

# DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4448-N-01]

## Notice of Funding Availability for the Welfare-to-Work Section 8 Tenant-Based Assistance Program for Fiscal Year 1999

**AGENCY:** Office of Public and Indian Housing, HUD.

**ACTION:** Notice of Funding Availability (NOFA).

**SUMMARY:** *Purpose of Program:* The purpose of the Section 8 Welfare-to-Work Rental Voucher program is to provide tenant-based rental assistance that will help eligible families make the transition from welfare to work.

*Available Funds:* Approximately \$248.2 million.

*Eligible Applicants:* Housing agencies (HAs), Indian tribes, and tribally designated housing entities (TDHEs). Two or more HAs or Indian tribes and TDHEs may apply jointly.

*Application Deadline:* The application deadline for Section 8 Welfare-to-Work Rental Vouchers under this NOFA is April 28, 1999, at the time described in section I. of this NOFA, below.

*Match:* None.

### SUPPLEMENTARY INFORMATION:

If you are interested in applying for funding under this program, please review carefully the following information:

### I. Application Due Date, Application Kits, and Technical Assistance

*Application Due Date:* April 28, 1999.

*Address for Submitting Applications:* The application and two copies must be submitted to the HA's local HUD Field Office HUB (Attention: HUB, Director of Public Housing) or local HUD Field Office Program Center (Attention: Program Center Coordinator) or for Indian tribes and their tribally designated housing entities, to the local Office of Native American Programs, (Attention: Administrator, Office of Native American Programs). Throughout this NOFA, the Field Office HUBs and Program Centers and the local Offices of Native American Programs will be referred to as the local HUD Field

offices. Applicants should not submit any copies of their applications to HUD Headquarters.

(1) *Mailed Applications (Other than Overnight or Express Mail Delivery).* Your application will be considered timely filed if postmarked before midnight, local time, on the application due date and received by the appropriate local HUD Field Office on or within ten (10) days of the application due date.

(2) *Applications Sent by Overnight/Express Mail Delivery.* Applications sent by overnight delivery or express mail will be considered timely filed if received by the appropriate local HUD Field Office before or on the application due date, or upon submission of documentary evidence that they were placed in transit with the overnight delivery service by no later than the specified application due date.

(3) *Hand Carried Applications.* Applications must be delivered to the appropriate local HUD Field Office by 6:00 pm local time on the due date. Hand carried applications will be accepted during normal business hours before the application due date. On the application due date, business hours will be extended to 6:00 pm.

### For Application Kits, Further Information and Technical Assistance

For an application kit and any supplemental information, please call the Public and Indian Housing Information and Resource Center at 1-800-955-2232. An application kit will also be available on the Internet through the HUD web site at <http://www.hud.gov>. When requesting an application kit, please refer to the Section 8 Welfare-to-Work Rental Voucher Program, and provide your name, address (including zip code) and telephone number (including area code).

For answers to your questions, you may also contact the Public and Indian Housing Information and Resource Center at 1-800-955-2232, or contact the Director of Public Housing, the Program Center Coordinator or the Office of Native American Program Administrator in your local HUD Office. Hearing- or speech-impaired individuals may call HUD's TTY number (202) 708-0770 or 1 800-877-8339 (the Federal Information Relay Service TTY). (Other

than the "800" number, these numbers are not toll-free.) Information can also be accessed via the Internet through the HUD web site at <http://www.hud.gov>.

The HUD web site will also provide a text link to HUD's Welfare-to-Work home page, and the Welfare-to-Work related websites of the Departments of Health and Human Services, Labor, and Transportation, to assist you in coordinating your proposed program with the efforts sponsored by these Departments.

Prior to the application deadline, staff at the numbers given above will be available to provide general guidance, but not guidance in actually preparing the application. Following selection, but prior to award, HUD staff will be available to assist in clarifying or confirming information that is a prerequisite to the offer of an award by HUD.

### II. Amount Allocated

Of the \$283 million appropriated in Fiscal Year (FY) 1999 to fund Section 8 Welfare-to-Work Rental Vouchers, approximately \$248.2 million is made available to housing agencies through the national competition under this NOFA.

Of the remainder, at least \$4 million each shall be made available for local self-sufficiency/welfare-to-work initiatives in San Bernardino County California; Cleveland, Ohio; Kansas City, Missouri; Charlotte, North Carolina; Miami/Dade County, Florida; Prince Georges County Maryland; New York City, New York; and Anchorage, Alaska as provided by the VA/HUD and Independent Agencies Appropriations Act, 1999 (99 App. Act). HUD will contact these set-aside sites to advise them of specific application submission requirements and deadlines. Each HA for a set-aside site must submit to HUD any application materials requested by HUD. Funding will not be made available to a set-aside site until the site has submitted all HUD-required materials and obtained HUD approval of the submission.

In accordance with the 99 App. Act, \$2.83 million of the \$283 million available for Section 8 Welfare-to-Work Rental Vouchers may be used by HUD

to conduct a detailed evaluation of the effect of providing Section 8 Welfare-to-Work Rental Voucher assistance, rather than be awarded under this NOFA.

### III. Program Description; Eligible Applicants; Eligible Activities

#### (A) Program Description

The Section 8 Welfare-to-Work Rental Voucher program provides tenant-based Section 8 rental assistance to help eligible families make the transition from welfare to work. Tenant-based Section 8 rental assistance is to be provided in connection with programs where the HA, tribe, or TDHE has demonstrated that tenant-based rental assistance is critical to the success of eligible families to obtain or retain employment. No additional funding is provided under this NOFA for welfare-to-work services for families. Funding is only for Section 8 Welfare-to-Work rental voucher housing assistance and regular Section 8 administrative fees for administration of such housing assistance. If appropriate, HAs may project base a portion of the funding following the applicable Section 8 Project-Based Certificate (PBC) program regulations (24 CFR part 983). The Section 8 Welfare-to-Work Rental Voucher program must take into account the particular circumstances of the local community. The rental assistance provided to families through the Section 8 Welfare-to-Work Rental Voucher program must be coordinated with other welfare reform and welfare-to-work initiatives.

The maximum number of Section 8 Welfare-to-Work Rental Vouchers that can be provided under this NOFA to an HA, tribe or TDHE is as follows: For an HA that is a State agency, (i.e., an agency with state-wide jurisdiction)—the lesser of 2,000 or one-half of the total budgeted Section 8 rental certificates and vouchers in the HA's Section 8 program for the HA's current Fiscal Year. If more than one HA applies as a State agency from the same State, only the highest-ranking one will be eligible for an award. For all other HAs, that are not set-aside sites identified in section II. of this NOFA, above—the lesser of 700 or one-half of the total budgeted Section 8 rental certificates and vouchers in the HA's Section 8 program for the HA's current Fiscal Year, or for tribes or TDHEs, the number of rental certificates and vouchers the entity was administering as of September 30, 1997. If you are a set-aside site that would receive fewer units than would be available to you under the above formula, and you wish to apply for the maximum number of units

under the formula, you must apply under the national competition in this NOFA. The number of units available to you under the set-aside plus any units requested under this NOFA may not exceed the maximum that would be available to you under this NOFA.

An HA seeking welfare-to-work housing vouchers under this NOFA may use some of its current pool of other Section 8 voucher funding to augment the welfare-to-work vouchers in order to enlarge the pool of vouchers available to those families qualifying for its approved welfare-to-work program.

#### (B) Eligible Applicants

HAs, including Indian tribes and their tribally designated housing entities, may apply. All applicant HAs, tribes and TDHEs must develop a program in consultation with the State, local or Tribal entity administering the Temporary Assistance to Needy Families (TANF) program and the entity, if any, administering the Welfare-to-Work formula and/or competitive grants allocated by the United States Department of Labor.

#### (C) Eligible Activities

You may only use funds available under this NOFA for a Section 8 Welfare-to-Work rental voucher program. In the Section 8 Welfare-to-Work Rental Voucher Program, you will perform all normal rental voucher program activities, but you may only provide rental assistance to families that meet all normal Section 8 program requirements and also meet the specific requirements of the Welfare-to-Work Voucher Program. These specific requirements are stated in section IV.(A) of this NOFA.

### IV. Program Requirements

#### (A) Eligibility of Families

(1) *Section 8 Welfare-to-Work Rental Voucher eligible families.* The term "Section 8 Welfare-to-Work rental voucher program eligible family" means a family that, in addition to meeting the eligibility requirements of the normal tenant-based Section 8 assistance program, also meets the following additional requirements:

(a) When initially selected for welfare-to-work rental voucher assistance, families must be eligible to receive, be currently receiving, or shall have received within the preceding two years, assistance or services funded under the TANF program;

(b) Tenant-based housing assistance must be determined to be critical to the family's ability to successfully obtain or retain employment; and

(c) The family shall not already be receiving tenant-based assistance under Section 8 of the United States Housing Act of 1937 (1937 Act—42 U.S.C. 1473f).

(2) To be eligible for selection for the Section 8 Welfare-to-Work Rental Voucher Program, families must be on the waiting list used by the HA for its tenant-based Section 8 program. For Indian tribes and TDHEs only, to be eligible for this program, families must be on either the rental or homeownership waiting list of that entity.

#### (B) HA Responsibilities

If your application is funded:

(1) You must modify your selection system to require the selection of Section 8 Welfare-to-Work Rental Voucher program eligible families for the program;

(2) Families on your Section 8 waiting list must be selected in accordance with the established selection policies in your HA's administrative plan;

(3) If you have a closed Section 8 waiting list and do not have a sufficient number of welfare-to-work eligible families on your waiting list, you must reopen the waiting list to accept an application from any Section 8 Welfare-to-Work eligible applicant family that is not currently on your waiting list for your tenant-based Section 8 program;

(4) You must administer the rental assistance in accordance with applicable voucher program regulations and requirements and your Section 8 administrative plan;

(5) During the term of this welfare-to-work funding, if Section 8 rental assistance for a family under this program is terminated, available welfare-to-work rental assistance must be provided to another Section 8 Welfare-to-Work eligible family selected from your tenant-based Section 8 program waiting list. The term of welfare-to-work funding is the term of the welfare-to-work ACC funding increment.

(6) *Welfare-to-Work Evaluation Participation.* HUD is seeking 5 to 9 HAs to participate, on a voluntary basis, in the evaluation that HUD intends to conduct on the Section 8 Welfare-to-Work Rental Voucher Program. HAs who volunteer to participate as a special evaluation site for purposes of this evaluation, if they are selected for an award under this NOFA, will be compensated for any additional administrative burden from the \$2.83 million evaluation setaside in the 99 App. Act. In order to participate as a special evaluation site, you and your partners must:

(a) Be awarded at least 450 units under this NOFA.

(b) Fully cooperate with random assignment of your welfare-to-work applicants to treatment and control groups. You will be required to follow an established protocol for determining that some eligible families receive and some eligible families do not receive welfare-to-work vouchers on a random basis.

(c) Assist in data collection and retrieval for the evaluation through administration of special forms and extraction of data from management systems.

(d) Submit a budget with reasonable and necessary costs once HUD specifies the required activities for the evaluation.

If HUD does not receive sufficient voluntary applications to participate as evaluation sites for this Congressionally mandated study, HUD may require one or more sites receiving at least 450 units to cooperate with an evaluation based on random assignment as a condition of funding. If you submit an application for 450 or more units, your consent to cooperate with a random-assignment evaluation may be assumed by HUD, even if you do not explicitly volunteer.

#### *(C) TANF and Welfare-to-Work Support*

Your application must include certifications from the State, local or Tribal entity administering assistance under the TANF program and from the entity, if any, administering the Welfare-to-Work formula and/or competitive grants allocated by the United States Department of Labor that these entities support your proposed Section 8 Welfare-to-Work program and will cooperate with you, as the administrator of the housing assistance, to assure that the rental assistance is coordinated with other welfare reform and welfare-to-work initiatives. If any of these entities does not respond to your request for this certification within a reasonable time period, its concurrence shall be assumed but you will be required to submit a copy of your request for this certification with your application. If any of these entities objects to the application, their concerns must accompany the application when it is submitted to HUD so that HUD can take the concerns into account in its funding decision.

#### *(D) Waiver Requests*

Your proposed Section 8 Welfare-to-Work program must be workable without any waivers, and will be rated and ranked without the waiver of any requirements. Statutory waivers will not be granted. However, your application

may include requests for waivers of any regulatory, handbook or directive requirements along with an explanation of how the waivers would improve your program. If you are selected for an award, HUD will consider whether or not to grant your waiver request. Among other considerations, waivers will not be granted if they have an adverse impact on fair housing and civil rights.

#### *(E) Program Compliance and Designation of Subcontractor*

Immediately after the publication of this NOFA, the local HUD field office will notify, in writing, those HAs that are not eligible to apply without a subcontractor acceptable to HUD or a proposal for management improvements acceptable to HUD, as explained in this section.

(1) *Program compliance.* Your application must designate a subcontractor acceptable to HUD to administer the new funding increment on your behalf, in accordance with paragraph (2) of this section, if you have:

(a) Material weaknesses or reportable conditions outstanding from Inspector General audit findings, or HUD management review findings for one or more of your Section 8 rental voucher, rental certificate or moderate rehabilitation programs;

(b) Serious underutilization evidenced by fewer than 85 percent of budgeted rental certificates or vouchers under lease; or

(c) Significant findings in program compliance reviews.

(2) *Designation of Subcontractor.* If you have any of the compliance problems listed in paragraph (1) of this section, you must designate a subcontractor acceptable to HUD to administer the new funding increment under this NOFA on your behalf. In such instances, your application must include:

(a) An agreement by the subcontractor to administer the new funding increment; and

(b) A statement that outlines the steps you are taking to resolve the compliance problems, which may be a proposal for management improvements that you will implement to remedy the problems.

#### *(F) Statutory Requirements*

To be eligible for funding under this NOFA, you, the applicant, must meet all applicable statutory and regulatory requirements. If you need copies of regulations, they are available at the HUD web site located at <http://www.HUD.gov>. HUD may reject an application from further funding consideration if the activities or projects

proposed in the application are not eligible activities and projects, or HUD may eliminate the ineligible activities from funding consideration and reduce the grant amount accordingly.

#### *(G) Threshold Requirements—Compliance with Fair Housing and Civil Rights Laws*

With the exception of Federally recognized Indian tribes, all applicants must comply with all Fair Housing and civil rights laws, statutes, regulations and executive orders as enumerated in 24 CFR 5.105(a). If you are a Federally recognized Indian tribe, you must comply with the Age Discrimination Act of 1975, section 504 of the Rehabilitation Act of 1973, and the Indian Civil Rights Act. If you, the applicant,—

(1) Have been charged with a violation of the Fair Housing Act by the Secretary;

(2) Are a defendant in a Fair Housing Act lawsuit filed by the Department of Justice; or

(3) Have received a letter of noncompliance findings under Title VI of the Civil Rights Act, section 504 of the Rehabilitation Act, or section 109 of the Housing and Community Development Act—

You are not eligible to apply for funding under this NOFA until you have resolved the charge, lawsuit, or letter of findings to the satisfaction of the Department.

#### *(H) Additional Nondiscrimination Requirements*

You, the applicant, must comply with the Americans with Disabilities Act, and Title IX of the Education Amendments Act of 1972.

#### *(I) Affirmatively Furthering Fair Housing*

If you are a successful applicant, you will have a duty to affirmatively further fair housing. You, the applicant, should include in your application or work plan the specific steps that you will take to:

(1) Address the elimination of impediments to fair housing that were identified in the jurisdiction's Analysis of Impediments (AI) to Fair Housing Choice;

(2) Remedy discrimination in housing; or

(3) Promote fair housing rights and fair housing choice.

Further, you, the applicant, have a duty to carry out the specific activities provided in your responses to the NOFA rating factors that address affirmatively furthering fair housing.

*(J) Forms, Certifications and Assurances*

You, the applicant, are required to submit signed copies of the standard forms, certifications, and assurances, included in the HUD Section 8 application, form HUD-52515 (see section VI.(A), below, of this NOFA) and the certification required by 24 CFR 24.510. (The provisions of 24 CFR part 24 apply to the employment, engagement of services, awarding of contracts, subgrants, or funding of any recipients, or contractors or subcontractors, during any period of debarment, suspension, or placement in ineligibility status, and a certification is required.)

*(K) Conflicts of Interest*

If you are a consultant or expert who is assisting HUD in rating and ranking applicants for funding under this NOFA, you are subject to 18 U.S.C. 208, the Federal criminal conflict of interest statute, and the Standards of Ethical Conduct for Employees of the Executive Branch regulation published at 5 CFR part 2635. As a result, if you have assisted or plan to assist applicants with preparing applications for this NOFA, you may not serve on a selection panel and you may not serve as a technical advisor to HUD for this NOFA. All individuals involved in rating and ranking this NOFA, including experts and consultants, must avoid conflicts of interest or the appearance of conflicts. Individuals involved in the rating and ranking of applications must disclose to HUD's General Counsel or HUD's Ethics Law Division the following information if applicable: the selection or non-selection of any applicant under this NOFA will affect the individual's financial interests, as provided in 18 U.S.C. 208; or the application process involves a party with whom the individual has a covered relationship under 5 CFR 2635.502. The individual must disclose this information prior to participating in any matter regarding this NOFA. If you have questions regarding these provisions or if you have questions concerning a conflict of interest, you may call the Office of General Counsel, Ethics Law Division, at 202-708-3815 and ask to speak to one of HUD's attorneys in this division.

*(L) Environmental Requirements*

In accordance with 24 CFR 50.19(b)(11) of the HUD regulations, tenant-based activities assisted under this program are categorically excluded from the requirements of the National Environmental Policy Act and are not subject to environmental review under the related laws and authorities. In

accordance with 24 CFR 983.11(b), you must have a responsible entity complete an environmental review and obtain a HUD release of funds before entering into any agreement to provide project-based assistance.

*(M) Notice of Repeal of Local Government Comment Requirements*

Local government comments that HUD was previously required to obtain from the unit of general local government on HA applications for Section 8 rental assistance under Section 213(c) of the Housing and Community Development Act of 1974 are no longer required. Section 551 of the Quality Housing and Work Responsibility Act of 1998 (Pub.L. 105-276, 112 Stat. 2461, approved October 21, 1998) (QHWRA) repealed the provisions of Section 213(c) of the Housing and Community Development Act of 1974. Although section 503 of QHWRA establishes an effective date of October 1, 1999, for its provisions unless otherwise specifically provided, section 503 also permits any QHWRA provision or amendment to be implemented by notice, unless otherwise specifically provided. Accordingly, this section of the NOFA provides the notice of implementation of section 551 of QHWRA as permitted by section 503 of QHWRA.

**V. Application Selection Process***(A) Overview of Process*

Selections of applicants will be made on the basis of a national competition according to the criteria described in section V.(C), below, of this NOFA. Local HUD field offices will initially review applications to ensure that your applications are complete and on time and that you meet the threshold requirements found in section V.(B), below, of this NOFA. Based on your past experience and field office knowledge of your capacity to perform, the field office must also determine if the number of units you request can reasonably be placed under lease within 12 months. If the field office determines that you cannot enroll the number of Section 8 Welfare-to-Work families projected and place under lease the number of units requested, the field office will determine the number of units that can be expected to be placed under lease within 12 months.

All eligible applications will then be forwarded to the Grants Management Center with the field office recommendation of the maximum number of units that should be considered for approval for each application based on its analysis of

capacity. Applications will be rated and ranked by the Grants Management Center based on the criteria listed below in section V.(C). An application must meet all of the threshold requirements of this NOFA and receive a score of at least 55 points to qualify for funding. In this national competition, HUD will fund applications from at least the two highest rated and ranked Indian tribes or their tribally designated housing entities that qualify for funding. All other awards will be made in rank order to qualifying applications.

*(B) Threshold Requirements*

(1) The application is received on time.

(2) The application is complete and all required certifications, including those described in section IV.(K), above, of this NOFA.

(3) Any technical deficiencies have been corrected by the end of the 14-day correction period.

(4) You meet the requirements of section IV.(G) of this NOFA, Compliance With Fair Housing and Civil Rights Laws.

(5) The application designates a subcontractor in accordance with section IV.(E), above, of this NOFA, if necessary under that section.

(6) Your leasing rate for your Section 8 rental certificate and rental voucher programs is at least 90 percent of the units in your HUD-approved budget for the last completed HA fiscal year prior to this application funding.

*(C) Rating Factors*

(1) *Factor 1: Need for Welfare-to-Work Voucher Program* (20 points)

(a) *Description:* This factor examines the extent to which you identify the community need that your proposed activities will target and the urgency of meeting this need. You must provide evidence of the housing need of the eligible population that will be served by this program and demonstrate that tenant-based assistance is essential to assist these families obtain/retain employment. If the HA plans to project-base any of the Welfare-to-Work rental voucher funding, the HA must explain how this would benefit the HA's Welfare-to-Work rental voucher program. Applicants with jurisdiction outside of metropolitan areas must address the needs of rural areas.

(b) *Submission Requirements for Factor 1:* You must submit a narrative that documents that tenant-based rental assistance for which you are applying is necessary to assist Welfare-to-Work eligible families to obtain/retain employment. If you plan to project-base a portion of the Welfare-to-Work rental

voucher funding, the need to develop project-based units must be explained and how this would best meet the needs of welfare-to-work eligible families, and you must provide an estimate of the time to occupancy.

(2) *Factor 2: Soundness of Approach* (20 Points).

(a) *Description:* This factor examines the quality of your Welfare-to-Work voucher program. You must describe in narrative form the proposed program developed in coordination with the TANF program and other welfare-to-work programs. And how the proposed program design encourages and aids Welfare-to-Work eligible families to move from welfare to work. In evaluating this factor, HUD will consider the extent to which your application demonstrates that tenant-based assistance is critical to the success of assisting eligible families to obtain or retain employment. HUD will also consider the extent to which your application lays out an effective plan, with a fully developed strategy of outreach to eligible families to ensure that all Welfare-to-Work vouchers are under lease within a year of award, including how your analysis of need in Factor 1 affects your outreach to families and targeting of assistance. You should describe any innovative approaches that will be included in your proposed program. You must address your strategy for tenant counseling, housing search, and landlord outreach, and specify the criteria for selecting among eligible families.

HUD will also consider the extent to which, and how well, your plan of proposed activities is described in detail in your application; addresses the goals and purposes of the Welfare-to-Work voucher program; addresses the need for a Welfare-to-Work program that was identified under Factor 1, above; will be carried out in a timely manner, conducted in a manner that will reach and benefit members of the target group, and will make use of services and materials that are accessible to all persons, including persons with disabilities; and will yield long-term results and innovative strategies or "best practices" that can be readily disseminated to other organizations and State, tribal and local governments.

(b) *Submission Requirements for Factor 2:*

(i) A detailed narrative describing your proposed Welfare-to-Work voucher program developed in coordination with the TANF program and other welfare-to-work programs; the specific tasks and subtasks to be performed, including innovative approaches and plans for

tenant counseling, housing search and landlord outreach.

(ii) A discussion of how your application demonstrates that tenant-based assistance is critical to the success of assisting eligible families to obtain or retain employment.

(iii) A discussion of how your proposed activities address the goals and purposes of the Welfare-to-Work voucher program including how the program design encourages and aids the move to self-sufficiency, and the criteria for selecting among eligible families.

(iv) A discussion of how your application lays out a fully developed and effective plan with outreach to eligible families to ensure that all Welfare-to-Work vouchers are under lease within a year of award. Your discussion must specify how your analysis of need in Factor 1 affects your outreach to families and targeting of assistance, including families in rural areas if your jurisdiction includes rural areas, unless you provide justification for not addressing rural areas.

(v) A description of the immediate benefits of your proposed activities and how the benefits will be measured. You must describe the methods you will use to determine the effectiveness of Welfare-to-Work program activities.

(vi) A Section 8 Leasing Schedule.

(vii) A discussion of how the activities will reach and benefit members of the target group and will make use of services and materials that are accessible to all persons, including persons with disabilities;

(viii) A description of how the proposed activities will yield long-term results and innovative strategies or "best practices" that can be readily disseminated to other organizations, communities, and State, tribal and local governments.

(3) *Factor 3: Capacity of Applicant and Relevant Organizational Experience* (20 Points)

(a) *Description:* This factor examines the extent to which your organization (including individuals or organizations, such as subcontractors or consultants, if any, that will be your partners in carrying out the proposed activities) have the organizational resources necessary to carry out your proposed activities in a timely manner. In evaluating this factor, HUD will consider the extent to which you demonstrate recent and relevant experience in, and knowledge about, carrying out the same or similar activities as those proposed. The overall quality of your staff, administrative ability, and fiscal management ability will be evaluated by HUD. HUD may also rely on information from

performance reports, financial status information, monitoring reports, audit reports and other information available to HUD in making its determination under this factor.

Your overall administrative ability is evidenced by factors such as leasing rates, MTCS reporting, correct administration of housing quality standards, compliance with fair housing and equal opportunity program requirements, assistance computation and rent reasonableness and, if you have a mandatory Family Self-Sufficiency Program, implementation of an FSS program of at least the minimum program size or a smaller program size approved by HUD. Your relevant organization experience would be evidence of a successful implementation of an FSS program, Family Unification program, or other program that involved coordination with other agencies and/or coordination of services for families.

(b) *Submission Requirements for Factor 3:*

(i) Narrative description of past performance in carrying out activities that are the same as, or similar to, the activities proposed for funding, and demonstrate reasonable success in carrying out those activities. You may demonstrate such reasonable success by showing that your previous activities have been carried out as proposed and in a timely manner. You must show that benchmarks in operation were met and performance reports were prepared as required. You must also describe any delays that were encountered, and the actions you took to overcome such delays.

(ii) You must submit the proposed number of staff years necessary to carry out the proposed activities, identifying the employees and partners, such as co-applicants, subgrantees, contractors, consultants, and volunteers, to be allocated to the project; the titles and relevant professional background and experience of each employee and partner proposed to be assigned to the project; and the roles to be performed by each identified employee and partner. If you do not presently have the employees and partners necessary to carry out all of the proposed activities, you must identify the gaps in your current staffing and describe in detail your proposed method for securing the necessary employees and partners to carry out the project in a timely manner.

(iii) You must provide a comprehensive description of the project's management structure. You must also describe how staff and partners relate to the project's administrator or manager, including the

lines of authority and accountability for all the proposed activities.

(iv) You must demonstrate ability in handling financial resources with adequate financial control procedures and accounting procedures by providing a comprehensive description of the fiscal management structure for the proposed project, including budgeting, fiscal controls and accounting. HUD will also consider findings identified in your most recent audits; internal consistency in the application of numeric quantities; accuracy of mathematical calculations; and other available information on financial management ability.

(4) *Factor 4: Leveraging Resources.* (20 Points)

(a) *Description:* This factor addresses the commitment of public and private resources that will support your Welfare-to-Work voucher program. HUD will consider the extent to which you can document firm, written commitments of resources from the local TANF agency, and, if applicable, from the entity administering the Department of Labor Welfare-to-Work formula and/or competitive grant; other Federal, State, tribal, and local sources; and from other entities, such as private industry, and for-profit and not-for-profit organizations to provide services and assistance in the form of cash funding, in-kind contributions, services or personnel. Such commitments may include, but are not limited to: child care, transportation necessary to receive services or maintain employment, remedial education, education for completion of secondary or post-secondary schooling, job training, preparation and counseling; substance abuse treatment and counseling; training in homemaking and parenting skills; training in money management; counseling in homeownership responsibilities and opportunities available for rental and homeownership in the private housing market; and job development and placement.

(b) *Submission Requirements for Factor 4:*

(i) Describe all firm commitments to the Welfare-to-Work voucher program including cash funding, in-kind contributions, services or personnel from other Federal, State, tribal, local and private sources.

(ii) Provide evidence of leveraging/partnerships by including in the application, letters of firm commitments, memoranda of understanding, or agreements to participate from those entities identified as partners. To be firmly committed, there must be a written agreement to provide the resources. The written

agreement may be contingent upon an application receiving funding under this NOFA. Each letter of commitment, memorandum of understanding, or agreement to participate should include the partner organization's or individual's name, proposed level of commitment and responsibilities as they relate to the proposed activities. The commitment must also be signed by an official legally able to make commitments on behalf of the organization.

(5) *Factor 5: Comprehensiveness and Coordination* (20 Points)

(a) *Description:* This factor addresses the extent to which your proposal reflects a coordinated, comprehensive process of identifying needs and building a system to address needs on an ongoing basis by using available HUD funding and other resources. You must describe the extent to which assistance under your proposed Welfare-to-Work program will be coordinated with welfare reform and with other welfare-to-work initiatives, including the U.S. Department of Transportation's Job Access program. The application must include certifications from the TANF agency and the entity, if any, administering the Welfare-to-Work formula and/or competitive grants of the Department of Labor agency of their cooperation and support of the proposed program or evidence of your request for the certification of those agencies and of their failure to respond within a reasonable time, or, if either agency objects to your proposed Welfare-to-Work program, the objections must be included in your application.

In evaluating this factor, HUD will consider:

(i) The extent to which you demonstrate the support and participation of the TANF agency and the entity, if any, administering the Department of Labor Welfare-to-Work formula and/or competitive grant and the commitment of other public and private organizations in the community.

(ii) The specific steps you will take to share with others information on solutions and outcomes resulting from the Welfare-to-Work voucher program, if funded.

(iii) The specific steps you have taken or will take to become active in the community's Consolidated Plan process; Analysis of Impediments to Fair Housing Choice process; Continuum of Care Homeless Assistance planning process, if homeless persons are to be served by the proposed activities; or the community's Indian Housing Plan process; and to address, through these processes, the needs that are the focus

of the Welfare-to-Work voucher program.

(iv) The specific steps you have taken or will take to coordinate, through meetings, information networks, planning processes, or other mechanisms, your activities with other welfare-to-work activities in the community, including the appropriate local transportation entity (i.e., transit properties, metropolitan planning organizations, State and/or Indian tribe departments of transportation).

(b) *Submission Requirements for Factor 5:*

(i) Describe what role families, community leaders and organizations and government and private entities in communities you serve have had in planning the activities described in your application and what role they will have in carrying out such activities.

(ii) Describe how you will share with others information on solutions and outcomes resulting from the Section 8 Welfare-to-Work voucher program, if funded.

(iii) Describe specific steps you have taken or will take to become active in the community's Consolidated Plan process; or the process for the Analysis of Impediments to Fair Housing Choice; or the community's Continuum of Care Homeless Assistance planning process, if homeless persons are to be served by the proposed welfare-to-work activities; or the community's Indian Housing Plan process; and to address, through these processes, the needs that are the focus of your proposed activities.

(iv) Describe the specific steps you have taken or will take to coordinate, through meetings, information networks, planning processes, or other mechanisms, your activities with other proposed or on-going activities in the community funded by HUD or other Federal, State, tribal, local or private sources, including the appropriate local transportation entity (i.e., transit properties, metropolitan planning organizations, State and/or Indian tribe departments of transportation).

## VI. Application Submission Requirements

### (A) *Form HUD-52515*

Funding Application, form HUD-52515, must be completed and submitted for the Section 8 Welfare-to-Work voucher program. This form includes all the necessary certifications for Fair Housing, Drug-Free Workplace and Lobbying Activities. An application must include the information in Section C, Average Monthly Adjusted Income of form HUD-52515 in order for HUD to calculate the amount of Section 8

budget authority necessary to fund the requested number of voucher units. You may obtain a copy of form HUD-52515 from the local HUD Field Office or may download it from the HUD Home page on the internet's world wide web (<http://www.HUD.gov>).

**(B) Response to Threshold Requirements**

Your application must respond to the threshold requirements that apply to you in paragraphs V.(B)(2) through (5), above, in this NOFA.

**(C) Narrative response to Factors for Award**

Your application package must include the narrative description and any letters, certifications or other materials required for each of the ranking and rating factors from Section V.(C) of this NOFA.

**(D) Waiver Requests**

Your application may include requests for waivers of any administrative requirements in HUD regulations or directives (handbooks and notices). Statutory waivers will not be granted. Waiver requests must include an explanation of how the waivers would improve your program. Your proposed program must be workable without any waivers, and waiver requests will not be considered in rating and ranking your application. Your waiver requests will only be considered if you receive an award under this NOFA.

**(E) Program Evaluation Participation**

If you would like to participate in HUD's Welfare-to-Work program evaluation, your application should also include a statement that you are willing to participate as a special evaluation site in accordance with the conditions described in section IV.(B)(6) of this NOFA, above.

**VII. Corrections to Deficient Applications**

After the application due date, HUD may not, consistent with its regulations in 24 CFR part 4, subpart B, consider any unsolicited information you, the applicant, may want to provide. HUD may contact you, however, to clarify an item in your application or to correct technical deficiencies. You should note, however, that HUD may not seek clarification of items or responses that improve the substantive quality of your response to any eligibility or selection factors. *Examples* of curable (correctable) technical deficiencies include your failure to submit the proper certifications or your failure to submit an application that contains an

original signature by an authorized official. In each case, HUD will notify you in writing by describing the clarification or technical deficiency. HUD will notify applicants by facsimile or by return receipt requested. Applicants must submit clarifications or corrections of technical deficiencies in accordance with the information provided by HUD within 14 calendar days of the date of receipt of the HUD notification. If your deficiency is not corrected within this time period, HUD will reject your application as incomplete, and it will not be considered for funding.

**VIII. Findings and Certifications**

**(A) Paperwork Reduction Act Statement**

The information collection requirements related to this program have been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520), and have been assigned OMB approval number 2577-0169. *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.*

**(B) Environmental Impact**

Except to the extent that recipients may project base assistance provided under this NOFA, this NOFA does not direct, provide for assistance or loan and mortgage insurance for, or otherwise govern or regulate, real property acquisition, disposition, leasing (other than tenant-based rental assistance), rehabilitation, alteration, demolition, or new construction, or establish, revise or provide for standards for construction or construction materials, manufactured housing, or occupancy. To the extent that recipients project base assistance provided under this NOFA, that assistance is subject to 24 CFR part 983, including the environmental review provisions set out at 24 CFR 983.11. Accordingly, under 24 CFR 50.19(c) (1) and (5), this NOFA is categorically excluded from environmental review under the National Environmental Policy Act (42 U.S.C. 4321).

**(C) Federalism, Executive Order 12612**

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, *Federalism*, has determined that the policies contained in this NOFA will not have substantial direct effects on States or their political subdivisions, or on the relationship between the Federal Government and

the States, or on the distribution of power and responsibilities among the various levels of government. Specifically, the NOFA solicits applicants to help eligible families make the transition from welfare to work, and does not impinge upon the relationships between the Federal government and State and local governments. As a result, the NOFA is not subject to review under the Order.

**(D) Prohibition Against Lobbying Activities**

You, the applicant, are subject to the provisions of section 319 of the Department of Interior and Related Agencies Appropriation Act for Fiscal Year 1991, 31 U.S.C. 1352 (the Byrd Amendment), which prohibits recipients of Federal contracts, grants, or loans from using appropriated funds for lobbying the executive or legislative branches of the Federal Government in connection with a specific contract, grant, or loan. You are required to certify, using the certification found at Appendix A to 24 CFR part 87, that they will not, and have not, used appropriated funds for any prohibited lobbying activities. In addition, you must disclose, using Standard Form LLL, "Disclosure of Lobbying Activities," any funds, other than Federally appropriated funds, that will be or have been used to influence Federal employees, members of Congress, and congressional staff regarding specific grants or contracts. Tribes and tribally designated housing entities (TDHEs) established by an Indian tribe as a result of the exercise of the tribe's sovereign power are excluded from coverage of the Byrd Amendment, but tribes and TDHEs established under State law are not excluded from the statute's coverage.

**(E) Section 102 of the HUD Reform Act; Documentation and Public Access Requirements**

Section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545) (HUD Reform Act) and the regulations codified in 24 CFR part 4, subpart A, contain a number of provisions that are designed to ensure greater accountability and integrity in the provision of certain types of assistance administered by HUD. On January 14, 1992 (57 FR 1942), HUD published a notice that also provides information on the implementation of section 102. The documentation, public access, and disclosure requirements of section 102 apply to assistance awarded under this NOFA as follows:

(1) *Documentation and public access requirements.* HUD will ensure that documentation and other information regarding each application submitted pursuant to this NOFA are sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of support, will be made available for public inspection for a 5-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 in 24 CFR part 15.

(2) *Disclosures.* HUD will make available to the public for 5 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 3 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 5.

(3) *Publication of Recipients of HUD Funding.* HUD's regulations at 24 CFR

4.7 provide that HUD will publish a notice in the **Federal Register** on at least a quarterly basis to notify the public of all decisions made by the Department to provide:

(i) Assistance subject to section 102(a) of the HUD Reform Act; or

(ii) Assistance that is provided through grants or cooperative agreements on a discretionary (non-formula, non-demand) basis, but that is not provided on the basis of a competition.

*(F) Section 103 HUD Reform Act*

HUD's regulations implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3537a), codified in 24 CFR part 4, apply to this funding competition. The regulations 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 the regulations from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive

advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR part 4.

Applicants or employees who have ethics related questions should contact the HUD Ethics Law Division at (202) 708-3815. (This is not a toll-free number.) For HUD employees who have specific program questions, the employee should contact the appropriate field office counsel, or Headquarters counsel for the program to which the question pertains.

*(G) Catalog of Federal Domestic Assistance Numbers*

The Federal Domestic Assistance numbers for this program are 14.855 and 14.857.

**IX. Authority**

The VA/HUD and Independent Agencies Appropriations Act, 1999 appropriated \$283 million for the Welfare-to-Work Tenant-Based Assistance Program.

Dated: January 25, 1999.

**Harold Lucas,**

*Assistant, Secretary for Public and Indian Housing.*

[FR Doc. 99-1985 Filed 1-25-99; 2:46 pm]

BILLING CODE 4210-33-P