonable success if it evidences in its application that previous HOPWA-funded activities have been carried out and funds have been used in a timely manner, that benchmarks, if any, in program development and operation have been met, and that the number of persons assisted is comparable to the number that was planned at the time of application. For example, if program funds were to be expended during a three year operating period, and the grant agreement was signed two years ago, timely expenditure would mean that approximately two-thirds or more of program funds have been expended under that prior grant.

(3) Current MDI grantees may apply under section III for up to \$50,000 in additional funds to complete, modify and/or expand the evaluation of MDI projects that were selected in the 1996 HOPWA competition. The program requirements for this separate selection process for current MDI grants are described in Section I(f)(4) and are provided in Section III of the NOFA.

9. Formula recipients. Can an area that previously received a HOPWA formula allocation, but no longer receives such funding, apply for additional 1997 HOPWA competitive funds to supplement or continue the same program?

Yes, but only in special circumstances that are noted in the paragraph below. The Department does not intend to use the limited amount of funds available in this competition to renew projects to continue activities that have been supported under HOPWA formula allocations and may continue to do so by formula grantee discretion.

Under the Long-term category, the NOFA recognizes that certain areas that are not eligible for a formula allocation in fiscal year 1997, may have been eligible in a prior year and may have existing projects that were previously funded under a formula allocation. In such cases, the Department recognizes that the existing projects do not have any other access to HOPWA funds and that, if HUD determines that a project is reasonably successful, a proposal to continue its operations may be given up to 5 bonus points.

10. If alcoholism, chemical dependency or mental illness is suspected or observed in a person living with AIDS, but undiagnosed clinically, can the MDI funds be used as a vehicle for diagnosis?

Yes. You can determine your outreach and client assessment procedures which may specify the types of documentation within reasonable flexibility. For example, designing new methods for reaching and serving persons who are homeless who are often hard-to-reach might be part of your proposed innovation. HOPWA funds can be used to determine eligibility for program participation.

11. As a non-profit organization, must we obtain a certification that the application is consistent with our city or state's consolidated plan?

Yes, the certification of consistency with the area consolidated plan is required. The Department initiated the consolidated planning process to improve our partnership

with communities in addressing area needs. As a change from prior competitions, a certificate of consistency with the area comprehensive plan is required under this NOFA for non-profits applying for a SPNS or MDI grant. The certification continues to be required for city and State applications, including the activities that are carried out by a nonprofit serving as a project sponsor. An exception is made for proposals that plan to undertake activities on a national basis.

12. If we request HOPWA funds for supportive services, will that impact our application's competitiveness?

No. You can apply for any eligible activity, alone or in combination with others. The application notes that in the case of a services-only proposal, you should identify how the recipients are currently in housing or will be receiving housing assistance from some other source.

13. Currently, our city is a HOPWA formula recipient. Does this eliminate or disqualify non-profits for applying for competitive funds under HOPWA?

No. Nonprofit organizations located in a HOPWA formula area can apply for a HOPWA competitive grant under the SPNS or MDI components. The nonprofit could apply directly or as a sponsor in an application from a State or local government for the SPNS or MDI grant. The nonprofit might also seek funding under the formula allocation (which constitutes ninety percent of the annual program appropriation) from the city or State that is serving as the grantee. Since formula funds are available in that area, an application under the Long-term category is not eligible.

14. Is it correct that we don't submit our own MDI evaluation dissemination plan since we plan to participate in the evaluation component? Will our application still be awarded points for this?

Yes. For a MDI application, if you establish performance measures and agree to participate in the evaluation component by signing the MDI participation agreement certification, your application will receive the full 5 points. As a condition for the MDI grant, the NOFA describes the role of the

ETAC evaluator that will be assigned to the selected MDI grants. Once selected, HUD will work with grantees to initiate their project, design methods to monitor performance and create evaluation procedures and methods to disseminate information on the program. MDI grants will also receive an additional \$170,000 to ensure support for an effective program evaluation effort, of which up to \$90,000 would be used for local activities and participation in conferences and \$80,000 would be used to acquire the described ETAC services.

15. Can a public housing agency (PHA) apply for these funds? Can a PHA serve as a project sponsor?

Yes, in some cases. A public housing agency that is a functional part of a State or a unit of general local government may serve as the applicant/grantee on behalf of that unit of government. In cases where the PHA is an independent special purpose agency, the PHA could not serve as the applicant/grantee but may assist another qualified applicant/grantee as a project sponsor. If applying as the grantee, the PHA should use item 7 on the SF-424 to designate if it is an functional part of the State or a unit of general local government, and provide its PHA number on the Applicant Certifications, as requested.

FOR FURTHER INFORMATION AND TECHNICAL ASSISTANCE CONTACT: The Community Connections information center at 1-800-998-9999 (voice); 1-800-483-2209 (TTY) or by email at comcon@aspensys.com.

For answers to your questions, you have several options: you may contact the HUD CPD office that serves your area, at the phone and address shown in the appendix; you may contact the Community Connections information center noted above; or you may contact the Office of HIV/AIDS Housing at 1-202-708-1934 (voice) or by 1-800-877-8339 (TTY) at the U.S. Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7154, Washington, DC 20410.

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