

## AGREEMENT

**THIS AGREEMENT**, made and entered into on this 29<sup>th</sup> day of August, 2025, by and between **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, an urban county government pursuant to KRS Chapter 67A, and located at 200 East Main Street, Lexington, Fayette County, Kentucky 40507 (hereinafter referred to as the "GOVERNMENT"), and **HOSPICE OF THE BLUEGRASS, INC. dba BLUEGRASS CARE NAVIGATORS**, a Kentucky non-profit corporation, and whose mailing address is 1733 Harrodsburg Rd, Lexington, Kentucky 40504 (hereinafter referred to as "SUBGRANTEE").

**WHEREAS**, the GOVERNMENT has applied for and received federal funds from the United States Department of Housing and Urban Development under the Office of Lead Hazard Control and Healthy Homes CFDA No. 14.905 (Grant Number KYLHM0043-24);

**WHEREAS**, the GOVERNMENT'S approved application for federal funding provided for the designation of the SUBGRANTEE as the entity responsible for carrying out a portion of the project activities.

**WHEREAS**, the GOVERNMENT'S responsibility for ensuring compliance with all grant requirements necessitates a written agreement with the SUBGRANTEE.

**NOW, THEREFORE**, in consideration of the foregoing and mutually agreed upon promises, conditions, and covenants hereinafter set forth, pursuant to grant requirements, the parties hereto agree as follows:

### **I. SCOPE OF SERVICES**

#### **A. ACTIVITIES**

The SUBGRANTEE shall adopt and follow written procedures governing the operation of all activities described herein. The program to be administered shall include the following activities:

1. The SUBGRANTEE shall be responsible for hiring a Licensed Occupational Therapist and Occupational Therapy Assistant for three years as required by the program. Once hired, the SUBGRANTEE must submit to the GOVERNMENT the current resumes of the OT and OT Assistant to be sent to HUD as required by the grant to ensure that the home modification addresses the client's specific goals and needs and promotes their full participation in daily life activities. To help maximize the breadth of the program, the OAHMP also supports using licensed OT Assistants and Certified Aging-in-Place Specialists whose work under the grant is overseen by licensed OTs. The SUBGRANTEE will provide these positions for the program in a manner satisfactory to the GOVERNMENT, in accordance with the approved grant award NOFA: FR-6800-N-69 dated 11/19/2024 and the Older Adult Home Modification Grant Programs Fiscal Year 2025-Terms and Conditions, consistent with the approved grant application and subsequently approved grant agreement and amendments, and with all applicable federal,

2. state, and local laws and regulations, attached herein by reference as EXHIBITS A and B. SUBGRANTEE shall maintain a Client Referral Network that will refer low-income senior homeowners and renters interested in home modification repairs to enable them to remain in their primary residence. To ensure that the guarantee meets its target of 200 beneficiaries, SUBGRANTEE shall maintain this Network for a period of three years.
3. All services are voluntary for the beneficiary. Consent of the client and/or legal guardian is required before delivery of services. The client or legal guardian may opt out at any time.
4. SUBGRANTEE shall collect client applications and all initial program documents to be reviewed and approved by the GOVERNMENT, Grant and Special Program Staff within seven (7) business days of submission by SUBGRANTEE.
5. SUBGRANTEE shall provide education and brochures about this program and other available services to assist clients in the program.
6. The SUBGRANTEE shall follow the regulations and policies as required in the program, as outlined in the Notice of Funding Opportunity: FR-6800-N-69 dated November 19, 2024, the Older Adult Home Modification Grant Programs Fiscal Year 2025 Terms and Conditions.
7. SUBGRANTEE shall also participate in program policy and procedures, and for the administration of its program, the Workplan Development Guide and performance benchmarks required by HUD.
8. SUBGRANTEE shall also participate in program evaluation activities as may be required by the GOVERNMENT and the U.S. Department of Housing and Urban Development.

#### B. MONITORING

The GOVERNMENT will monitor the performance of the SUBGRANTEE under the terms of the Agreement. Substandard performance, as determined by the GOVERNMENT, will constitute noncompliance with the Agreement. If action to correct such substandard performance is not taken by the SUBGRANTEE within a reasonable period of time after being notified by the GOVERNMENT, Agreement suspension or termination procedures will be initiated.

#### C. PROGRAM BENEFIT

The SUBGRANTEE certifies that the activities carried out with funds provided under this Agreement will benefit low-income, which is below 80% median income, senior homeowners and renters who are at least 62 years old to remain in their homes through low cost, low barrier, high impact home modifications to reduce older seniors' risk of falling, improve general safety, increase accessibility, and to improve their functional abilities in their home. This will enable seniors to remain in their homes, that is, to "age in place," rather than move to nursing homes or other assisted care facilities as defined by the U.S. Department of Housing and Urban Development, under the Office of Lead Hazard Control and Healthy Homes.

#### D. LEVELS OF ACCOMPLISHMENT

The GOVERNMENT and HUD have previously agreed upon benchmarks for the target of 200

beneficiaries assisted, the benchmarks are outlined in Exhibit I and detailed in the approved grant award and application. NOFA: FR-6800-N-69 dated 11/19/2024 and the Older Adult Home Modification Grant Programs Fiscal Year 2025-Terms and Conditions that are attached as EXHIBITS A and B.

## **II. TIME OF PERFORMANCE**

The term of this Agreement shall be May 15, 2025, through May 15, 2028.

## **III. BUDGET**

The amount of funds available to the SUBGRANTEE under the terms of this Agreement is \$573,184.32. Funds may be used for the following approved activities in the indicated amounts:

Personnel .....	\$383,926.92
Fringe Benefits .....	\$95,981.73
Travel.....	\$10,296.00
Supplies and Materials .....	\$5,210.00
Contracts.....	\$12,162.00
Other Direct Cost.....	\$13,500.00
Indirect Costs.....	\$52,107.67
TOTAL.....	\$573,184.32

## **IV. PAYMENT**

It is expressly agreed and understood that the total amount to be paid by the GOVERNMENT under this Agreement shall not exceed \$573,184.32.

The SUBGRANTEE shall invoice the GOVERNMENT at least monthly for the reimbursement of actual expenditures incurred. SUBGRANTEE'S invoice must be for the services and eligible expenses specified in the approved grant application or in the approved budget. SUBGRANTEE'S invoice must include copies of invoices for services and goods purchased in the operation of this program. SUBGRANTEE shall submit documentation of the cost quotes for expenses as defined by SUBGRANTEE's approved Procurement Policies and Procedures. SUBGRANTEE should submit employee timesheets and payroll reports as documentation of personnel costs. SUBGRANTEE shall provide documentation of the costs for fringe benefits.

## **V. NOTICES**

All notices hereunder shall be sufficiently given and shall be deemed given when delivered or mailed by certified mail, postage prepaid, return receipt requested, to the parties at their respective addresses as first set out herein.

## **VI. REPORTING**

SUBGRANTEE shall provide the GOVERNMENT with a Quarterly Progress Report 15 days after the end of each Quarter. The SUBGRANTEE will work with the GOVERNMENT to assist in the development of the narrative for the Quarterly Progress Report and shall provide all information requested on form HUD-27061 via the Neighborly software. :

1. For the Quarterly Progress Report, SUBGRANTEE SHALL INCLUDE a narrative description of the principal activities carried out during the reporting timeframe, which shall include the specific objectives of the project and the SUBGRANTEE'S success in meeting those objectives. The narrative description shall also include obstacles encountered, solutions achieved, and accomplishments in each quarterly report. Contracts, training materials, protocols, rosters of persons trained, outreach and education materials prepared, and other significant products developed to implement, analyze, or control the project or disseminate information shall be submitted.
2. For the Quarterly Progress Report, the SUBGRANTEE shall work with the GOVERNMENT to provide information on meeting the approved work plan goals, objectives, and benchmark milestones.
3. For the Annual Progress Report, SUBGRANTEE shall work with the GOVERNMENT to provide the numbers of persons and families assisted during the program year, along with their characteristics, including age, gender, race, and income as entered via the Neighborly software database. The Race and Ethnic Data Reporting form HUD-27061, as required by the U.S. Department of Housing and Urban Development, Office of Lead Hazard Control and Healthy Homes.
4. The SUBGRANTEE shall work with the GOVERNMENT to provide the final report and narrative and any close-out documentation necessary to complete the report and grant close-out.

The SUBGRANTEE must work with the GOVERNMENT to ensure that the screening, assessment, and referral of program participants are consistent with the written standards required. SUBGRANTEE agrees to enter required assessment data into the Home for Life system following the standards of the U.S. Department of Housing and Urban Development Office of Lead Hazard Control and Healthy Homes; and client-level data into the Neighborly software database.

## **VII. GENERAL CONDITIONS**

- A. The SUBGRANTEE agrees to comply with the requirements of NOFA: FR-6800-N-69 dated 11/19/2024 and the Older Adult Home Modification Grant Programs Fiscal Year 2025-Terms and Conditions that are attached as EXHIBITS A and B. The SUBGRANTEE and GRANTEE also agree to comply with all other applicable federal, state, and local laws, regulations, and policies governing the funds provided under this Agreement. The SUBGRANTEE further agrees to utilize funds available under this Agreement to supplement rather than supplant funds otherwise available.
- B. SUBGRANTEE agrees to defend, indemnify, and hold harmless the GOVERNMENT from



any and all losses or claims of whatever kind, that are in any way incidental to, or connected with, or that arise or alleged to have arisen, directly or indirectly, in whole or in part, from the execution, performance, or breach of this contract by SUBGRANTEE, including any environmental problems, including, without limitation, soil and/or water contamination, and remedial investigations and feasibility studies thereof, which exist at or before the contract commencement date, regardless of when such losses or claims are made or incurred. This indemnity agreement shall in no way be limited by any financial responsibility or loss control requirements below, and shall survive the termination of this contract.

For the purposes of this Indemnity Provision:

1. The word “defend” includes, but is not limited to, investigating, handling, responding to, resisting, providing a defense for, and defending claims, at SUBGRANTEE’S expense, using attorneys approved in writing by the GOVERNMENT, which approval shall not be unreasonably withheld.
  2. The word “claims” includes, but is not limited to, claims, demands, liens, suits, notices of violation from Governmental agencies, and other causes of action of whatever kind.
  3. The word “losses” includes, but is not limited to: attorney fees and expenses; costs of litigation; court or administrative costs; judgments; fines; penalties; interest; all environmental cleanups and remediation costs of whatever kind; and any liability arising from death, injury, or damage of any kind, to any person, including employees and agents of SUBGRANTEE and GOVERNMENT, and damage to, or destruction of, any property, including the property of GOVERNMENT.
- C. The SUBGRANTEE shall provide Workers' Compensation insurance coverage for all its employees involved in the performance of this Agreement.
- D. This Agreement, or any part hereof, may be amended from time to time hereafter only in writing executed by the GOVERNMENT and the SUBGRANTEE.
- E. This Agreement, in accordance with 24 CFR 85.43, can be terminated if SUBGRANTEE fails to comply with any term of the award. This Agreement may be terminated for convenience in accordance with 24 CFR 85.44 upon written notice by the GOVERNMENT.
- F. The GOVERNMENT and the SUBGRANTEE each bind themselves and their partners, successors, executors, administrators, assigns, and legal representatives of such other party, in respect to all covenants, agreements, and obligations of this Agreement.

## **VIII. ADMINISTRATIVE REQUIREMENTS**

A. Financial Management

1. Accounting Standards

The SUBGRANTEE agrees to comply with policies, guidelines, and requirements of 2 CFR part 200 (“Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards”), and agrees to adhere to the accounting principles and procedures required therein, utilize adequate internal controls, and maintain necessary source documentation for all costs incurred.

2. Cost Principles

The SUBGRANTEE shall administer its program in conformance 2 CFR part 200. These principles shall be applied to all costs incurred, whether charged on a direct or indirect basis.

B. Documentation and Record-Keeping

1. Records to be Maintained

The SUBGRANTEE shall maintain all records required by the federal regulations specified in 24 CFR Part 574 that are pertinent to the activities to be funded under this Agreement. Such records shall include but not be limited to:

- a. Records providing a full description of each activity undertaken.
- b. Records demonstrating that each activity undertaken is eligible under the relevant federal guidelines and that all program beneficiaries are eligible under the regulations.
- c. Records documenting compliance with the fair housing and equal opportunity components of the Program.
- d. Financial records as required by 24 CFR Part 574, and 2 CFR Part 200 (“Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards”).

2. Retention

The SUBGRANTEE shall retain all records pertinent to expenditures incurred under this Agreement for a period of three (3) years after the termination of all activities funded under this Agreement. Records of non-expendable property acquired with funds under this Agreement shall be retained for three (3) years after final disposition of such property. Records for any displaced person must be kept for three (3) years after final disposition of such property. Records for any displaced person must be kept for three (3) years after he/she has received the final payment. Notwithstanding the above, if there is litigation, claims, audits, negotiations or other actions that involve any of the records cited and that

have started before the expiration of the three-year period, then such records must be retained until completion of the actions and resolution of all issues, or the expiration of the three-year period, whichever occurs later.

3. Client Data

The SUBGRANTEE shall maintain client data for services provided. Such data shall include, but not be limited to, a unique client identifier, address, income level or other basis for determining eligibility, and description of service provided. Such information shall be made available to the GOVERNMENT'S monitors or their designees and to representatives of the U.S. Department of Housing and Urban Development for review upon request.

4. Disclosure

The SUBGRANTEE understands that client information collected under this Agreement is private and the use or disclosure of such information, when not directly connected with the administration of the GOVERNMENT'S responsibilities with respect to services provided under this Agreement, is prohibited unless written consent is obtained from such person receiving service and, in the case of a minor, that of a responsible parent/guardian. SUBGRANTEE shall obtain the written consent of its clients for review by the GOVERNMENT and by the U.S. Department of Housing and Urban Development.

5. Close-outs

The SUBGRANTEE'S obligation to the GOVERNMENT shall not end until all close-out requirements are completed. Activities during this close-out period shall include, but are not limited to: making final payments, disposing of program assets (including the return of all unused materials, program income balances, and accounts receivable to the GOVERNMENT, and determining the custodianship of records.

6. Audits and Inspections

All SUBGRANTEE records with respect to any matters covered by this Agreement shall be made available to the GOVERNMENT, grantor agency, their designees or the federal government, at any time during normal business hours, as often as the grantor agency deems necessary, to audit, examine, and make excerpts or transcripts of all relevant data. Any deficiencies noted in audit reports must be fully cleared by the SUBGRANTEE within 30 days after receipt by the SUBGRANTEE. Failure of the SUBGRANTEE to comply with the above audit requirements will constitute a violation of this Agreement and may result in the withholding of future payments. The SUBGRANTEE hereby agrees to have an annual agency audit conducted in accordance with current GOVERNMENT policy concerning Subrecipient audits and 2 CFR part 200 ("Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards").

C. Procurement

1. Compliance

The SUBGRANTEE shall comply with current GOVERNMENT policy concerning the purchase of equipment and shall maintain inventory records of all non-expendable personal property as defined by such policy as may be procured with funds provided herein. All unexpended program income and program funds shall revert to the GOVERNMENT upon termination of this Agreement.

2. Procurement Standards

The SUBGRANTEE shall procure all materials, property, or services in accordance with the requirements of 2 CFR part 200 ("Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards).

**IX. PERSONNEL AND PARTICIPANT CONDITIONS**

The Subgrantee shall comply with all applicable federal requirements, including but not limited to:

A. Civil Rights

1. Compliance

Subject to all federal and state enacted changes and effective and applicable Executive Orders:

The SUBGRANTEE agrees to comply with Title VI of the Civil Rights Act of 1964 as amended, Title VIII of the Civil Rights Act of 1968, as amended, Section 104(b) and Section 109 of Title I of the Housing and Community Development Act of 1974 as amended, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, and Executive Order 11063.

In accordance with 24 CFR 5.105 and section 2-33 of the Code of Ordinances of the Lexington-Fayette Urban County Government, the SUBGRANTEE agrees that HUD-assisted housing or other services being provided pursuant to this agreement shall be made available without regard to actual or perceived sexual orientation, gender identity or marital status. Neither Grantee nor any of its agents will inquire about the sexual orientation or gender identity of any applicant for or person receiving HUD-assisted housing or other services.

2. Nondiscrimination

The SUBGRANTEE will not discriminate against any employee or applicant for employment because of race, color, creed, religion, ancestry, national origin, sex, disability or other handicap, age, marital/familial status, or status with regard to public assistance. The SUBGRANTEE will take reasonable actions to protect all employment practices from such discrimination. Such employment practices include but are not limited to the following: hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff, termination, rates of pay or other forms of compensation, and selection of training, including apprenticeship. The SUBGRANTEE agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting agency setting forth the provisions of this nondiscrimination clause.

3. Section 504

The SUBGRANTEE agrees to comply with any federal regulations issued pursuant to compliance with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 706), which prohibits discrimination against the handicapped in any federally assisted program. The GOVERNMENT shall provide the SUBGRANTEE with any guidelines necessary for compliance with that portion of the regulations in force during the term of this Agreement.

B. Equal Opportunity

1. Access to Records

The SUBGRANTEE shall furnish and cause each of its own subrecipients or subcontractors to furnish all information and reports required hereunder and will permit access to its books, records and accounts by GOVERNMENT, HUD or its agent, or other authorized federal officials for purposes of investigation to ascertain compliance with the rules, regulations and provisions stated herein.

3. EEO Statement

The SUBGRANTEE will, in all solicitations or advertisements for employees placed or on behalf of the SUBGRANTEE, state that it is an Equal Opportunity employer.

4. Subcontract Provisions

The SUBGRANTEE will include the provisions of Paragraphs IX A, Civil Rights, and B, Affirmative Action, in every subcontract or purchase order, specifically or by reference, so that such provisions will be binding upon each of its own subrecipients or subcontractors.

C. Employment Restrictions

1. Prohibited Activity

The SUBGRANTEE is prohibited from using funds provided herein or personnel employed in the administration of the program for: political activities, sectarian or religious activities; lobbying, political patronage, and nepotism activities.

2. Section 3 Clause

a. Compliance

Compliance with the provisions of Section 3, the regulations set forth in 24 CFR 135, and all applicable rules and orders issued hereunder prior to the execution of this Agreement, shall be a condition of the federal financial assistance provided under this Agreement and binding upon the SUBGRANTEE and any of the SUBGRANTEE'S subrecipients and subcontractors. Failure to fulfill these requirements shall subject the GOVERNMENT, the SUBGRANTEE, and any of the SUBGRANTEE'S subrecipients and subcontractors, their successors and assigns, to those sanctions specified by the Agreement through which Federal assistance is provided. The SUBGRANTEE certifies and agrees that no contractual or other disability exists that would prevent compliance with these requirements.

The SUBGRANTEE further agrees to comply with these "Section 3" requirements and to include the following language in all subcontractors executed under this Agreement:

"The work to be performed under this contract is a project assisted under a program providing direct Federal financial assistance from HUD and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given to low- and very low-income residents of the project area and contracts for work in connection with the project be awarded to business concerns that provide economic opportunities for low- and very low-income persons residing in the metropolitan area in which the project is located."

The SUBGRANTEE further agrees to ensure that opportunities for training and employment arising in connection with a housing rehabilitation (including reduction and abatement of lead-based paint hazards), housing construction, or other public construction project are given to low- and very low-income persons residing within the metropolitan area in which the CDBG-funded project is located; where feasible, priority should be given to low- and very low-income persons within the service area of the project or the neighborhood in which the project is located, and to low- and very low-income participants in other HUD programs; and award contracts for work undertaken in connection with a housing rehabilitation (including reduction and abatement of lead-based paint hazards), housing construction, or other public construction project are given to business

concerns that provide economic opportunities for low- and very low-income persons residing within the metropolitan area in which the CDBG-funded project is located; where feasible, priority should be given to business concerns which provide economic opportunities to low- and very low-income residents within the service area or the neighborhood in which the project is located, and to low- and very low-income participants in other HUD programs.

The SUBGRANTEE certifies and agrees that no contractual or other legal incapacity exists that would prevent compliance with these requirements.

b. Notifications

The SUBGRANTEE agrees to send to each labor organization or representative of workers with which it has a collective bargaining agreement or other contract or understanding, if any, a notice advising said labor organization or worker's representative of its commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

3. Drug Free Workplace

The SUBGRANTEE shall administer a policy designed to protect the programs operated by BLUEGRASS CARE NAVIGATORS from the illegal use, possession, or distribution of drugs or alcohol by its employees and beneficiaries.

D. Conduct

1. Assignability

The SUBGRANTEE shall not assign or transfer any interest in this Agreement without the prior written consent of the GOVERNMENT thereto; provided, however, that claims for money due or to become due to the GOVERNMENT under this Agreement may be assigned to a bank, trust company, or other financial institution without such approval. Notice of any such assignment or transfer shall be furnished promptly to the GOVERNMENT.

2. Subcontracts

a. Approvals

The SUBGRANTEE shall not enter into any subcontracts with any agency or individual in the performance of this Agreement without the written consent of the GOVERNMENT prior to the execution of such agreement.

b. Monitoring

The SUBGRANTEE will monitor all subcontracted services on a regular basis to assure compliance with this Agreement. Results of monitoring efforts shall be summarized in written reports and supported with documented evidence of follow-up actions taken to correct areas of noncompliance.

c. Content

The SUBGRANTEE shall cause all of the provisions of this Agreement in its entirety to be included in and made a part of any subcontract executed in the performance of this Agreement.

d. Selection Process

The SUBGRANTEE shall undertake to ensure that all subcontracts let in the performance of this Agreement shall be awarded on a fair and open competition basis. Executed copies of all subcontracts shall be forwarded to the GOVERNMENT along with documentation concerning the selection process.

3. Hatch Act

The SUBGRANTEE agrees that no funds provided, nor personnel employed under this Agreement, shall be in any way or to any extent engaged in the conduct of political activities in violation of Chapter 15 of Title V United States Code.

4. Waste, Fraud, Abuse, and Whistleblower Protections

HUD and its grantees and contractors are required to comply with the provisions of 41 U.S.C. § 4712, which protects employees of HUD contractors, subcontractors, grantees, subgrantees, personal services contractors and certain program participants from retaliation or reprisal as a result of protected disclosures of gross mismanagement, gross waste, abuse of authority, and other violations in connection with Federal contracts or grants.

Any person who becomes aware of the existence or apparent existence of fraud, waste, or abuse of any HUD award must report such incidents to both the HUD official responsible for the award and to the HUD's Office of Inspector General (OIG). HUD OIG is available to receive allegations of fraud, waste, and abuse related to HUD programs via its hotline number (1-800-347-3735) and its online hotline form (Hotline Form | Office of Inspector General, Department of Housing and Urban Development ([hudoig.gov](https://www.hudoig.gov))). (also see HUD Whistleblower ([hudoig.gov](https://www.hudoig.gov)))

Grantees must comply with 20.3. 41 U.S.C. § 4712, which includes informing their employees in writing of their rights and remedies, in the predominant native language of



the workforce.

Federal Procurements entered into after July 1, 2013, are required to include Federal Acquisition Regulation (FAR) clause 52.203-17 if they are above the simplified acquisition threshold. This clause requires contractors to inform their employees of their whistleblower rights and protections in writing.

## 5. Conflict of Interest

The SUBGRANTEE agrees to abide by the provisions of 24 CFR 570.625 with respect to conflicts of interest and covenants that it presently has no financial interest and shall not acquire any financial interest, direct or indirect, which would conflict in any manner or degree with the performance of services required under this Agreement. The SUBGRANTEE further covenants that in the performance of this Agreement, no person having such a financial interest shall be employed or retained by the SUBGRANTEE hereunder.

## 6. Lobbying

The SUBGRANTEE hereby certifies that:

- a. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement;
- b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;
- c. It will require that the language of paragraph (d) of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly; and
- d. Lobbying Certification - Paragraph d

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite

for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure. Refer to 24 CFR part 87 ("New Restrictions on Lobbying").

6. Debarment and Suspension

The SUBGRANTEE certifies in accordance with Executive Order 12549 (Debarment and Suspension February 18, 1986) that to the best of its knowledge and belief, it, its principals, and its subcontractors:

(1) Are not presently debarred, suspended, proposed for debarment, declared negligible, or voluntarily excluded from covered transactions or contract by and Federal department or agency for noncompliance with the Federal Labor Standards, Title VI of the Civil Rights Act of 1964 as amended, Executive Order 11246 as amended or any other federal law;

a. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

b. Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (a) of this certification; and

c. Has not, within a three-year period preceding this bid, had one or more public (Federal, State, or local) transactions or contracts terminated for cause or default.

(2) Where the SUBGRANTEE, subcontractor, is unable to certify to any of the statements in this certification, such prospective SUBGRANTEE, subcontractor shall provide a written explanation

7. 24 CFR part 35 (Lead Base Paint Poisoning Prevention)

8. Environmental review procedures, where applicable

9. Copyright

If this Agreement results in any copyrightable material or inventions, the GOVERNMENT and/or grantor agency reserves the right to a royalty-free, non-exclusive

and irrevocable license to reproduce, publish or otherwise use and to authorize others to use, the work or materials for government purposes.

10. Religious Organization

The SUBGRANTEE agrees that funds provided under this Agreement will not be utilized for religious activities, to promote religious interests, or for the benefit of a religious organization in accordance with the federal regulations specified in 24 CFR 570.200(j).


[INTENTIONALLY LEFT BLANK. SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the parties executed this Agreement the day, month, and year above written.

LEXINGTON-FAYETTE URBAN COUNTY  
GOVERNMENT

  
\_\_\_\_\_  
Linda Gorton, Mayor

ATTEST:

  
\_\_\_\_\_  
Clerk of Urban County Council  
*Deputy*

HOSPICE OF THE BLUEGRASS, INC., dba  
BLUEGRASS CARE NAVIGATORS

  
\_\_\_\_\_  
Holly Hodge, Chief Financial Officer

Exhibit A

U.S. Department of Housing and Urban Development

Lead Hazards Control and Healthy Homes

Older Adult Home Modifications Grant Program

FR-6800-N-69

11/19/2024



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

Lead Hazard Control and Healthy Homes

Older Adults Home Modification Grant Program

FR-6800-N-69

11/19/2024

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**Program Office:**

Lead Hazard Control and Healthy Homes

**Funding Opportunity Title:**

Older Adults Home Modification Grant Program

**Funding Opportunity Number:**

FR-6800-N-69

**Assistance Listing Number:**

14.921

**Due Date for Applications:**

11/19/2024

## OVERVIEW

The U.S. Department of Housing and Urban Development (HUD) issues this Notice of Funding Opportunity (NOFO) to invite applications from eligible applicants for the program and purpose described within this NOFO. You, as a prospective applicant, should carefully read all instructions in all sections to avoid sending an incomplete or ineligible application. HUD funding is highly competitive. Failure to respond accurately to any submission requirement could result in an incomplete, ineligible, or noncompetitive proposal.

In accordance with [Title 24 part 4, subpart B](#) of the Code of Federal Regulations (CFR), during the selection process (which includes HUD's NOFO development and publication, and concludes with the announcement of the selection of recipients of assistance), HUD is prohibited from disclosing covered selection information. Examples of impermissible disclosures include: 1) information regarding any applicant's relative standing; 2) the amount of assistance requested by any applicant; and 3) any information contained in the application. Prior to the application deadline, HUD may not disclose the identity of any applicant or the number of applicants who have applied for assistance.

For further information regarding this NOFO, direct questions regarding the specific requirements of this NOFO to the agency contact identified in section VII.

**Paperwork Reduction Act Statement.** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. §§ 3501- 3520) (PRA), the Office of Management and Budget (OMB) approved the information collection requirements in this NOFO. HUD may not conduct or sponsor, and a person is not required to respond to a collection of information unless the collection displays a valid OMB control number. This NOFO identifies the applicable OMB control number, unless the collection of information is excluded from these requirements under [5 CFR Part 1320](#).

**OMB Control Number(s):**

2501-0044, 2539-0015

## I. FUNDING OPPORTUNITY DESCRIPTION

### A. Program Description

#### 1. Purpose

The overall purpose of the Older Adults Home Modification Program (OAHMP) is to assist experienced nonprofit organizations, state and local governments, and public housing authorities in undertaking comprehensive programs that make safety and functional home modifications, repairs and renovations to meet the needs of low-income seniors. The goal of the home modification program is to enable low-income elderly persons to remain in their homes through

low-cost, low barrier, high impact home modifications to reduce older seniors' risk of falling, improve general safety, increase accessibility, and to improve their functional abilities in their home. This will enable seniors to remain in their homes, that is, to "age in place," rather than move to nursing homes or other assisted care facilities.

HUD's Office of Lead Hazard Control and Healthy Homes is making available grant funds and training resources to non-federal entities. Under this NOFO, experienced nonprofit organizations, state and local governments, and public housing authorities will deliver home modification services to qualified beneficiaries. As required by the appropriation laws that fund the grants under this NOFO, at least one third of funding under this NOFO will be made available to grantees that serve communities with substantial rural populations, as defined below.

The NOFO establishes a program model that incorporates two core concepts: first, as people age, their needs change, and they may need adaptations to their physical environment to live safely at home; second, for any intervention to have the highest impact, the individual's personal goals and needs must be a driver in determining the actual intervention.

The OAHMP model focuses on low-cost, high-impact home modifications. Examples of these home modifications include installation of grab bars, railings, and lever-handled doorknobs and faucets, as well as the installation of adaptive equipment, such as temporary ramp, tub/shower transfer bench, handheld shower head, raised toilet seat, risers for chairs and sofas, and non-slip strips for tub/shower or stairs. The OAHMP model primarily relies on the expertise of a licensed Occupational Therapist (OT) to ensure that the home modification addresses the client's specific goals and needs and promotes their full participation in daily life activities. The OT is trained to evaluate clients' functional abilities and the home environment and has knowledge of the range of low-cost, high-impact environmental modifications and adaptive equipment used to optimize the home environment and increase independence. To help maximize the breadth of the program, the OAHMP also supports using licensed OT Assistants and Certified Aging-in-Place Specialists whose work under the grant is overseen by licensed OTs. The OAHMP model also encourages a person-centered approach that motivates and supports older adults as they identify their goals and learn to function safely in their home.

Services made available under this NOFO must be for the benefit of eligible low-income senior homeowners and renters who are at least 62 years old for work within their primary residence. Because of the vulnerable nature of the persons served, awardees of an OAHMP grant are highly encouraged to ensure that the processes employed to qualify projects for home modifications avoid the potential for project implementation delays. One example of potential delay is enrolling a beneficiary whose home requires modifications beyond what HUD defines as maintenance. Proposed projects involving repair or rehabilitation above the maintenance level require an environmental review, either by the grant recipient (if a state or unit of general local government), a non-recipient Responsible Entity (state or unit of general local government), or by HUD. That environmental review includes consultation with the State Historic Preservation Officer and compliance with other federal environmental requirements listed at 24 CFR §58.5 or §50.4. Where the recipient is not a Responsible Entity, project implementation may be delayed 45+ days, pending completion of the environmental review, and approval by HUD, should no non-recipient Responsible Entity be willing/able to assume environmental review responsibilities

(see Section VI.B. for additional details). To the greatest extent feasible, awardees of OAHMP should select the home modifications identified in the “maintenance” column of the table in Appendix B, Home Modifications/Repairs. Proposed projects that meet the definition of maintenance will not require an environmental review or approval by HUD, and the grantee may proceed with implementation; see Section VI.B. Additional guidance will be provided by HUD, post-award.

## **Background**

Research has demonstrated that, under certain conditions, home modification can significantly reduce the risk of falling among community-dwelling elderly persons (i.e., adults not living in institutional settings). Pighills, A. et al. (*British Journal of Occupational Therapy* 79(3). November 2, 2015. <https://doi.org/10.1177/0308022615600181>) conducted a systematic literature review and concluded that the research demonstrated that high intensity environmental assessment and home modification was clinically effective in preventing falls when conducted with high-risk elderly persons. The authors defined “high intensity” as an assessment that is delivered by an occupational therapist (OT) and “high risk” as adults aged 65 and older with one or more of the following risk factors: one or more falls in the previous year, a recent hospital admission, a chronic health condition, or visual impairment. The authors indicated that the OT-led interventions were likely effective because of the OT’s focus on the impact of the environment on an individual’s function and their consideration of personal, environmental, and activity-related fall risk factors. Effective fall prevention was not demonstrated from protocols that did not use an OT to conduct the assessment and/or that did not limit the interventions to high-risk adults.

In addition, research has also demonstrated that professional assessment and home modification can significantly decrease disability among community-dwelling elderly persons. The Johns Hopkins University School of Nursing developed a program called Community Aging in Place – Advancing Better Living in Elders (CAPABLE) that uses a team that includes an OT, a registered nurse, and a home modifier (i.e., handyman) to conduct an assessment and home modification to improve the functional ability of clients. Researchers conducted a randomized controlled trial with 300 adults aged 65 and older with no cognitive impairment who self-reported difficulty with physical functioning (i.e., activities of daily living (ADL) such as dressing, bathing, walking) or two or more instrumental activities of daily living (IADL) (e.g., shopping, managing medications). Up to 10 home visits were conducted over a 5-month period in the intervention group compared to the control group that received a similar number of social visits by research team members. The OT evaluated a client’s functional disability, identified and addressed functional goals, assessed home safety risks, and oversaw communication with the primary practitioner. The registered nurse assessed a client’s pain, depressive symptoms, medication use, strength, and balance. A goal of the intervention was to address functional goals (identified through client interview) by enhancing the client’s capacity through use of adaptive equipment and home modification. The intervention group experienced a significant reduction in disability compared to the control group based on improvements in an ADL and/or IADL scoring tool. (See: Szanton, SL, et al. *JAMA Internal Medicine*. 179(2):204-211. January 7, 2019. <https://doi.org/10.1001/jamainternmed.2018.6026>.)

Applicants to this NOFO should take note of characteristics of the effective home modifications

discussed above. Both models used OTs to conduct a person-focused assessment of how the client interacted with his/her environment, and CAPABLE identified the client's goals for improved functioning. An important reason that the interventions were found to be effective is also, likely, the focus on high-risk adults.

## **2. HUD and Program-Specific Goals and Objectives**

HUD's Strategic Plan sets the direction and focus of our programs and staff to create strong, sustainable, inclusive communities and quality, affordable homes for all. This NOFO supports [HUD's Strategic Plan for Fiscal Years \(FY\) 2022-2026](#) to accomplish HUD's mission and vision. Each of the five goals in the [Strategic Plan](#) include what HUD hopes to accomplish, the strategies to accomplish those objectives, and the indicators of success.

HUD will pursue two overarching priorities focused on increasing equity and improving customer experience across all HUD programs. Five strategic goals and several objectives undergird the Plan; however the following goals are applicable to this NOFO.

You are expected to align your application to the applicable strategic goals and objectives below. Use the information in this section to describe in your application the specific goals, objectives, and measures that your project is expected to help accomplish. If your project is selected for funding, you are also expected to establish a plan to track progress related to those goals, objectives, and measures. HUD will monitor compliance with the goals, objectives, and measures in your project.

### **Applicable Goals and Objectives from HUD's Strategic Plan**

#### **Strategic Goal 1: Support Underserved Communities**

Fortify support for underserved communities and support equitable community development for all people.

##### **1A: Advance Housing Justice**

Fortify support for vulnerable populations, underserved communities, and Fair Housing enforcement.

##### **1C: Invest in the Success of Communities**

Promote equitable community development that generates wealth-building for underserved communities, particularly for communities of color.

#### **Strategic Goal 4: Advance Sustainable Communities**

Advance sustainable communities by strengthening climate resilience and energy efficiency, promoting environmental justice, and recognizing housing's role as essential to health.

##### **4B: Strengthen Environmental Justice**

Reduce exposure to health risks, environmental hazards, and substandard housing, especially for low-income households and communities of color.

##### **4C: Integrate Health and Housing**

Advance policies that recognize housing's role as essential to health.

The goal of the Older Adults Home Modification Program is to enable low-income elderly persons to remain in their homes through low-cost, low barrier, high impact home modifications and reduce exposure to health risks, environmental hazards, and substandard housing, especially for low-income households and communities of color. This helps enable older adults to remain in



their homes, that is, to “age in place,” rather than move to nursing homes or other assisted care facilities. The program contributes to HUD’s implementation of its Strategic Objective to Promote Environmental Justice.

### 3. Changes from Previous NOFO

- Applicants requesting over the maximum award amount will be reduced to the maximum award amount.
- The maximum has increased to \$2,000,000 from \$1,250,000 and the minimum has increased to \$1,000,000 from \$500,000.
- If you received OAHMP grant funding under the FY 2023 grant program or funding under this program that was announced on April 9, 2024, you are not eligible to apply under this program.
- Under the previous NOFO, the application process was a two-step process. Under this NOFO, the complete application process is a single-step process. Rating factors have been adjusted to be similar to the applicant scoring for full 2023 applications.
- Equity Provisions. Responses are required under Rating Factor 4 with points awarded to each.
- Compliance with the [Build America, Buy America \(BABA\) Act](#) procurement requirements.

### 4. Definitions

#### a. Standard Definitions

**Affirmatively Furthering Fair Housing (AFFH)** means taking meaningful actions, in addition to combating discrimination to overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunities, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. The duty to affirmatively further fair housing extends to all program participant’s activities and programs relating to housing and urban development.

**Assistance Listing number** refers to the unique number assigned to each Federal assistance program publicly available in the Assistance Listing, which is managed and administered by the General Services Administration. The Assistance Listing number was formerly known as the Catalog of Federal Domestic Assistance (CFDA) number.

**Authorized Organization Representative (AOR)** is a person authorized to legally bind your organization and submit applications via Grants.gov. The AOR is authorized by the E-Business Point of Contact (E-Biz POC) in the System for Award Management (see E-Biz POC definition). An AOR may include an Expanded AOR and/or a Standard AOR.

**Expanded Authorized Organization Representative** is a user in Grants.gov who is authorized by the E-Biz POC to perform the functions of a Standard AOR, initiate and

submit applications on behalf of your organization, and is allowed to modify organization-level settings and certifications in Grants.gov.

**Standard Authorized Organization Representative** is a user in Grants.gov who is authorized by the E-Biz POC to initiate and submit applications in Grants.gov. A Grants.gov user with the Standard AOR role can only submit applications when they are a Participant for that workspace.

**Consolidated Plan** is the document submitted to HUD that serves as the comprehensive housing affordability strategy, community development plan, and submission for funding under any of the Community Planning and Development formula grant programs (e.g., CDBG, ESG, HOME, and HOPWA). This Plan is prepared in accordance with the process described in [24 CFR part 91](#). This plan is completed by engaging in a participatory process to assess affordable housing and community development needs and market conditions, and to make data-driven, place-based investment decisions with funding from formula grant programs. (See [24 CFR part 91](#) for HUD's requirements regarding the Consolidated Plan and related Action Plan).

**Contract** means, for the purpose of Federal financial assistance, a legal instrument by which a recipient or subrecipient purchases property or services needed to carry out the project or program under a Federal award. For additional information on contractor and subrecipient determinations, see [2 CFR 200.331](#).

**Contractor** means an entity that receives a contract as defined above and in [2 CFR 200.1](#).

**Cooperative agreement** has the same meaning defined at [2 CFR 200.1](#).

**Deficiency**, with respect to the making of an application for funding, is information missing or omitted within a submitted application. Examples of deficiencies include missing documents, missing or incomplete information on a form, or some other type of unsatisfied information requirement. Depending on specific criteria, a deficiency may be either Curable or Non-Curable.

**A Curable Deficiency** is missing or incomplete application information that may be corrected by the applicant with timely action. To be curable, the deficiency must:

- Not be a threshold requirement, except for documentation of applicant eligibility;
- Not influence how an applicant is ranked or scored versus other applicants; and
- Be remedied within the time frame specified in the notice of deficiency.

**A Non-Curable Deficiency** is missing or incomplete application information that cannot be corrected by an applicant after the submission deadline. A non-curable deficiency is a deficiency that is a threshold requirement, or a deficiency that, if corrected, would change an applicant's score or rank versus other applicants. If an application includes a non-curable deficiency, the application may receive an ineligible determination, or the non-curable deficiency may otherwise adversely affect the application's score and final funding determination.

**E-Business Point of Contact (E-Biz POC)** is an individual associated with the applicant organization who is responsible for the administration and management of award activities for the applicant organization. The E-Biz POC is likely to be an organization's chief financial officer or authorizing official. The E-Biz POC authorizes representatives of their organization to apply on behalf of the organization (see Authorized Organization Representative definition). There can

only be one E-Biz POC per unique entity identifier (see definition of Unique Entity Identifier below).

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

**Environmental Justice** means investing in environmental improvements, remedying past environmental inequities, and otherwise developing, implementing, and enforcing environmental laws and policies in a manner that advances equity and provides meaningful involvement for people and communities that have been environmentally underserved or overburdened, such as Black and Brown communities, indigenous groups, and individuals with disabilities. This definition does not alter the requirements under HUD's regulations at [24 CFR 58.5\(j\)](#) and [24 CFR 50.4\(l\)](#) implementing [Executive Order 12898](#). E.O. 12898 requires a consideration of how Federally assisted projects may have disproportionately high and adverse human health or environmental effects on minority and/or low-income populations. For additional information on environmental review compliance, refer to:

[https://www.hud.gov/program\\_offices/comm\\_planning/environment\\_energy/regulations](https://www.hud.gov/program_offices/comm_planning/environment_energy/regulations).

**Equity** has the meaning given to that term in Section 2(a) of Executive Order [13985](#) and means the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.

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

(1)

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

(b) The cost-reimbursement contract under the Federal Acquisition Regulations that a non-Federal entity receives directly from a Federal awarding agency or indirectly from a pass-through entity, as described in [2 CFR 200.101](#).

(2) The instrument setting forth the terms and conditions. The instrument is the grant agreement, cooperative agreement, other agreement for assistance covered in paragraph (2) of the definitions of Federal financial assistance in [2 CFR 200.1](#), and this NOFO, or the cost-reimbursement contract awarded under the Federal Acquisition Regulations.

(3) Federal award does not include other contracts that a Federal agency uses to buy goods or services from a contractor or a contract to operate Federal Government owned, contractor operated facilities (GOCOs).

(4) See also definitions of Federal financial assistance, grant agreement, and cooperative agreement in [2 CFR 200.1](#).

**Federal Financial Assistance** has the same meaning defined at [2 CFR 200.1](#).

**Grants.gov** is the website serving as the Federal government's central portal for searching and applying for Federal financial assistance throughout the Federal government. Registration on Grants.gov is required for submission of applications to prospective agencies unless otherwise specified in this NOFO.

**Historically Black Colleges and Universities (HBCUs)** are any historically Black college or university that was established prior to 1964, whose principal mission was, and is, the education of Black Americans, and that is accredited by a nationally recognized accrediting agency or association determined by the Secretary of Education to be a reliable authority as to the quality of training offered or is, according to such an agency or association, making reasonable progress toward accreditation. [A list of accredited HBCUs can be found at the U.S. Department of Education's website.](#)

**Minority-Serving Institutions (MSIs)** are

- (1) a part B institution (as defined in [20 U.S.C. § 1061\(2\)](#));
- (2) a Hispanic-serving institution (as defined in [20 U.S.C. § 1101a\(5\)](#));
- (3) a Tribal College or University (as defined in [20 U.S.C. § 1059c\(b\)\(3\)](#));
- (4) an Alaska Native-serving institution or a Native Hawaiian-serving institution (as defined in [20 U.S.C. § 1059d\(b\)](#));
- (5) a Predominantly Black Institution (as defined in [20 U.S.C. § 1059e\(b\)\(6\)](#));
- (6) an Asian American and Native American Pacific Islander-serving institution (as defined in [20 U.S.C. § 1059g\(b\)\(2\)](#)); or
- (7) a Native American-serving nontribal institution (as defined in [20 U.S.C. § 1059f\(b\)\(2\)](#)).

**Non-Federal Entity (NFE)** means a state, local government, Indian tribe, Institution of Higher Education (IHE), or non-profit organization that carries out a Federal award as a recipient or subrecipient.

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

**Promise Zones (PZs)** are high poverty areas in select urban, rural and tribal communities designated from 2014-2016 where the Federal government partners with local leaders to increase economic activity, improve educational opportunities, leverage private investment, reduce violent crime, enhance public health and address other priorities identified by the community. [See Promise Zones.](#)

**Racial Equity** is the elimination of racial disparities and is achieved when race can no longer predict opportunities, distribution of resources, or outcomes – particularly for Black and Brown persons.

**Recipient** means an entity, usually but not limited to non-Federal entities, that receives a Federal award directly from HUD. The term recipient does not include subrecipients or individuals that are beneficiaries of the award.



**Resilience** is a community's ability to minimize damage and recover quickly from natural disasters, extreme weather events, and other changing climate conditions.

**Small business** is defined as a privately-owned corporation, partnership, or sole proprietorship that has fewer employees and less annual revenue than regular-sized business. The definition of "small"—in terms of being able to apply for government support and qualify for preferential tax policy—varies by country and industry. The U.S. Small Business Administration defines a small business according to a set of standards based on specific industries. See [13 CFR part 121](#).

**Subaward** means an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

**Subrecipient** means an entity, usually but not limited to non-Federal entities, that receives a subaward from a pass-through entity to carry out part of a Federal award but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.

**System for Award Management (SAM)** is the Federal Repository into which an entity must provide information required for the conduct of business as a recipient. Registration with SAM is required for submission of applications via Grants.gov. You can access the website at <https://www.sam.gov/SAM/>. There is no cost to use SAM.

**Threshold Requirements** are eligibility requirements that must be met for an application to be reviewed, rated, and ranked. Threshold requirements are not curable, except for documentation of applicant eligibility, which are listed in Section III.D., Threshold Eligibility Requirements. Similarly, there are eligibility requirements under Section III.E., Statutory and Regulatory Requirements Affecting Eligibility.

**Underserved Communities** has the meaning given to that term in Section 2(b) of Executive Order [13985](#) and refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, as exemplified by the list in the definition of "equity" above.

**Unique Entity Identifier (UEI)** means the identifier assigned by SAM to uniquely identify entities. As of April 4, 2022, the Federal government has transitioned from the use of the DUNS Number to the use of UEI, as the primary means of entity identification for Federal awards government-wide.

#### b. Program Definitions.

**Accessory Dwelling Unit (ADU)** also referred to as accessory apartments, second units, or granny flats, are additional living quarters on single-family lots that are independent of the primary dwelling unit. The separate living spaces are equipped with kitchen and bathroom facilities and can be either attached or detached from the main residence. For more information visit [www.huduser.gov/portal/publications/adu.pdf](http://www.huduser.gov/portal/publications/adu.pdf).

**Activities of Daily Living (ADL)** are basic self-care tasks that include for example bathing, dressing, eating, transferring [e.g., getting in and out of chairs], grooming, using the toilet, and

walking. This list is not exhaustive.

**Adaptive equipment** is any assistive device or everyday item that enables individuals with functional limitations and special needs to perform Activities of Daily Living and to reduce the risk of falling. The term also means items that do not require puncturing the floor, walls, or ceiling of the home to install and therefore can be installed by an Occupational Therapist or other individual and does not need to be work performed by a licensed, bonded, and insured maintenance/repair person. Examples include shower chairs, non-slip tape, and stick-on motion sensor lights.

**Assessment** is a method for a skilled professional to gather data to use in an evaluation. In this program, assessments of home modification need, and clients' functional capacity are conducted by Occupational Therapists, or licensed OT Assistants and Certified Aging-in-Place Specialists whose work under the grant is overseen by licensed OTs, using standardized assessment tools. Other clinical personnel such as a registered nurse may perform additional assessments.

**Beneficiary** is the individual receiving direct services from the grantee. Also referred to as client. Beneficiaries must meet the eligibility requirements outlined in Section III.G of this NOFO.

**Client:** see beneficiary.

**Caregiver** is the primary person(s) helping to care for the beneficiary in the primary residence. The caregiver may be a professional providing services for a fee or wage, or they may be an informal caregiver, such as a family member or friend.

**Certified Aging-in-Place Specialist (CAPS)** designation program teaches the technical, business management, and customer service skills essential to competing in the home modifications for the aging-in-place segment of the residential remodeling industry. Certified Aging-in-Place Specialists are trained in the unique needs of the older adult population and about, aging-in-place home modifications, common remodeling projects and solutions to common barriers. The credential is offered through the National Association of Home Builders.

**Environmental modification or environmental accessibility adaptation** are terms used by the Centers for Medicare & Medicaid Services and others to refer to physical adaptations to an individual's primary home or vehicle that enable them to function with greater independence and avoid placement in a nursing home, or reasonably assure their health and welfare. (See, e.g., <https://downloads.cms.gov/cmsgov/archived-downloads/SMDL/downloads/smd072500b.pdf>, and <http://ldh.la.gov/assets/docs/OAAS/quarterlySCandprovidermeetings/Assessing-for-EAA-2016.pdf>.)

**Functional Abilities** refer to the client's ability to perform activities of daily living (ADLs) and instrumental activities of daily living (IADLs). See Definitions.

**Grant** and **grantee**, mean, for this program, the OAHMP cooperative agreement and the OAHMP awardee, respectively.

**High Cost Unit** is a client residence in which, the scope of work exceeds the \$5,000 cap for unit modification.

**Home Modification** is a holistic approach to assisting low income elderly persons to “age in place” by supporting their ability to live independently. The process includes an assessment in the home; identification and prioritization of necessary changes to the home environment to make tasks easier and reduce accidents; professional installation and implementation of solutions, including adding special features or removing hazards; and follow-up visits and evaluation.

**Homeowner** is a person living in their primary residence who owns and occupies their residence (owner occupied).

**Instrumental Activities of Daily Living (IADL)** are skills related to independent living which include (but are not limited to) meal planning and preparation, managing finances, shopping for food, clothing, and other essential items, performing essential household chores, communicating by phone or other media, and traveling around and participating in the community.

**Intervention** means the home modification services provided to a beneficiary within a certain defined scope and time period as determined by the grantee.

**Landlord/Lessor** is a person who rents a building or residence to a tenant on a contractual basis (Tenant- occupied).

**Low-Income** has the same meaning provided in section 3(b)(2) of the [United States Housing Act of 1937 \(42 U.S.C. 1437a\(b\)\(2\)\(A\)\)](#) [i.e., income does not exceed 80 percent of the median income for an area, as determined by the Secretary].

**Manufactured home** means a structure, transportable in one or more sections, having the characteristics specified in 24 CFR 3280.2 Definitions ([https://www.ecfr.gov/cgi-bin/retrieveECFR?n=se24.5.3280\\_12](https://www.ecfr.gov/cgi-bin/retrieveECFR?n=se24.5.3280_12)).

**Mobile home** is the term used for homes built in a manufacturing plant prior to June 15, 1976, or, an informal term referring to a dwelling structure built on a steel chassis and fitted with wheels that is intended to be hauled to a usually permanent site ([www.merriam-webster.com/dictionary/mobile%20home](http://www.merriam-webster.com/dictionary/mobile%20home)), but not necessarily conforming to the HUD Code nor a state or local code.

**Modular home** is any home factory-built to a state or local state code, which may be the same or different from the HUD Code. A modular home can be built as an “on-frame” or “off-frame” modular. The on-frame modular home will be built on a permanent chassis, whereas the off-frame modular home will be built with removal of the chassis frame in mind.

**Motivational interviewing** is a person-centered coaching method that focuses on exploring and resolving ambivalence and centers on motivational processes within the individual to facilitate behavioral change. The intention is to empower clients to make positive behavioral changes to

support their goals.

**Occupational Therapist (OT)** is a licensed clinical practitioner who provides client-focused interventions to adapt the environment in order to increase independence, promote health, and prevent further decline or injury. An OT assesses a person's ability to do the things he or she wants and needs to do, and provides personalized recommendations to increase safety, ease, and ability now and in the future. The OT works with the individual to ensure that the recommended changes to the home are consistent with the client's wants and needs, skills, and environment. For the purposes of the OAHMP, to help maximize the breadth of the program, licensed OT Assistants who undertake work to implement the findings of a licensed OT under the licensed OT's oversight, may be used where a provision of the NOFO specifies a requirement to be performed by an OT. (See <https://www.aota.org/>)

**Person-centered** means that the client's values and preferences guide all aspects of the home modification intervention. Program staff must take the time to understand the client's values and preferences and must allow the client to choose which modifications he or she wants.

**Primary Residence** means a detached dwelling, townhouse, duplex, triplex, or fourplex, condominium unit, cooperative housing, mobile home, manufactured home, modular home, or accessory dwelling unit, where the senior lives most of the time and which is not rented out (except to the senior in the case the residence is landlord-owned) during the period from enrollment of the unit through completion of the home modification work in the unit. (For purposes of this program, for a unit to be treated as owner/tenant occupied, the housing unit in a condominium ("condo") or cooperative housing ("coop") must be the primary residence of the senior owner/renter/shareholder.)

**Renter/Tenant** is a person living in their primary residence who leases and occupies their primary residence (Landlord- owned).

**Reasonable Accommodation** is a change, modification, exception, alteration, or adaptation to a rule, policy, procedure, practice, program, service, or activity that may be necessary for a person with a disability to have an equal opportunity to use or enjoy a dwelling, including public and common use areas, or to participate in, or benefit from, a program, service or activity, or to otherwise avoid discrimination against an individual or class of individuals on the basis of disability. Under Section 504, this includes a provider providing and paying for a structural modification as reasonable accommodation. For purposes of this NOFO, this may include a modification or adjustment to an environment or typical routine that will enable a person with a disability to have full enjoyment of the premises.

**Secretary** means the Secretary of Housing and Urban Development.

**Senior Occupant** is an adult over age 62 that occupies a residence primarily.

**Social Worker** means an individual who possesses a master's or doctor's degree in social work, has performed at least 2 years of supervised clinical social work, and is either licensed or certified as a clinical social worker by the State in which the services are performed, or, if the State does not provide for licensure or certification, has completed at least 2 years or 3,000 hours of post-master's degree supervised clinical social work practice under the supervision of a



master's level social worker in an appropriate setting.

**Standardized assessment** is a set of structured questions that elicit client information. The term “standardized” means that the tool has been developed empirically, has adequate norms, definite instructions for administration, and evidence of reliability and validity.

**Structural modifications** are physical changes to the primary residence requiring puncturing walls, ceilings, floors—such as adding grab bars or railings—or involving exterior modifications such as adding ramps. All structural modifications must be performed by a licensed, bonded, and insured residential contractor, or in accordance with your local and state regulations. For purposes of this NOFO, functional home modifications may also include structural modifications.

**Substantial Rural Community** is, for this NOFO, the same as a community with a substantial rural population, and is a Census-defined county, county subdivision, or place that is outside of a Census-defined urbanized area for the 2020 Census; see the definition of “urbanized area.” For the purpose of this NOFO, a substantial rural community could include an urban cluster, as designated by the Census.

**Urbanized area** is, “[f]or the 2020 Census, a statistical geographic entity consisting of a densely settled core created from census tracts or blocks and contiguous qualifying territory that together have a minimum population of at least 50,000 persons.” (Bureau of the Census. Urban Area Criteria for the 2020 Census. 76 Federal Register 53029-53043 at 53043. [www.federalregister.gov/d/2011-21647](http://www.federalregister.gov/d/2011-21647).) The 2020 urbanized areas are listed on Census’ [https://www2.census.gov/geo/docs/reference/ua/2020\\_Census\\_ua\\_st\\_list\\_all.xlsx](https://www2.census.gov/geo/docs/reference/ua/2020_Census_ua_st_list_all.xlsx) (The quoted wording and more information is available through the <https://www.census.gov/programs-surveys/geography/guidance/geo-areas/urban-rural.html> webpage.) In determining this designation, applicants must use the Urbanized / Substantially Rural Designation of Areas Tool developed by HUD (see Appendix A).

## **B. Authority**

Authority and funding for this program is provided by the Consolidated Appropriations Act, 2024 (Public Law 118-42, approved March 9, 2024) and the Consolidated Appropriations Act, 2023 (Public Law 117-328, approved December 29, 2022).

## **II. AWARD INFORMATION**

### **A. Available Funds**

Funding of approximately **\$30,000,000** is available through this NOFO. Subject to appropriations, HUD reserves the right to award fiscal year 2025 funds based on this NOFO competition.

Additional funds may become available for award under this NOFO consistent with VI.A.2.e., Adjustments to Funding. Use of these funds is subject to statutory constraints. All awards are subject to the funding restrictions contained in this NOFO.

## **B. Number of Awards**

HUD expects to make approximately 15 awards from the funds available under this NOFO.

The precise number of awards will depend on the number of eligible proposals received and the estimated need for home modification services based on demographic information in the applicant's proposed target areas.

\$10,000,000 of the \$30,000,000 under this NOFO shall go to meeting the needs in communities with substantial rural populations. A minimum score of 75 points is required for consideration for award.

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

Estimated Total Funding:

\$30,000,000

Minimum Award Amount:

\$1,000,000

Per Project Period

Maximum Award Amount:

\$2,000,000

Per Project Period

## **D. Period of Performance**

Estimated Project Start Date:

01/15/2025

Estimated Project End Date:

01/14/2028

Length of Project Periods:

36-month project period and budget period

Length of Periods Explanation of Other:

N/A

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

Funding Instrument Type:

CA (Cooperative Agreement)

**Funding Instrument Type:** Cooperative Agreement

Awards will be made as cooperative agreements. Anticipated substantial involvement by HUD staff for cooperative agreements may include but will not be limited to:

1. Review and suggestion of amendments to the program design, including: selection of, and guidance in the use of, partners to encourage awareness of the program and enrollment in it by eligible families and contractors; techniques for addressing needs of older adults in urbanized areas and in rural communities; planning for and implementing collection and analysis of data on the benefits, if any, of the program for the older adults served by the program; collaboration with

HUD's Office of Policy Development and Research (PD&R) and any HUD research on the program.

2. Review and provision of recommendations in response to quarterly progress reports and other information provided by the grantee or otherwise obtained by HUD, such as recommending amendments to the grantee's program design and/or implementation based on preliminary results.

3. Review and provision of technical recommendations on the interim and final reports on the benefits, if any, of the program for the older adults served by the program.

### **III. ELIGIBILITY INFORMATION**

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

00 (State governments)

01 (County governments)

02 (City or township governments)

04 (Special district governments)

08 (Public housing authorities/Indian housing authorities)

12 (Nonprofits having a 501(c)(3) status with the IRS, other than institutions of higher education)

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

Eligible applicants include experienced nonprofit organizations, states and local governments, and public housing authorities that have at least 3 years of experience in providing services to elderly adults. Nonprofit organizations are Internal Revenue Service recognized 501(c)(3) organizations. Applicants must satisfy the threshold requirements contained in Section III for their application to be considered.

#### **Faith-based organizations**

(1) Faith-based organizations may apply for this award on the same basis as any other organization, as set forth at [24 CFR part 5.109](#), and subject to the protections and requirements of 42 U.S.C. § 2000bb et seq., HUD will not, in the selection of recipients, discriminate against an organization based on the organization's religious character, affiliation, or exercise.

(2) A faith-based organization that participates in this program will retain its independence and may continue to carry out its mission consistent with religious freedom and conscience protections in Federal law, including the Free Speech and Free Exercise Clauses of the Constitution, 42 U.S.C. § 2000bb et seq., 42 U.S.C. § 238n, 42 U.S.C. § 18113, 42 U.S.C. §§ 2000e-1(a) and 2000e-2€, 42 U.S.C. § 12113(d), and the Weldon Amendment, among others. Religious accommodations may also be sought under many of these religious freedom and conscience protection laws, particularly under the Religious Freedom Restoration Act.

(3) A faith-based organization may not use direct financial assistance from HUD to support or engage in any explicitly religious activities except where consistent with the Establishment Clause and any other applicable requirements. Such an organization also may not, in providing

services funded by HUD, discriminate against a beneficiary or prospective program beneficiary on the basis of religion, religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice.

## **B. Ineligible Applicants**

If you were awarded a grant in this program under the FY 2023 grant program or received OAHMP grant funding under this program that was announced on April 9, 2024, you are not eligible to apply under this program.

Individuals are not eligible to apply. For-profit organizations, institutions of higher education, and tribes, including Indian housing authorities, are not eligible to apply. Federal agencies and foreign entities are not eligible to apply. Entities that do not meet the threshold requirements contained in Section III are not eligible to apply.

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

This Program does not require cost sharing or matching.

## **D. Threshold Eligibility Requirements**

Applicants who fail to meet any of the following threshold eligibility requirements are deemed ineligible. Applications from ineligible applicants are not rated or ranked and will not receive HUD funding.

### **1. Resolution of Civil Rights Matters**

Outstanding civil rights matters must be resolved before the application submission deadline. Applicants with unresolved civil rights matters at the application deadline are deemed ineligible. Applications from ineligible applicants are not rated or ranked and will not receive HUD funding.

a. An applicant is ineligible for funding if the applicant has any of the charges, cause determinations, lawsuits, or letters of findings referenced in subparagraphs (1) – (5) that are not resolved to HUD’s satisfaction before or on the application deadline date for this NOFO.

- (1) Charges from HUD concerning a systemic violation of the Fair Housing Act or receipt of a cause determination from a substantially equivalent state or local fair housing agency concerning a systemic violation of a substantially equivalent state or local fair housing law proscribing discrimination because of race, color, religion, sex (including sexual orientation and gender identity), national origin, disability or familial status;
- (2) Status as a defendant in a Fair Housing Act lawsuit filed by the United States alleging a pattern or practice of discrimination or denial of rights to a group of persons raising an issue of general public importance under 42 U.S.C. § 3614(a);
- (3) Status as a defendant in any other lawsuit filed or joined by the Department of Justice, or in which the Department of Justice has intervened, or filed an amicus brief or statement of interest, alleging a pattern or practice or systemic violation of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Section 109 of the Housing and Community Development Act of 1974, the Americans with Disabilities Act, Violence Against Women Act, or a claim under the False Claims Act related to fair



housing, non-discrimination, or civil rights generally including an alleged failure to affirmatively further fair housing;

(4) Receipt of a letter of findings identifying systemic non-compliance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Section 109 of the Housing and Community Development Act of 1974; Violence Against Women Act; or the Americans with Disabilities Act; or

(5) Receipt of a cause determination from a substantially equivalent state or local fair housing agency concerning a systemic violation of provisions of a state or local law prohibiting discrimination in housing based on sexual orientation, gender identity, or lawful source of income.

b. HUD will determine if actions to resolve the charge, cause determination, lawsuit, or letter of findings taken before the application deadline date will resolve the matter. Examples of actions that may be sufficient to resolve the matter include, but are not limited to:

(1) Current compliance with a voluntary compliance agreement signed by all the parties;

(2) Current compliance with a HUD-approved conciliation agreement signed by all the parties;

(3) Current compliance with a conciliation agreement signed by all the parties and approved by the state governmental or local administrative agency with jurisdiction over the matter;

(4) Current compliance with a consent order or consent decree;

(5) Current compliance with a final judicial ruling or administrative ruling or decision; or

(6) Dismissal of charges.

## **2. Timely Submission of Applications**

Applications submitted after the deadline stated within this NOFO that do not meet the requirements of the grace period policy are marked late. Late applications are ineligible and are not considered for funding. See Section IV. D. Application Submission Dates and Times.

**3. Recipient Eligibility.** Applications must provide evidence of the applicant's status as a nonprofit organization, state, local government, or public housing authority by registering in SAM.gov and providing their DUNS number within their application material.

a. Nonprofit organizations must submit the following:

i. Articles of Incorporation, constitution, or other organizational documents;

ii. By-laws;

iii. IRS tax exemption ruling (including churches).

NOTE: HUD will review your articles of incorporation, constitution, by-laws, or other organizational documents to determine, among other things, that (i) you are an eligible nonprofit entity; (ii) your corporate purposes are sufficiently broad to provide you the legal authority to oversee this program and to apply for this award; (iii) language is included in the documents stating that no part of the net earnings inures to the benefit of any private party; and (iv) that you are not controlled by or under the direction of persons seeking to derive profit or gain therefrom. If you were awarded a grant in this program under the FY 2023 grant program or received OAHMP grant funding under this program that was announced on April 9, 2024, you are not eligible for this program.

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

### **Eligibility Requirements for Applicants of HUD's Financial Assistance Programs**

The following requirements affect applicant eligibility. Detailed information on each requirement is found in the "[Eligibility Requirements for Applicants of HUD's Competitive Programs](#)" document on HUD's Funding Opportunities page. Applicants who fail to meet any of these eligibility requirements are deemed ineligible to receive HUD funding.

1. Universal Identifier and System for Award Management (SAM.gov) Requirements
2. Outstanding Delinquent Federal Debts
3. Debarments or Suspensions, or both
4. Mandatory Disclosure Requirement
5. Pre-selection Review of Performance
6. Sufficiency of Financial Management System
7. False Statements
8. Prohibition Against Lobbying Activities

In addition, each applicant under this NOFO must have the necessary processes and systems in place to comply with the Award Term in Appendix A of [2 CFR part 170](#) if the applicant receives an award, unless an exception applies as provided in [2 CFR 170.110](#).

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

In addition to the Threshold Eligibility Requirements under III.D above, the OAHMP has the following requirements:

1. **Urbanized Area or Substantially Rural Designation:** Applicants must designate in their applications the target area for performing home modifications as being an urbanized area and/or substantially rural based on the definitions provided in Section I. A.4, above. In determining this designation, applicants must use the Urbanized / Substantially Rural Designation of Areas Tool developed by HUD (see Appendix A). An application that does not include an urban or rural designation or includes an incorrect one shall be treated as having a curable deficiency (see section IV.D.7, below).
2. **Program Performance.** Grantees shall take all reasonable steps to complete all activities within the approved period of performance. HUD reserves the right to terminate the cooperative agreement prior to the expiration of the period of performance if the grantee fails to make reasonable progress in implementing the approved program of activities or fails to comply with the terms of the cooperative agreement. If requested, determined to be appropriate, and subsequently approved by HUD, grantees will be eligible to receive a single extension of up to 12 months in length. To facilitate completing all activities within the approved period of performance, if awarded a grant, the applicant is committing to working in the described area and developing a work plan for which the recruitment, assessment, home modification, and evaluation elements are described.
3. **OSHA Compliance.** The requirements of the Occupational Safety and Health Administration (OSHA) (e.g., 29 CFR parts 1910 and/or 1926, as applicable) or the state or local occupational safety and health regulations, whichever are most stringent, shall be met.

4. **Civil Rights.** Grantees must comply with all fair housing and civil rights laws. (see Section VI.B of this NOFO).
5. **Privacy.** Submission of any information to databases (whether website, computer, paper, or other format) of addresses of housing units identified and treated under this project is subject to the protections of the Privacy Act of 1974, and shall not include any personal information that could identify any person affected. Grantees should also check to ensure it meets state and local privacy regulations.
6. **Economic Opportunities for Low- and Very Low-Income Persons (Section 3).** Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. § 1701u) is applicable to grants funded under this program NOFO (see 24 CFR 75.3(a)(2)(i)). For projects for which you are required to comply with Section 3, any contractor, subcontractor or sub-grantee must also comply with the Section 3 requirements for any new training, hiring or sub-contracting opportunities provided under those contracts. Applicants for this grant program must plan to recruit and collect the level of detailed information to report out to the federal government the success of their efforts to meet these goals annually. For more information about Section 3, see HUD's Section 3 website, [https://www.hud.gov/program\\_offices/field\\_policy\\_mgt/section3](https://www.hud.gov/program_offices/field_policy_mgt/section3), particularly its Frequently Asked Questions document, which discusses lead hazard control and healthy homes grants, and HUD's Section 3 regulations (24 CFR Part 75), <https://www.ecfr.gov/current/title-24/subtitle-A/part-75>.
7. **Limited English Proficiency (LEP).** The Grantees shall take reasonable steps to ensure meaningful access to their program and activities for LEP individuals pursuant to Title VI of the Civil Rights Act of 1964 and Executive Order 13166. For assistance in ensuring meaningful access for individuals with limited English proficiency, recipients and subrecipients should consult HUD's Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Person (HUD's LEP Guidance) published in the Federal Register of January 22, 2007 (72 Fed.Reg.2732). See [HUD's webpage](#) for more information.
8. **Section 504.** Section 504 of the Rehabilitation Act of 1973 (Section 504) prohibits discrimination on the basis of disability in federally assisted housing programs, services, or activities. HUD's Section 504 regulation includes nondiscrimination and equal opportunity requirements. Among other obligations, recipients must provide reasonable accommodations for individuals with disabilities. Reasonable accommodation is a change, modification, exception, alteration, or adaptation rule, policy, procedure, practice, program, service, or activity, including a structural modification, that may be necessary to provide a person with a disability an equal opportunity to use and enjoy a dwelling, including public and common use areas, to participate in, or benefit from, a program, service or activity, or to otherwise avoid discrimination against an individual or class of individuals on the basis of disability. For example, a grantee may need to permit an individual with a disability to complete the application or participate in follow-up meetings at a different location or in one's home as a reasonable accommodation, or may need to otherwise modify an existing rule in order to accommodate an individual with a disability.

In addition, a recipient must ensure effective communication with applicants and beneficiaries with visual, hearing, speech, intellectual or other developmental disabilities, and other communication-related disabilities. Recipients must provide appropriate auxiliary aids and services necessary to ensure effective communication, which includes ensuring that information is provided in appropriate accessible formats as needed, e.g., Braille, audio, large type, assistive listening devices, sign language interpreters, and accessible electronic communications.

Additionally, under Section 504, no qualified individual with disabilities shall be denied the benefits of, excluded from participation in, or otherwise subjected to discrimination under any program or activity of a recipient receiving HUD funding because a recipient's facilities are inaccessible to or unusable by individuals with disabilities. 24 C.F.R. § 8.20. Recipients and subrecipients are also required to ensure that new construction, alterations, and existing facilities are readily accessible to and useable by individuals with disabilities (see "Physical Accessibility" section). For more information, HUD has issued [Section 504 Frequently Asked Questions and Answers](#) to provide guidance to HUD recipients.

**9. Beneficiary Eligibility Determination.** Grantees will establish a process for determining beneficiary/client eligibility. See Beneficiary Eligibility Criteria in Section III.G.

**10. Client Referral Network.** Grantees must have relationships with organizations in the community that will refer low-income older adults to ensure that the grantee meets its target number of beneficiaries.

**11. Scope of Home Modifications.** The allowable modifications are defined as low-cost changes to the home environment that are directly related to reducing the risk of falling and improving general safety, accessibility, and functional abilities of the client. The resulting home environment is expected to make tasks easier, reduce accidents, and lengthen the amount of time the client can continue to live in their primary residence. In addition:

- a. The cost of home modifications per housing unit, which is inclusive of labor, contractor services, materials and supplies associated with structural modifications and adaptive equipment, is averaged at \$5,000 per home. Prior approval is required from HUD before the onset of work for any unit that exceeds the \$5,000 average per unit. If the cost is expected to be above that amount, HUD approval is required prior to contracting for the services for that unit. This \$5,000 average per unit amount excludes the salary for the Occupational Therapist (OT), licensed OT Assistant, or Certified Aging-in-Place Specialist.
- b. Grantees are not required to offer all of the modifications listed in the Table of Home Modifications/Repairs in Appendix B; however, they must publish a list of in-scope and out-of-scope modifications as part of their program documentation marketing as well as in the program policy and procedures. Grantees must ensure these policies determining the types of home modifications covered under their program do not result in discrimination against persons with different types of disabilities.

**12. Occupant protection and possible temporary relocation**

- a. Occupants shall not be permitted to enter the worksite during home modification activities (unless they are employed in conducting these activities) until after the work has been completed.

- b. Occupants shall be temporarily relocated during home modification activities to a suitable, decent, safe, and similarly accessible dwelling unit (as noted in HUD's Lead Safe Housing Rule (24 CFR 35.1345(a)(2)), except if:
  - i. the activities are exterior activities only and occupants have safe access to bathroom and kitchen facilities, and, after each day's work, sleeping areas; or
  - ii. the activities include interior activities and:

- (a). Will be completed within one period of 8 daytime hours, and

- i. the worksite is contained if hazardous dust or debris could be released into other areas (with occupants' belongings in the contained area moved to a safe and secure area outside of it, or covered with an impermeable covering with seams and edges sealed), and

- ii. no safety, health or environmental hazards (e.g., exposed live electrical wiring, release of toxic fumes, or on-site disposal of hazardous waste) will be created; or

- (b). Will be completed within 5 calendar days and

- i. the worksite is protected as above, and

- ii. after each day's work, occupants have safe access to sleeping areas and bathroom and kitchen facilities.

(c). The OAHMP targets low-income senior homeowners and renters interested in home modification repairs to enable them to remain in their primary residence. While the relocation of owner/tenant occupants for a project receiving funds pursuant to this NOFO generally do not trigger the applicability of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), 42 U.S.C. 6301 et seq., tenant-occupants who must be temporarily relocated may be entitled to URA benefits and assistance. These benefits and assistance include moving costs and increased housing costs during the relocation. For further guidance, see HUD Handbook 1378, available at:

<https://www.hud.gov/sites/dfiles/OCHCO/documents/1378CPDH.pdf>. Temporary relocation of residents must also be carried out in compliance with all applicable fair housing and nondiscrimination requirements at 24 CFR 5.105.

(d). OAHMP funds may be used to cover relocation expenses related to OAHMP activities for both owner-occupants and tenant-occupants, regardless of the applicability of the URA. Relocation expenses should include moving costs and increased housing costs during the relocation.

**13. Physical Accessibility Requirements.** All new construction and alterations of existing buildings and facilities must be done in compliance with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations at 24 CFR part 8, or the 2010 ADA Standards for Accessible Design with exceptions as noted at FR-5784-N-01 Nondiscrimination on the Basis of Disability in Federally Assisted Programs and Activities: <http://www.gpo.gov/fdsys/pkg/FR-2014-05-23/pdf/2014-11844.pdf>, design and construction requirements under the Fair Housing Act and its implementing regulations at 24 CFR part 100, Title II of the Americans with Disabilities Act and its implementing regulations at 28 CFR part 35, and the Architectural Barriers Act of 1968 and its implementing regulations at 24 CFR part 40 as applicable. HUD



applies the Uniform Federal Accessibility Standards (UFAS) through its regulations under part 8. All applicable laws must be read together and followed.

Note that all meetings open to the public must be held in facilities that are physically accessible to persons with disabilities. Where physical accessibility is not achievable, Recipients must give priority to alternative methods of product or information delivery that are accessible to and usable by individuals with disabilities and offer programs and activities to qualified individuals with disabilities in the most integrated setting appropriate in accordance with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) and HUD's implementing regulations at 24 CFR part 8, Title II of the Americans with Disabilities Act (42 U.S.C. §§ 12131-12134) and the implementing regulations at 28 CFR part 35, and all other applicable laws and regulations. The Fair Housing Act's reasonable accommodations, reasonable modifications, and physical accessibility requirements apply. Under the Fair Housing Act, it is unlawful for any person to refuse to permit, at the expense of the person with disabilities, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises. See 24 C.F.R. § 100.203 for more information, including relevant information in the case of a rental unit.

In addition, Title II of the ADA prohibits discrimination on the basis of disability in programs, activities, and services provided by public entities (state and local governments and their instrumentalities and special purpose districts). For more information, please visit the Department of Justice's (DOJ) ADA page, <https://www.ada.gov/>, and DOJ's Title II implementing regulation at 28 C.F.R. part 35 (Title II). For more information on federal accessibility requirements, please visit HUD's website, [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/physical\\_accessibility](https://www.hud.gov/program_offices/fair_housing_equal_opp/physical_accessibility).

**14. Program Services Model.** The minimum requirements of the services to be provided by the Grantee are as follows:

- a. All services are voluntary for the beneficiary. Consent of the client, and/or legal guardian is required before delivery of services. Grantees are strongly encouraged to work with the client to complete all phases of the program model; however, the client or legal guardian may opt out at any time.
- b. The home modifications and other services must be designed to improve general safety, improve accessibility, and improve functional abilities of the client to make tasks easier, reduce accidents and the risk of falls, and lengthen the amount of time the client can continue to safely live in their primary residence.
- c. The Program Services Model shall include the following components:
  - i. *Initial Interview and In-Home Assessment conducted by a Licensed Occupational Therapist (OT), or a licensed OT Assistant or Certified Aging-in-Place Specialists whose work under the grant is overseen by a licensed OT.* The OT will conduct the initial interview with the client and care takers (if available) in their home and assess the home for safety and hazards, including the client's fall risk, general mobility, existing adaptive equipment, and/or the client's functional abilities with ADLs and IADLs. During this in-home visit, the OT will conduct a "baseline" Evaluation health interview with clients and a home hazard visual assessment of the home using PD&R Evaluation forms.

ii. *Work Order by the OT, or a licensed OT Assistant or a Certified Aging-in-Place Specialist whose work under the grant is overseen by a licensed OT.* (Supervision/oversight by an OT involves guidance in establishing the scope of work, work plan, and approval of any modifications to the established plan in each unit to ensure client-centered service for optimal occupational outcomes). With the client's consent, the OT will prioritize the necessary home modifications and complete a work order and any additional specifications (e.g., placing tape on walls to indicate position of grab bars).

iii. *Home Modification Work.* The work must be performed by a licensed, or in accordance with local and state regulations, contractor qualified to perform the required work.

iv. *Follow-up Assessment and Inspection.* The OT will conduct an in-home follow-up assessment within one month following services, accompanied by appropriate education and training for the client in the safe and proper use of adaptive equipment. The OT will also inspect the work of the licensed contractor to ensure that it meets the requirements and complete a work order for any required adjustments before services are paid in full.

d. Grantees shall use the standardized PD&R OAHMP Evaluation forms and protocols to collect information before (i.e., baseline) and after the home modification intervention (i.e. six-to nine-months follow-up). At a minimum, the assessment tool(s) shall cover the functional abilities of the client and the safety and hazards in the home and an analysis/summary of the assessment findings.

e. The program services shall not be a replacement of home care visits ordered by a provider for a person with specific rehabilitative or skilled nursing needs, such as follow-up from a hospitalization, inpatient rehabilitation, or other acute or skilled post-discharge need.

f. If an applicant wishes not to use the Program Services Model described above, the applicant must provide a justification to deviations to the Model described above, and clearly provide a detailed overview of the model they intend to use, and must document the validation of why their proposed model is better for its program than the Program Services Model, along with the step-by-step process for accomplishment of the performance goals of all components described in paragraphs c.i. – iv. above. If a grant is awarded, acceptance of the deviations will be at the discretion of HUD. The program requirement for a skilled and licensed OT in any capacity is required under this grant program.

**15. Duplication of Benefits.** The grantee shall avoid obvious duplication of Medicare or Medicaid benefits received—such as adaptive equipment already ordered by a medical provider—but neither the grantee nor the beneficiary is required to determine whether Medicare or Medicaid benefits exist for the services or equipment provided under this grant.

**16. Structural Modification Direct-Hire/Contractor Requirements.** The following requirements apply to all Grantee personnel (staff, contractors) who make structural modifications in a client's residence. The personnel:

- a. Must participate in an on boarding process designed by the grantee before performing work that reflects the program's desired approach to interacting with older adults and their caregivers and families;
- b. Must be licensed, bonded, and insured in accordance with state and local requirements;
- c. For mobile homes and manufactured homes, must follow state licensing requirements for repair/modification of mobile homes and manufactured homes, as applicable; and
- d. Must provide a warranty period acceptable to the grantee for all home modifications (e.g., one year).

#### 17. Reporting Requirements.

a. *Program Reporting.* Grantees must comply with HUD funded evaluations and provide data to HUD on a quarterly basis, as required by the OMB Uniform Guidance at 2 CFR §§ 200.327 and 200.328.

b. *Assessment Reporting.* Grantees must comply with the standardized assessment, data collection, and reporting requirements of the OAHM Program. Grantees shall enter assessment data on an ongoing basis using the standardized assessment tool(s), as documented in their individual program Work Plan. Data obtained from any assessment must be compliant with the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and is an allowable expense funded through this grant. The HIPAA Privacy Rule can be found at [www.hhs.gov/ocr/privacy/](http://www.hhs.gov/ocr/privacy/).

18. **Addressing the Needs of a Vulnerable Population.** Grantees must put policies and plans in place that address how to respond when they encounter clients who are highly vulnerable or whose homes are in need of major repairs. See Section V.A. Review Factors.

19. **Program Consistency.** Grantees shall participate in mandatory training provided by HUD:

- a. Initial training. This is a one-time training for at least two representatives, including the program manager, about the goals and principles of the grant program, the guidelines, grant requirements, procedures that all the grantees must follow, and the elements that are common across all the grantee programs. The orientation shall be in-person unless HUD makes it virtual out of necessity.
- b. Annual Program Manager School - Specialized Staff Training. This is training specific to staff roles. Program managers will receive training in grants management, hiring, contracting, procurement, reporting, and other program administration topics. Occupational therapists and maintenance/repair staff may receive training in such topics as how to work with older clients, motivational interviewing techniques, client and home assessments, and creating the home modification work order. The initial training shall be in-person or virtual at HUD's discretion; the training's after the first shall be virtual.

If your grant agreement is not signed prior to the New Grantee Orientation, you will be reimbursed for any reasonable costs you incur to attend the New Grantee Orientation that are allowable in accordance with 2 CFR part 200, especially 2 CFR 200.458 and 2 CFR 200.474. HUD reserves the right to disallow costs that are not reasonable, allowable and allocable in accordance with OMB Cost Principles, 2 CFR part 200, subpart E.

In addition, grantees are highly encouraged to participate in any additional training or technical assistance provided through HUD's technical assistance providers. Prior approval by HUD is



required.

**20. Cooperation with Related Research and Evaluation.** Grantees must cooperate fully with any research or evaluation sponsored by HUD or another government agency associated with this grant program. This cooperation includes but is not limited to preservation of project data and records and compiling requested information in formats provided by the researchers, evaluators, or HUD. This may include the compiling of certain relevant local demographic, dwelling unit, and participant data not contemplated in the original proposal. Participant data must be subject to the Privacy rules of the Health Insurance Portability and Accountability Act of 1996 HIPAA. For the Evaluation of the program in this NOFO, HUD does not expect research to be conducted that could affect human subjects.

**21. Data Collection.** You must collect, maintain, and provide to HUD the data necessary to document and evaluate grant program outputs and outcomes upon request.

**22. Sustainability.** Grantees must implement a strategy to build community capacity for home modification programs and services that will continue after the grant performance period ends. See Section V.A. Review Factors.

**23. Procurement Requirements.** All goods and services must be procured through a competitive process. Recipients must follow federal procurement requirements as defined in 2 CFR §§ 200.317 – 200.326, as applicable. The designation of an entity as a subrecipient or contractor must follow program policies and 2 CFR 200.331.

**24. Budget.** Recipients must maintain a current account of all allowable costs and activities. Allowable costs shall be in accordance with the cost principles applicable to the organization incurring the costs. Specifically, see, as applicable, 2 CFR 225 - Cost Principles for State, Local, and Indian Tribal Governments, or 2 CFR 230 - Cost Principles for Nonprofit Organizations.

- Allowable costs include the following:
  - a. Program Operations costs are program implementation, management, and oversight activities that are directly attributable and specifically identified to this grant. All costs must be reasonable and clearly detailed. Examples of costs may include, but are not limited to, the following:
    - i. Staff and contractor recruitment.
    - ii. Salaries and wages for direct hires or contractors working directly on activities are supported by this grant.
    - iii. Fringe benefits for direct hires working directly on activities supported by this grant. Fringe benefits are allowable as a direct cost in proportion to the salary charged to the grant, to the extent that such payments are made under formally established and consistently applied organizational policies.
    - iv. Program marketing/advertising and printing.
    - v. Procurement of materials and supplies for program administration. Materials and supplies are defined as tangible personal property other than equipment, costing less than \$5,000. Materials and supplies that are necessary to carry out the project are allowable as prescribed in 2 CFR § 200.453.

- vi. Local travel.
- b. Information Technology and IT Services. Costs are directly attributable to tracking service activities and collecting program monitoring data. Examples of such costs may include but are not limited to the following:
  - i. Procurement and maintenance of database and other tools.
  - ii. Information technology consulting services.
- c. Client Intake, Assessment, and Assessment, and Accessibility. Costs directly attributable to activities that ensure the client's needs and goals are fully understood and that they get the maximum benefit from the program to address their needs and goals. Examples of such costs may include but are not limited to the following:
  - i. Assistance to client in locating proof of eligibility.
  - ii. Fees to use standardized assessment tools.
  - iii. Occupational therapist services.
  - iv. Registered nurse services (only if required by evidence-based model) as described in section I.A.1, Background, which do not include medical treatment. Examples of registered nurse services are assessing a client's goals related to pain, depressive symptoms, medication use, strength and balance, and facilitating communication with a primary care practitioner.
  - v. Social worker services.
  - vi. Limited assistance services for individual who are LEP.
  - vii. Development of a list of resources to refer the client to which will address needs outside of the scope of this program.
  - viii. Any costs associated with providing reasonable accommodation for a beneficiary with a disability or a potential beneficiary applying to participate in the program.
  - ix. Any costs associated with ensuring effective communication with applicants and beneficiaries with visual, hearing, speech, intellectual or other developmental disabilities, and other communication-related disabilities.
  - x. Any costs associated with procuring mobile reporting tools for on-site reporting, evaluation, and data collection are a necessity.
- d. Home Modifications and Adaptive Equipment. Costs are directly attributable to the implementation of recommended home modifications and adaptive equipment specified by the Occupational Therapist, OT Assistant or Certified Aging in Place Specialist operating under the supervision of the OT based on the interview and assessment of the client and the home environment. Examples of such costs may include, but are not limited to, the following:
  - i. Procurement of equipment associated with home modification. Equipment means tangible nonexpendable personal property charged directly to the grant, having a useful life of more than one year and an acquisition cost of \$5,000 or less; however, procurement of equipment with unit cost in excess of \$5,000 is allowable if prior written approval is obtained from HUD (complete with itemized contract invoice, work plan, OT assessment, supporting documentation, etc.).
  - ii. Procurement of adaptive equipment, materials, and supplies associated with the home modification. Materials and supplies are defined as tangible personal property other than equipment, costing less than \$5,000. Materials and supplies that are necessary to carry out the project are allowable as prescribed 2 CFR § 200.453.

iii. Costs associated with making a specific home modification or adaptive equipment accessible for a beneficiary with a disability.

e. Professional Development. Costs directly attributable to activities that are intended to improve the organization's ability to ensure high-quality program outcomes and to share information about the program with industry groups. Examples of such costs may include, but are not limited to the following:

i. Certification and/or training in aging in place or related areas, including travel costs and training fees.

ii. Peer group conference registration and travel (requires prior approval by HUD).

f. Indirect Costs. Indirect costs are incurred for a common or joint purpose benefiting other programs or activities, and not directly attributable or specifically identified with this grant. Reimbursement is determined by the cognizant agency's negotiated indirect cost rate or if no negotiated rate, the flat 10% de minimis indirect cost rate will be applied. See section IV.F. below.

- Unallowable costs:

a. The federal requirements for the determination of allowable and unallowable direct and indirect facilities and administrative costs established under Subpart E, Cost Principles, of OMB's regulations at 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, apply to the grants under this NOFO.

b. The procedures of section F.5, Collection of Unallowable Costs and Erroneous Payments, of Appendix VII to Part 200, shall be followed, namely, that costs specifically identified as unallowable and charged to Federal awards either directly or indirectly will be refunded (including interest chargeable in accordance with applicable Federal cognizant agency for indirect costs regulations).

**25. Maintenance /Repair Activities.** To the greatest extent possible, HUD strongly encourages installation of any adaptive equipment (i.e., assistive device or everyday item) or other home modifications that address IADLs and ADLs that meet the definition of maintenance/Repair; refer to the Maintenance Repair column of the Table of Home Modifications/Repairs in Appendix B. The table is not exhaustive. Maintenance activities, for purposes of making an environmental determination, are defined as those that slow or halt deterioration of a building and do not materially add to its value or adapt it to new uses (i.e., non-residential to residential). General examples of maintenance activities for environmental review purposes are as follows:

a. Cleaning activities;

b. Protective or preventative measures to keep a building, its systems, and its grounds in working order;

c. Replacement of appliances that are not permanently affixed to the building;

d. Periodic replacement of a limited number of component parts of a building feature or system that are subject to normal wear and tear;

e. Replacement of a damaged or malfunctioning component part of a building feature or

system (Replacement of all or most parts or an entire system is NOT maintenance); and

f. If the scope and extent of the project do not qualify as maintenance, then the project requires a Responsible Entity to complete an environmental review and receive an Authority to Use Grant Funds from HUD or HUD to complete an environmental review and approve the project prior to commitment or expenditure of grant or match funds.

## **26. Administrative Costs.**

a. You can utilize up to 10 percent of the federal award for payments of reasonable grant administrative costs related to planning and executing the project, preparation/submission of HUD reports, etc. Administrative costs must be reflected under each appropriate line items (e.g., salaries, fringe, supplies, on Form HUD\_424\_CBW) and a detailed cost element breakdown in the budget narrative must be provided. The 10 percent administrative cost cap for this program must include any indirect cost rates placed in the HUD share budget columns, as well as the sum of the budget line items that have inherent administrative costs per OLHCHH Policy Guidance 2015-01, plus any administrative costs of sub recipient organizations (also detailed by budget line item and budget narrative). There are two categories of administrative costs: direct administrative costs and indirect costs. For the purposes of this grant, all direct administrative costs and all indirect costs count towards the 10 percent administrative cost limit. (See Section IV.F, Indirect Cost Rate, for information.)

b. Direct Administrative Costs. Direct administrative costs are the reasonable, necessary, allocable, and otherwise allowable costs of general management, oversight, and coordination of the grant (i.e., program administration). Such costs include, but are not necessarily limited to, expenditures for: Salaries, wages, fringe benefits, and related costs of the recipient's staff engaged in program administration that can be specifically identified with the grant. (See OLHCHH Policy Guidance 2012-

01([https://www.hud.gov/sites/documents/PGI\\_2012-01.PDF](https://www.hud.gov/sites/documents/PGI_2012-01.PDF)).

## **Advancing Racial Equity**

In accordance with Executive Order [13985](#), Executive Order 14091, *Executive Order on Further Advancing Racial Equity and Support for Underserved Communities Through The Federal Government*, and Federal fair housing and civil rights laws, your application must address the following:

- You analyzed the racial composition of the persons or households who are expected to benefit, directly or indirectly, from your proposed award activities;
- You identified any potential barriers to persons or communities of color equitably benefiting from your proposed award activities;
- You detailed the steps you will take to prevent, reduce, or eliminate these barriers; and
- You have measures in place to track your progress and evaluate the effectiveness of your efforts to advance racial equity in your award activities.

Note that any actions taken in furtherance of this section must be consistent with Federal nondiscrimination requirements.

Rating Factor: Applicants will address four bullets outlined in the paragraph above in response to Rating Factor 4(a), Equity Provisions, Advancing Racial Equity.

### **Affirmative Marketing and Outreach**

Any outreach or marketing conducted under a HUD award must be conducted broadly throughout the local area and nearby areas and targeted to reach any eligible persons in demographic groups that would be unlikely or least likely to be aware of the benefits of a HUD award absent such efforts, or entities that serve such groups. Such demographic groups may include, for example, Black and Brown persons or communities, individuals with limited English proficiency, individuals with disabilities, or families with children. Strategies for affirmative marketing or outreach include outreach through community contacts or service providers or at community centers serving the target population; and marketing on websites, social media channels, television, radio, and print media serving local members of the targeted group. You must submit a narrative describing the affirmative marketing/outreach activities that will be conducted if you are selected for a HUD award.

Applicants will address the issues outlined in the paragraph above in response to Rating Factor 4(b), Equity Provisions, Affirmative Marketing and Outreach.

### **Experience Promoting Racial Equity**

In accordance with Executive Order 13985, Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, Executive Order 14091, Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, and Federal fair housing and civil rights laws, your application must demonstrate that the applicant has the experience and/or the resources to effectively address the needs of underserved communities, particularly Black and Brown communities. This may include experience successfully working directly with such groups, experience designing or operating programs that equitably benefit such groups, or experience successfully advancing racial equity in other ways. This may also include experience soliciting, obtaining, and applying input from such groups when designing, planning, or implementing programs and activities.

Applicants will describe their past experience or resources to effectively meet the needs of underserved communities, particularly Black and Brown communities in response to 4(c), Equity Provisions, Experience Promoting Racial Equity.

### **Affirmatively Furthering Fair Housing**

With some exceptions for Federally recognized Indian tribes and their instrumentalities, the application must discuss how the applicant will carry out the proposed activities in a manner that affirmatively furthers fair housing in compliance with the Fair Housing Act and its implementing regulations and how applicants will meet the requirements of the definition of affirmatively furthering fair housing at 24 CFR 5.151. If the applicant will carry out proposed activities with an Assessment of Fair Housing (AFH), the proposed activities should be consistent with the AFH's fair housing goals and with fair housing strategies specified in the jurisdiction's Consolidated Plan or Public Housing Agency Plan.

Applicants will address this requirement in response to Rating Factor 4(d), Equity Provisions, Affirmatively Furthering Fair Housing.

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

This program has eligibility criteria for beneficiaries.
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The beneficiary must be:

1. The senior low-income occupant of the primary residence where the home modifications will be installed;
2. Elderly: For this NOFO, section I.A.4, above, defines this as being at least 62 years of age;
3. Low income: For this NOFO, section I.A.4, above, defines this as having a family income less than or equal to 80% of local area median income (AMI) (see below); and
4. Not receiving project based rental assistance.

Where the home is owned or rented by two or more individuals, at least one of the owners or renters must meet the criterion above. A home owned or rented by one member of a married couple, as recognized by the State, that is the primary residence of either or both members of the couple is eligible if the member(s) residing meet the senior and low-income beneficiary criteria above.

Per-home benefit limits are not multiplied by the number of low-income elderly adults residing in the home.

Because the AMI low income determination under criterion 3 above is based on the jurisdiction in which the residence is located, family income and family size,

(see

[https://www.huduser.gov/portal/datasets/il/il2024/select\\_Geography.0dn](https://www.huduser.gov/portal/datasets/il/il2024/select_Geography.0dn), the total family income, not just the income of the senior homeowner/tenant, will be used to determine the low income eligibility.

For 2024, the income limits for low-income households are shown for each part of the country at

[https://www.huduser.gov/portal/datasets/il/il2024/select\\_Geography.0dn](https://www.huduser.gov/portal/datasets/il/il2024/select_Geography.0dn), and are based on the number of persons in the household. For determining income eligibility in subsequent years, see HUD's Income limits website (as of the publication of this NOFO, at [https://www.huduser.gov/portal/datasets/il/il2024/select\\_Geography.0dn](https://www.huduser.gov/portal/datasets/il/il2024/select_Geography.0dn), which will list the income limits and the income limits methodology for that year. (Typically, the limits are changed in the spring.)

Additional beneficiary criteria: The grantee may impose additional beneficiary criteria. For example:

1. physical condition of the primary residence.
2. previous home modification benefits received under this program.

The grantee must comply with all civil rights and nondiscrimination

requirements and ensure that any additional beneficiary criteria do not result in discrimination against any federally protected class. See 24 C.F.R. § 5.105(a).

## **IV. APPLICATION AND SUBMISSION INFORMATION**

### **A. Obtain an Application Package**

#### **Instructions for Applicants**

All application materials, including the Application Instructions and Application Package, are available through Grants.gov. You must access and review all available application materials. You must submit your application electronically via Grants.gov under the Funding Opportunity Number cited within this NOFO. Your application must list the applicable Funding Opportunity Number.

You can request a waiver from the requirement for electronic submission, if you demonstrate good cause. An example of good cause may include: a lack of available Internet access in the geographic area in which your business offices are located. However, lack of SAM registration or valid UEI is not good cause. If you cannot submit your application electronically, you must ask in writing for a waiver of the electronic application submission requirements. HUD will not grant a waiver if you fail to submit to HUD by email or postmark by mail a request for a waiver at least 15 calendar days before the application deadline. If HUD grants a waiver, a paper application must be received before the deadline for this NOFO. To request a waiver, you must contact:

Name:

Taneka Blue

Email:

olhchh.nofa@hud.gov

HUD Organization:

OLHCHH

Street:

451 7th Street SW, Room 8236

City:

Washington

State:

DC DISTRICT OF COLUMBIA

Zip:

20410

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

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

Submission of an application that is otherwise sufficient, but is under the wrong Assistance Listing and Funding Opportunity Number is a Non-Curable Deficiency, and will be rejected, unless otherwise stated under the Threshold requirements section. When applying with a UEI that does not match the organization name as registered in sam.gov will result in an ineligible applications.

#### 1. Content

Forms/Assurances/Certifications	Submission Requirement	Notes/Description
Application for Federal Assistance (SF-424)	This form is required.	Review section IV.B.2.a. of this NOFO for detailed application requirements.
Applicant and Recipient Assurances and Certifications (HUD 424-B)	This form is required.	Review section IV.B.2.a. of this NOFO for detailed application requirements.
Applicant/Recipient Disclosure/Update Report (HUD 2880)	This form is required.	Review section IV.B.2.a. of this NOFO for detailed application requirements.
Disclosure of Lobbying Activities (SF-LLL)	This form is conditionally required.	Review section IV.B.2.a. of this NOFO for detailed application requirements.
Certification Regarding Lobbying Activities	This form is required.	
Federal Assistance Representations and Certifications	This form is required via sam.gov	To assure compliance with statutory requirements for HUD programs, you must complete the “Federal Assistance Representations and Certifications” section of your sam.gov registration. HUD and OMB use information reported within sam.gov for general management of Federal assistance awards programs. For more information on how to update your sam.gov registration, visit SAM.gov or the Federal Service Desk, FSD.gov. You can search for help at FSD any time or request help from an FSD agent Monday-Friday 8 a.m. to 8 p.m. ET.



Forms/Assurances/Certifications	Submission Requirement	Notes/Description
Form HUD 424 CBW HUD Detailed Budget Worksheet	Must be submitted with your application	Amounts on HUD_424_CBW must be consistent with requested and matched amounts on lines 18b-f of the SF424, Application for Federal Assistance.

### Application Process and Forms

These items include the standard forms that are applicable to this funding announcement (collectively referred to as the "standard forms"). Copies of these forms are available online at [How to Apply for Grants | Grants.gov](#). The required items are:

- A cover sheet with the name and contact information for the applicant.
- Application Abstract (one-page maximum). An abstract that provides a detailed description of the program and should include, at a minimum, the program approach, partner organizations, target population/community, intake/referral process, the organization's previous relevant experience, and the expected number of units to be modified and the number of beneficiaries served.
  - Information contained in the abstract will not be considered in the evaluation and scoring of your application and will not be counted towards the 15-page maximum. Any information you wish to be considered in scoring the application must be provided under the appropriate rating factor response.
- Form SF424 Application for Federal Assistance and applicable assurances (SF424A-D, as applicable). Be sure to correctly identify the NOFO title, Funding Opportunity Number and CFDA number. Applicants must also include the nine-digit zip code (zip code plus four digits) associated with the applicant address in box 8d of Form SF-424. You can find the 9-digit zip code through the USPS website (<http://usps.com>) by selecting "Look Up a Zip Code?" under the "Quick Tools" menu on the USPS homepage and entering the street address.
  - Select the Grant Contact. You would prefer to receive any communication regarding the application status and any necessary follow-up.
  - Any application with a funding request exceeding the maximum award amount will be deemed ineligible for award.
- Response to Rating Factors. A project description/narrative statement addressing the rating factors for the award, which are identified in section V.A.1. The narrative statement must be identified in accordance with each factor for award (Rating Factors 1-4). The full application must be formatted as per section IV.B.3.a. The project description or narrative must be included in the responses to the rating factors. Note that although submitting pages in excess of the page limit will not disqualify the application, HUD will not consider the information on any page beyond the 15- page limit. The points you receive for each rating factor will be based on the portion of your narrative statement that you submit in response to that particular factor, supplemented by any appendices that are

referenced in your narrative response to the rating factor. Supporting materials that are not referenced or discussed in your responses to the individual rating factors will not be considered. Additional materials (e.g., appendices) can be submitted with your application. The footer on the pages of these materials should identify the rating factor that they are supporting.

- The estimated total HUD funding requested.
- **Supporting Materials.** Include, as appendices, the following materials that are needed to support your responses to the rating factors. These will not be counted towards the Rating Factors narrative's 15-page limit:
  - The completed table from Appendix A, Urbanized / Substantially Rural Designation of Areas, including whether the application is for servicing an "Urbanized" target area location or a "Substantially Rural" one, based on the instructions in Appendix A.
  - The resumes of key personnel. Each resume shall not exceed three pages and is limited to information that is relevant in assessing the qualifications and experience of key personnel to conduct and/or manage the proposed technical study.
  - Organizational chart.
  - Letters of commitment.
  - List of references cited in your responses to the rating factors.
- **Additional Information.** Any additional, optional materials, must not exceed 10 pages. Any pages in excess of this limit will not be read. The additional information should not be a continuation of the rating factor narrative but provide further clarification if needed, of statements made in the rating factor narrative. Additional information that is a continuation of rating factor narrative will not be considered.
- **Budget.** Include a total budget using form HUD424CBW (<https://www.hud.gov/sites/dfiles/CPD/documents/424-CBW.xls>) included in the Instructions download at Grants.gov, with supporting cost justification of up to four pages, which will cover all budget categories of the federal grant request. This information will not be counted towards the Rating Factors narrative 15-page limit. Use the budget format discussed in Rating Factor (3), Section V.A.1 below. In completing the budget forms and justification, you should address the following elements:
  - Direct Labor costs, including all full- and part-time staff required for the planning and implementation phases of the project. These costs should be based on full-time equivalent (FTE) or hours per year (hours/year) (i.e., one FTE equals 2,080 hours/year);
  - Allowance for four trips for mandatory training provided by HUD, during the period of performance of your grant, planning each trip for 2 people, as needed. In planning your trips, you should assume two or three overnight stays depending on your location.
- A separate budget form and justification for each sub-recipient receiving more than 10 percent of the total federal budget request.

- Supporting documentation for salaries and prices of materials and equipment, upon request.

## **2. Other Submission Requirements**

### **a. Standard Application, Assurances, Certifications and Disclosures**

#### **(1) Standard Form 424 (SF-424) Application for Federal Assistance**

The SF-424 is the government-wide form required to apply for Federal assistance programs, discretionary awards, and other forms of financial assistance programs. You must complete and submit the form with the other required forms and information as directed in this NOFO.

By signing the forms in the SF-424 either through electronic submission or in paper copy submission (for those granted a waiver), you and the signing authorized organization representative affirm that you both have reviewed the certifications and assurances associated with the application for Federal assistance and (1) are aware the submission of the SF-424 is an assertion that the relevant certifications and assurances are established and (2) acknowledge that the truthfulness of the certifications and assurances are material representations upon which HUD will rely when making an award to the applicant. If it is later determined the signing authorized organization representative to the application made a false certification or assurance, caused the submission of a false certification or assurance, or did not have the authority to make a legally binding commitment for the applicant, the applicant and the individual who signed the application may be subject to administrative, civil, or criminal action. Additionally, HUD may terminate the award to the applicant organization or pursue other available remedies. Each applicant is responsible for including the correct certifications and assurances with its application submission, including those applicable to all applicants, those applicable only to Federally recognized Indian tribes, or Alaskan native villages and those applicable to applicants other than Federally recognized Indian tribes, or Alaskan native villages.

#### **(2) Assurances (HUD 424-B)**

By submitting your application, you provide assurances that, if selected to receive an award, you will comply with U.S. statutory and other requirements, including, but not limited to civil rights requirements. All recipients and subrecipients of the award are required to submit assurances of compliance with Federal civil rights requirements. *See, e.g.,* Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments Act of 1972, Section 504 of the Rehabilitation Act of 1973, Violence Against Women Act, and the Age Discrimination Act of 1975; *see also* [24 CFR §§ 1.5; 3.115; 8.50; and 146.25](#). HUD accepts these assurances in the form of the HUD 424-B, which also require compliance with HUD Reform Act requirements and all general Federal nondiscrimination requirements in the administration of the Federal assistance award.

#### **(3) Applicant Disclosure Report Form 2880 (HUD 2880)**

The form HUD 2880 is required if you are applying for assistance within the jurisdiction of HUD to any project subject to Section 102(d) of the HUD Reform Act . Assistance is provided directly by HUD to any person or entity, but not to subrecipients. It includes assistance for the acquisition, rehabilitation, operation, conversion, modernization, renovation, or demolition of any property containing five or more dwelling units that is to be used primarily for residential purposes. It includes assistance to independent group residences, board and care facilities, group

homes and transitional housing but does not include primarily nonresidential facilities such as intermediate care facilities, nursing homes and hospitals. It also includes any change requested by a recipient in the amount of assistance previously provided, except changes resulting from annual adjustments in Section 8 rents under Section 8(c)(2)(A) of the United States Housing Act of 1937 ([42 U.S.C. § 1437f](#)). [See 24 CFR part 4 for additional information.](#)

#### **(4) Code of Conduct**

Both you, as the award recipient, and all subrecipients must have a code of conduct (or written standards of conduct). The code of conduct must comply with the requirements included in the “Conducting Business in Accordance with Ethical Standards” section of the Administrative, National and Department Policy Requirements and Terms for HUD Financial Assistance Awards-- 2024, as well as any program-specific requirements. These requirements include ethical standards related to conflicts of interest for procurements in [2 CFR 200.318\(c\)](#) and [2 CFR 200.317](#), as well as HUD-specific conflict of interest standards. HUD maintains a list of organizations that have previously submitted written standards of conduct on its [Code of Conduct for HUD Grant Programs webpage](#). But it is your responsibility to ensure that the standards are compliant with the noted requirements and that HUD has the latest version of the written standards. Updated written standards should be submitted with the application. Any updates to your written standards, after the application period, should be submitted as directed by the HUD program contact for this NOFO.

#### **(5) False Statements**

Applicant understands that providing false or misleading information during any part of the application, award, or performance phase of an award may result in criminal, civil or administrative sanctions, including but not limited to: fines, restitution, and/or imprisonment under 18 USC 1001, 18 USC 1012, or 18 USC 287; treble damages and civil penalties under the False Claims Act, 31 USC 3729 et seq.; double damages and civil penalties under the Program Fraud Civil Remedies Act, 31 USC 3801 et seq.; civil recovery of award funds; suspension and/or debarment from all federal procurement and non-procurement transactions, FAR Part 9.4 or 2 CFR Part 180; and other remedies including termination of active HUD award.

#### **(6) Lobbying Activities**

Applicants are subject to the provisions of Section 319 of Public Law 101-121, 31 U.S.C. 1352, (the Byrd Amendment), and 24 CFR part 87, which prohibit recipients of federal awards from using appropriated funds for lobbying the executive or legislative branches of the Federal government in connection with a Federal award. All applicants must submit with their application the signed “Certification Regarding Lobbying” form. In addition, applicants must disclose, using Standard Form LLL (SF-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, or congressional staff regarding specific awards. Federally recognized Indian tribes and tribally designated housing entities (TDHEs) established by Federally recognized Indian tribes as a result of the exercise of the tribe’s sovereign power are excluded from coverage of the Byrd Amendment, but state-recognized Indian tribes and TDHEs established only under state law shall comply with this requirement.

### **3. Format and Form**



Narratives and other attachments to your application must follow the following format guidelines. Do not submit password protected or encrypted files.

15 Pages maximum length of narratives

Double spaced 12-point (minimum) Times Roman font on letter sized paper (8 1/2 x 11 inches) with at least 1-inch margins on all sides.

Other

Number the pages of the narrative.

## **C. System for Award Management (SAM) and Unique Entity Identifier (UEI)**

### **1. SAM Registration Requirement**

You must register at [www.sam.gov](http://www.sam.gov) before submitting an application. You must maintain current information in SAM on immediate and highest-level owner and subsidiaries, as well as on all predecessors that a Federal award within the last three years, if applicable. Information in SAM must be current for all times during which you have an active Federal award or an application or plan under consideration by HUD.

### **2. UEI Requirement**

All entities doing business with the Federal government must use the UEI created in SAM.gov. Your application must include a valid UEI that is registered and active at [www.sam.gov](http://www.sam.gov). **When submitting an application with a UEI that does not match the organization name as registered in sam.gov will result in an ineligible application.**

### **3. Requirement to Register with Grants.gov**

Anyone planning to submit applications on behalf of an organization must register at Grants.gov and be approved by the E-Biz POC in SAM to submit applications for the organization. Registration for SAM and Grants.gov is a multi-step process and can take four (4) weeks or longer to complete if data issues arise. Applicants without a valid registration cannot apply through Grants.gov. Complete registration instructions and guidance are provided on Grants.gov.

## **D. Application Submission Dates and Times**

### **1. Application Due Date Explanation**

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

11/19/2024

Submit your application to Grants.gov unless a waiver has been issued allowing you to submit a paper application. Instructions for submitting your paper application will be contained in the waiver of electronic submission.

“Received by Grants.gov” means the applicant received a confirmation of receipt and an application tracking number from Grants.gov. Grants.gov then assigns an application tracking number and date-and timestamp each application upon successful receipt by the Grants.gov system. A submission attempt not resulting in confirmation of receipt and an application tracking number is not considered received by Grants.gov.

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

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

HUD strongly recommends you review your application before you submit it at Grants.gov. Also, HUD recommends you submit your application at least **48 hours before the deadline** and during regular business hours to allow enough time to correct errors or overcome other problems.

## 2. Grants.gov Customer Support

Grants.gov provides customer support information on its website at <https://www.grants.gov/web/grants/support.html>. If you have difficulty accessing the application and instructions or have technical problems, contact Grants.gov customer support center by calling (800) 518-GRANTS (this is a toll-free number) or by sending an email to [support@grants.gov](mailto:support@grants.gov). The customer support center is open 24 hours a day, seven days per week, except Federal holidays. Individuals who are deaf or hard of hearing, as well as individuals who have speech or other communication disabilities may use a relay service to reach Grants.gov Customer Support. To learn more about how to make an accessible telephone call, visit the [webpage for Federal Communications Commission](#).

## 3. Grants.gov Application Submission

You can verify the contents of your submitted application to confirm Grants.gov received everything you intended to submit. To verify the contents of your submitted application:

- Log in to Grants.gov.
- Click the Check Application Status link, which appears under the Grant Applications heading in the Applicant Center page. This will take you to the Check Application Status page.
- Enter search criteria and a date range to narrow your search results.
- Click the Search button. To review your search results in Microsoft Excel, click the Export Data button.
- Review the Status column. To view more detailed submission information, click the Details link in the Actions column.
- To download the submitted application, click the Download link in the Actions column.

Take note of the Grants.gov tracking number, as it is needed by the Grants.gov customer support center should you seek their assistance.

HUD may extend the application deadline for any program if Grants.gov is offline or not available to applicants for at least 24 hours immediately prior to the deadline date, or the system is down for 24 hours or longer and impacts the ability of applicants to cure a submission deficiency within the grace period.

HUD may also extend the application deadline upon request if there is a presidentially declared disaster in the applicant's area.

If these events occur, HUD will post a notice on its website establishing the new, extended deadline for the affected applicants. HUD will also publish the extension on Grants.gov.

In determining whether to grant a request for an extension based on a presidentially declared disaster, HUD will consider the totality of the circumstances including the date of an applicant's extension request (how closely it followed the basis for the extension), whether other applicants in the geographic area are similarly affected by the disaster, and how quickly power or services are restored to enable the applicant to submit its application.

**NOTE:** Busy servers, slow processing, large file sizes, improper registration or password issues are not valid circumstances to extend the deadline dates or the grace period.

#### **4. Amend or Revise an Application**

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

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

#### **5. Grace Period for Grants.gov Submissions**

If your application is received by Grants.gov before the deadline, but is rejected with errors, you have a grace period of 24 hours after the application deadline to submit a corrected, received, and validated application through Grants.gov. The date and time stamp on the Grants.gov system determines the application receipt time. Any application submitted during the grace period but not received and validated by Grants.gov will not be considered for funding. There is no grace period for paper applications.

#### **6. Late Applications**

An application received after the NOFO deadline date that does not meet the Grace Period requirements will be marked late and will not be reviewed by HUD for funding

consideration. Improper or expired registration and password issues are not sufficient causes to allow HUD to accept applications after the deadline date.

#### **7. Corrections to Deficient Applications**

HUD will not consider information from applicants after the application deadline except for curable deficiencies.

HUD will uniformly notify applicants of each curable deficiency. See curable deficiency definition in section I.A of this NOFO. Examples of curable (correctable) deficiencies include inconsistencies in the funding request and failure to submit required certifications. These examples are non-exhaustive.

When HUD identifies a curable deficiency, HUD will notify the authorized organization representative identified on the SF-424 Application for Federal Assistance via email. This email is the official notification of a curable deficiency.



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

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

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

#### **8. Authoritative Versions of HUD NOFOs**

The version of this NOFO posted on Grants.gov includes the official documents HUD uses to solicit applications.

#### **9. Exemptions**

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

### **E. Intergovernmental Review**

This program is not subject to [Executive Order 12372, Intergovernmental Review of Federal Programs](#).

### **F. Funding Restrictions**

1. Complete or gut rehabilitation, demolition of housing units, and demolition of detached buildings is not allowed.
2. Any work on a housing unit that is not a primary residence is not allowed.
3. Any work in tribally owned housing units is not allowed.
4. Purchase or Rental of Real Property. The purchase or rental of real property is not an allowable cost under this program.
5. Purchase or Lease of Equipment. The purchase or lease of equipment having a per unit cost in excess of \$5,000 is not an allowable cost unless prior written approval is obtained from HUD.
6. Medical Treatment. Medical treatment costs are not allowable under this program. The cost of services delivered by a registered nurse are allowable as a component of an evidence-based model.
7. You must comply with the Coastal Barrier Resources Act (16 U.S.C. § 3501 et seq.).

8. You may not conduct construction, reconstruction, repair or improvement (as referenced in Section 3(a)(4) of the Flood Disaster Protection Act of 1973 (42 U.S.C. §§ 4001-4128)) of a building or mobile home which is located in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards unless:
  - a. The community in which the area is situated is participating in the National Flood Insurance Program in accordance with the applicable regulations (44 CFR parts 59-79), or less than a year has passed since FEMA notification regarding these hazards; and
  - b. Where the community is participating in the National Flood Insurance Program, flood insurance on the property is obtained in accordance with section 102(a) of the Flood Disaster Protection Act (42 U.S.C. § 4012a (a)). You are responsible for assuring that flood insurance is obtained and maintained. (However, for purposes of this program, a housing unit in a condominium (“condo”) or cooperative housing (“coop”) occupied by the older adult owner, renter, or shareholder for that unit as the primary residence is treated as being owner occupied, and may be eligible.)

### **Indirect Cost Rate**

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

Applicants other than state and local governments. If you have a Federally negotiated indirect cost rate, your application must clearly state the approved rate and distribution base and must include a letter or other documentation from the cognizant agency showing the approved rate. If your organization does not have a current negotiated rate (including provisional rate) and elects to use the de minimis rate, your application must clearly state you intend to use the de minimis rate of 10% of Modified Total Direct Costs (MTDC), as defined at [2 CFR 200.1](#). Costs must be consistently charged as either indirect or direct costs but may not be double charged or inconsistently charged as both, as described in [2 CFR 200.403](#). Once elected, the de minimis rate must be applied consistently for all Federal awards until the organization chooses to negotiate a rate, which the organization may apply to do at any time. Documentation of the decision to use the de minimis rate must be retained on file for audit.

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

If your department or agency unit receives no more than \$35 million in direct Federal funding per year and your department or agency unit has developed and maintains an indirect cost rate proposal and supporting documentation for audit in accordance with [2 CFR part 200, Appendix VII](#), you may use the rate and distribution base specified in that indirect cost rate proposal.

Alternatively, if your department or agency unit receives no more than \$35 million in direct Federal funding per year and does not have a current negotiated rate (including provisional) rate, you may elect to use the de minimis rate of 10% of MTDC. As described in [2 CFR 200.403\(d\)](#), costs must be consistently charged as either indirect or direct costs but may not be double charged or inconsistently charged as both. Once elected, the de minimis rate must be applied consistently for all Federal awards until your department or agency chooses to negotiate for a rate, which you may apply to do at any time. Documentation of the decision to use the de minimis rate must be retained on file for audit.

#### **G. Other Program-specific Requirements**

Leveraging and braiding CDBG funding with OAHMP grant funds is allowable.

Prime Recipients are responsible for managing and keeping their subrecipients informed and aware of any HUD educational opportunities and training.

### **V. APPLICATION REVIEW INFORMATION**

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

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

HUD will consider whether your application is clear, concise, and well organized. Each rating factor is reviewed independently. Be sure your response for each rating factor does not include information that belongs with another rating factor.

When determining a score for the narrative responses, reviewers will utilize the following scale to apply the percentages of points available consistently for each applicant reviewed. For example, if an applicant's response to a rating factor that is worth up to 10 points is assigned a qualitative rating by a reviewer as "fair", this is translated into a quantitative score of 5 points because a fair response is assigned 50% of the possible point total. This is done by an electronic scoring tool that determines the point total for a rating sub-factor once the qualitative rating is assigned by the reviewer.

<b>Qualitative Rating</b>	<b>Rating level explanation</b>	<b>Percentages</b>
Outstanding	Answer is thorough and provides high confidence that the criteria are surpassed, or that the applicant will likely surpass the performance criteria covered by the question within the time and cost established. There were no weaknesses noted. The description gives confidence of high probability of success.	100%
Excellent	No significant weaknesses noted. Weaknesses or concerns can be corrected with just a moderate amount of effort. In general, the answer gives confidence that the applicant will likely meet the performance criteria covered by the question with the time and cost established.	85 %

Good	Answer provided generally meets the standards required, but has information weaknesses, or design or concept flaws that, while correctable, will likely require considerable effort. The applicant may have not fully answered the question. The answer is mediocre, and therefore, gives concern whether the applicant will meet the performance criteria covered by the question within the time and cost established.	75 %
Fair	Answer is vague or has substantial programmatic weaknesses that would require substantial efforts to correct. There is a low likelihood that the applicant will meet the performance criteria covered by the question within the time and cost established.	50 %
Poor or Non-Responsive	Applicant did not address question or answer shows a lack of understanding of requirements and/or concepts. Poor design concept and no or very little confidence that the applicant will meet the performance criteria covered by the question within the time and cost established. Success regarding this element is very unlikely.	0 %

### Rating Factors for Applications

Each of the four factors is weighted as indicated by the number of points that are assigned to it. The maximum score that can be attained is 102 points. Applicants should be certain that each of these factors is adequately addressed in the project description and accompanying materials. To the extent feasible, include all of the needed information within your response to each rating factor. If your response to a particular rating factor cites information provided in your response to another rating factor, clearly indicate where the information is located so that the reviewer can easily locate it.

Threshold Requirements: Applications that meet all of the threshold requirements will be eligible to be scored and ranked, based on the total number of points allocated for each of the rating factors described below in this section.

### Summary of Applicant Scoring and Distribution of Points for Applications

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience	30 points
Rating Factor 2: Program Strategy and Management	30 points (including 2 points for Section 3)
Rating Factor 3: Budget Proposal	20 points
Rating Factor 4: Equity Provisions	20 points
Preference Points	2 points
<b>Total Points Possible</b>	<b>102 points</b>



## **Rating Factor 1. Capacity of the Applicant and Relevant Organizational Experience**

**Maximum Points: 30**

This factor addresses the extent to which you have the ability, capacity, and organizational resources necessary to successfully implement your proposed activities in a timely manner. The rating of your application will include any consultants, sub-recipients, and members of consortia that are firmly committed to the project (generally, “subordinate organizations”). In rating this factor, HUD will consider the extent to which your application demonstrates:

**(1) The Capability and Qualifications of Key Personnel.** The applicant must provide resumes, no longer than 3 pages, of the key personnel and job descriptions for planned key personnel, including the person responsible for the financial management of the grant (considered supporting materials). You must describe the roles and responsibilities of each of the key personnel for the project. Do not include the Social Security numbers (SSN) of any person. The day-to-day Program Manager must be experienced in either occupational therapy, housing rehabilitation, aging in place modifications, or other work related to the project. The Program Manager must have demonstrated project management experience and must dedicate at least 50 percent of his/her time to the proposed project. It is expected that the Program Manager and any support staff will have all the necessary certifications and experience for the job descriptions for the position. If you have not yet hired a Program Manager, you must include the job announcement for this position in the Appendix to your application. If you have not yet hired a Program Manager for this award, a letter of commitment from the applicant's agency leadership with the authority to ensure the position is filled must confirm their understanding and intent to fill or retain a qualified candidate as described above to serve in this required position within 60 days of award. This letter of commitment must accompany the application to receive full points under this rating factor element. Note: The Program Manager is expected to be the center of the program communication and must be technically prepared and experienced to take on the oversight and administration of these funds with the applicant agency. The lack of qualified staff in this position has been identified as a high risk of program failure. (10 points)

**(2) Organizational Experience.** HUD intends to award OAHMP grants to organizations with sufficient (at least 3 years) relevant experience providing services to older adults and conducting home modifications. Provide a description of the capabilities and experience of the applicant organization that are relevant to this NOFO, including your organization's performance in implementing any previous grants that are relevant to this focus area. Also, provide a description of your organization's at least 3 years of experience providing services to older adults (e.g., individuals age 62 years and older). Describe your organization's experience providing either home care services that includes the services of an Occupational Therapist, or other home repair/home maintenance services. Describe your organizations' experience working with fair housing organizations, and organizations that address accessibility for persons with disabilities or home modifications for aging in place. (10 points)

**(3) Partnerships.** Demonstrate your organizational experience through existing or past collaborations with public private/partnerships in the community you served such as, Area Agencies on Aging, Community Senior Services Centers, Health Departments, Housing Authorities, Hospitals, Community Development Agencies, etc. Indicate any enduring

enhancements or expansion of the local infrastructure or program services, target area, or policy that resulted from your activities. (5 points)

**(4) Sub recipient**

You must address the following related to partner organizations that will receive federal funds from the proposed grant program (vs. commercial services and off-the-shelf suppliers):

- (a) List and describe sub-recipients and consultants at all tiers that will provide critical services and activities directly to beneficiaries on your behalf or indirectly through supportive activities and describe the services and activities.
- (b) Detail each of these critical partner entities' qualifications and experience in initiating and implementing related environmental, health, safety, or housing projects, or providing services to older adults; and
- (c) List the key personnel from each of these critical partner entities, their respective roles and responsibilities, their qualifications and experience, and the percentages of time committed for all key personnel identified. You may provide this information in your narrative or in resumes, no longer than 3 pages, on each of up to three key personnel from these critical partner entities.
- (d) Include the DUNS number and Legal Business Name of all partner organizations. For any partner that does not have a DUNS number, include the date of incorporation. (5 points)

**(5) Environmental Review Capacity.** State or unit of general local government applicants must identify the individual(s) who will be responsible for completing the tiered environmental review (Tiers 1 and 2) and Request for Release of Funds requirements. All other applicants, i.e., non-profits, (most) Housing Authorities, etc., must identify the appropriate non-recipient Responsible Entity (RE) local or State government entity who will assume environmental review responsibilities for the grant. Verification by the Responsible Entity shall be included in the Appendices. NOTE: Without a recipient or non-recipient RE, environmental review responsibilities rest with HUD. In this case, recipients can expect a 45 day project implementation delay pending completion and approval of the environmental review. With a non-recipient RE, HUD estimates the project-level environmental review processing time to be 45+ days. See Appendix C for additional ER details. (0 points)

**(6) Financial Capacity.** Applications must demonstrate the financial capacity to cover the cost of home modification services for up to 30 days while waiting for HUD reimbursement. (0 points)

**Rating Factor 2. Program Strategy and Management**

**Maximum Points: 30**

**(a)(1) Urban/rural area designation.** Applications must describe the target area as either substantially rural or urban, using the Substantially Rural Substantially Rural Community Lookup Tool located at [https://www.hud.gov/program\\_offices/spm/gmomgmt/grantsinfo/fundingopps/oahmp](https://www.hud.gov/program_offices/spm/gmomgmt/grantsinfo/fundingopps/oahmp) that is linked to a list of states, counties, county subdivisions, or places and their urbanized area/substantially rural designations based on Census 2010 data. HUD will not accept applications unless the target area(s) is designated as being substantially rural or urbanized. The target area, however, may comprise more than one U.S. Census-defined county, county subdivision, or place. See Appendix A. (0 points)

**(2) Within-target-area flexibility.** Many jurisdictions have a mix of urban areas and rural areas.

The Substantially Rural Community Lookup Tool in Appendix A indicates the percentage of such areas within the jurisdiction(s) in which the target area is located.

(i) An applicant whose target area is in a jurisdiction that is urban (or substantially rural) may not be within the funding range for applications for that category.

(ii) That applicant may be able to meet the performance requirements of the NOFO and the application by working within a portion of the target area's jurisdiction that is substantially rural (or urban).

(iii) In such a case, the applicant may choose to state that it agrees to be considered for an award for meeting the NOFO's and the application's performance requirements by working on homes in the other urban / substantially rural category within the target area's jurisdiction if it is not awarded a grant in its original urban / substantially rural category. (0 points)

**3) Environmental Justice.** In accordance with Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, and EO 14008, HUD will track whether each unit completed is within a disadvantaged community (as designated by the CJEST tool), but the results will not be considered in grant performance ratings or in application scoring. HUD will work with awarded applicants to notify them of their progress towards conducting at least 40 percent of their work in communities that have been historically marginalized and overburdened by pollution and underinvestment in housing, transportation, water and wastewater infrastructure, and health care, as delineated by the Climate and Economic Justice Screening Tool (CJEST) or other HUD-approved definition (see the HUD OLHCHH Grants Target Area Mapping Tool at <https://hud.maps.arcgis.com/apps/webappviewer/index.html?id=4655926fe98946b2990c11f066a7096f>). Applications should state whether applicants are willing to work with HUD in tracking these units remediated and that applicants will seek to, but are not required to, address units in those disadvantaged areas. (0 points)

**(b) Program Strategy.** Provide a succinct overview of the structure of your proposed program and identify any existing models on which it is based, describing any deviations from the program model. Describe how your proposal will allow for assistance to meet the individualized goals of the client and reduce risk of falling, improve general safety, improve accessibility, and improve their functional abilities in order to lengthen the time the client can continue to reside in their primary residence. Describe your reasoning for selecting the community which you are targeting for services and your recruitment strategy and the expected number of housing units to receive program services. In addition, describe the home modifications that you expect to be most commonly employed in participants' homes. (5 points)

**(c) Client and Home Assessments.** Describe your procedures for assessing the needs of clients and for identifying necessary modifications to the home. HUD anticipates that some modifications will be driven by the client assessment whereas others will result from a standardized home assessment (e.g., installation of combination smoke and CO detectors). (5 points)

**(d) Number of Beneficiaries.** Provide an estimate of the minimum number of housing units you expect to treat with OAHMP grant funds and describe your basis for this estimate (e.g., based on an average cost of \$5,000 per housing unit). (0 points)



**(e) Addressing Additional Needs of Clients.** Discuss your policies and procedures when you encounter clients whose homes are in need of major repairs. This could include developing internal expertise and capacity (e.g., licensed or certified social worker) to connect clients directly to case managers or emergency services. It could mean building out the local referral network to include home care agencies, social service agencies, non-profits and other organizations that can provide home modifications beyond the scope of the OAHMP. In addition, describe your referral system for addressing other client needs that you may encounter (e.g., healthcare, transportation). (3 points)

**(f) Program Administration and Oversight.** Describe how you will administer this program, including how you will address oversight and financial management and provide examples of current financial reports. Specifically:

(i) Existing administrative capacity. Describe your existing program administration infrastructure that can absorb or readily be expanded to assume the additional work of the new program activities. This includes capacity for outreach, referrals and management of waiting lists; capacity for data collection and reporting; capacity for project and task management, scheduling, and workload management; experience with information technology systems and computer applications used for administration; capacity for financial management, procurement compliance and experience managing federal funds.

(ii) Expanding administrative capacity. Describe any necessary expansion of your program administration infrastructure for this program.

(iii) Describe how funding will flow from you to those who will perform work under you on this program, and whether and, if so, how you will ensure that acceptable work is conducted, and acceptable products were provided before you pay invoices and before you submit invoices to HUD.

(iv) Describe the key personnel, staff, procedures, and electronic management system you will use on this program to ensure proper project oversight/monitoring, contract administration, routine monitoring and, if you will conduct it, targeted monitoring, of all sub-grantees and contractors to ensure conformity to the terms, conditions and specifications of contracts or other formal agreements. Key personnel should include, at a minimum, the Project Director (PD) and the Program Manager (PM). Unless financial management of the grant falls under the responsibility of the PD or PM, the applicant should also identify the person responsible for the financial management of the grant. (5 points)

**(g) Contractor Capacity.** Describe the activities that will be taken to recruit and retain contractor firms and workers to meet the program production benchmarks. Examples of activities include informational postings online, in person recruitment activities, working with vocational and technical schools, workforce development centers, and Section 3 postings to advertise need for contractors to collaborate on unit work under this program. (4 points)

**(h) Sustainability.** Describe your strategy to build community capacity for home modification programs and services that will continue past the period of performance of the grant. This can take many forms and should be based on your experience implementing similar programs. For example, you may strengthen program staff expertise and program outcomes by taking non-mandatory continuous learning training on skills related to aging in place; leverage the program

to set standards and expand the knowledge and skills of local home repair companies to address the needs of older adults who wish to age in place; build knowledge within the organization about other sources of funding (nonprofit, philanthropic, government, etc.) for home modifications; build knowledge, processes, and identify opportunities to assist clients with obtaining services, payments, and funding that they qualify for; build a local coalition that raises awareness about the need for home modification among the older adult population and persons with disabilities and seeks sustainable solutions. (4 points)

**(i) Section 3 Strategy.**

Describe your Section 3 strategy (see section III.F.6, above) for hiring local low-income residents, providing training opportunities and awarding contracts to local Section 3 businesses. You should describe your plans to:

- notify residents and contractors about jobs and contracts that may become available;
- notify potential contractors about the requirements of Section 3;
- hire community residents and award contracts to local businesses; and
- assist in obtaining compliance among contractors and subcontractors. (2 points)

**(j) Project timeline.** Provide a timeline (by calendar quarter) of major project milestones and indicate how you will ensure that the project meets this schedule. (2 points)

**Rating Factor 3. Budget Proposal**

**Maximum Points: 20**

**(a) Budget Justification Narrative (Required Attachments).** (10 points)  
The Budget narrative document should include all of the following details:

(Basic table of costs): A separate budget must be submitted using the HUD 424 CBW: HUD Detailed Budget Worksheet for yourself and for each partner that would receive more than 10 percent of the federal budget request, for any of the described eligible activities direct or indirect in nature.

(i) You must thoroughly estimate and detail a plan for all applicable costs, including direct, indirect, and administrative expenses, and present them in a clear and coherent format. Note that HUD is not required to approve or fund all proposed activities if awarded. In completing your estimations, you must document and justify all budget categories and costs and all major tasks of your organization, sub-recipients, major sub-contractors, joint venture participants, or others contributing resources to the project.

(ii) Describe your plan on how you would use your funds to ensure the maximum number of homes can be modified under this NOFO.

(iii) Justify the allocation of funds among successfully completed tasks, units within your organization, and your partners, in support of the scope of the proposed project. In particular, your narrative should show enough detail by line and category to provide transparency and linkage between production of successfully modified housing units, and payments associated with activities that resulted in those units being modified, from the outreach stage through recruitment, enrollment, contracting for home modifications, re-evaluation, education and

training.

**(b) Fiscal Oversight and Financing Strategy Narrative. (10 points)**

(i) Discuss your home modification financing strategy (i.e., the type of assistance - grants, deferred/forgivable loans), including verification of income eligibility requirements, terms, conditions, and dollar limits of the home modification work.

(ii) Identify who is responsible and the technical program expertise for establishing, as described in your response to Rating Factor 2, administering and overseeing the fiscal aspect of the program which may include bidding, procurement, and contracting the housing unit work.

(iii) Describe how you will keep costs per housing unit under tight control, so that the maximum number of older adults will have their homes modified under this NOFO.

**Rating Factor 4: Equity Provisions**

**Maximum Points: 20**

**4(a) Equity, Advancing Racial Equity - 8 points**

To satisfy the Advancing Racial Equity requirement in Section III.F, you must address the following four bullets and describe how:

- You analyzed the racial composition of the persons or households who are expected to benefit, directly or indirectly, from your proposed award activities;
- You identified any potential barriers to persons or communities of color equitably benefiting from your proposed award activities;
- You detailed the steps you will take to prevent, reduce, or eliminate these barriers; and
- You have measures in place to track your progress and evaluate the effectiveness of your efforts to advance racial equity in your award activities.

Note that any actions taken in furtherance of this section must be consistent with Federal nondiscrimination requirements.

**4(b) Equity, Affirmative Marketing and Outreach - 2 points**

Describe the affirmative marketing/outreach activities that will be conducted if you are selected for a HUD award. Any outreach or marketing conducted under a HUD award must be conducted broadly throughout the local area and nearby areas and targeted to reach any eligible persons in demographic groups that would be unlikely or least likely to be aware of the benefits of a HUD award absent such efforts, or entities that serve such groups. Such demographic groups may include, for example, Black and Brown persons or communities, individuals with limited English proficiency, individuals with disabilities, or families with children. Strategies for affirmative marketing or outreach include outreach through community contacts or service providers or at community centers serving the target population; and marketing on websites, social media channels, television, radio, and print media serving local members of the targeted group.

**4(c) Equity, Experience Promoting Racial Equity – 8 points**

Describe your experience and/or resources to effectively address the needs of underserved communities, particularly Black and Brown communities. This may include

experience successfully working directly with such groups, experience designing or operating programs that equitably benefit such groups, or experience successfully advancing racial equity in other ways. This may also include experience soliciting, obtaining, and applying input from such groups when designing, planning, or implementing programs and activities.

#### **4(d) Equity, Affirmatively Furthering Fair Housing - 2 points**

Applicants must describe how their proposed NOFO activities are aligned with the requirement to affirmatively further fair housing (AFFH). Specifically, applicants should describe how their proposed NOFO activities will meaningfully do one or more the following: (1) address significant disparities based on protected class in unmet housing needs (2) address disparities based on protected class in access to opportunity (3) address segregation and promoting integration (4) transform racially or ethnically concentrated areas of poverty into well-resourced areas of opportunity without displacing existing residents, and/or (5) foster and maintain compliance with civil rights and fair housing laws.

## **2. Other Factors**

### **Policy Initiative Preference Points**

This NOFO supports the following policy initiatives, for which a maximum of two (2) preference points may be awarded. Preference points are added to your overall application score.

#### **Promise Zones (PZ) (2 points)**

You may voluntarily choose to address preference point policy initiatives in your application. Addressing these policy initiatives is not a requirement to apply for or receive an award. If you voluntarily choose to address a policy initiative in your application, you will be required to adhere to the information submitted with your application should you receive an award. The proposed information will be included as a binding requirement of any Federal award you receive as a term and condition of that award.

This NOFO does not offer preference points for Climate Change

This NOFO does not offer Environmental Justice preference points.

This NOFO does not offer HBCU preference points.

This NOFO does not offer preference points related to minority-serving institutions.

### **Promise Zones**

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

This program does not offer Underserved Rural Communities preference points.

This program does not offer Rural Partners Network Community Networks preference points.

## **B. Review and Selection Process**

### **1. Past Performance**

In evaluating applications for funding, HUD will consider an applicant's past performance in managing funds. Items HUD will consider include, but are not limited to:

OMB-designated repositories of governmentwide data, as noted in [2 CFR 200.206\(a\)](#)

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

Timely use of funds received from HUD

Timely submission and quality of reports submitted to HUD

Meeting program requirements

Meeting performance targets as established in the HUD agreement

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

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

The number of persons served or targeted for assistance

HUD may reduce scores based on the past performance review, if specified under V.A. Rating Factors. Whenever possible, HUD will obtain and review past performance information. If this review results in an adverse finding related to integrity of performance, HUD reserves the right to take any of the remedies provided in the [Pre-Selection Review of Performance section of the Eligibility Requirements for Applicants of HUD Financial Assistance Programs](#).

### **2. Assessing Applicant Risk**

In evaluating risks posed by applicants, HUD may use a risk-based approach and may consider any items such as the following:

- (1) Financial stability;
- (2) Quality of management systems and ability to meet the management standards prescribed in this part;
- (3) History of performance. The applicant's record in managing Federal awards, if it is a prior recipient of Federal awards, including timeliness of compliance with applicable reporting requirements, failing to make significant progress in a timely manner, failing to meet planned activities in a timely manner, conformance to the terms and conditions of previous Federal awards, and if applicable, the extent to which any previously awarded amounts will be expended prior to future awards;
- (4) Reports and findings from audits performed under Subpart F—Audit Requirements of 2 CFR part 200 or the reports and findings of any other available audits; and
- (5) The applicant's ability to effectively implement statutory, regulatory, or other requirements imposed on non-Federal entities.

3. Awards will be made to the highest scoring applications in rank order from among applications that scored at least 75 points. A minimum score of 75 points is required for the full application to be considered for an award. If two or more applications are tied for the lowest rating within the funding range, the Application Review Panel will decide which application to fund based primarily on expected community impact as determined by the need for services and the proposed number of households to receive services.

## **VI. AWARD ADMINISTRATION INFORMATION**

### **A. Award Notices**

Following the evaluation process, HUD will notify successful applicants of their selection for funding. HUD will also notify other applicants, whose applications were received by the deadline but were not chosen for award. Notifications will be sent by email to the person listed as the AOR in item 21 of the SF-424.

#### **1. Final Award**

After HUD has made selections, HUD will finalize specific terms of the award and budget in consultation with the selected applicant. If HUD and the selected applicant do not finalize the terms and conditions of the award in a timely manner, or the selected applicant fails to provide requested information, an award will not be made to that applicant. In this case, HUD may select another eligible applicant. HUD may also impose specific conditions on an award as provided under [2 CFR 200.208](#).

#### **2. Adjustments to Funding**

To ensure fair distribution of funds and enable the purposes or requirements of a specific program to be met, HUD reserves the right to fund less than the amount requested in an application.

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

- (1) Is ineligible for funding under applicable statutory or regulatory requirements;
- (2) Fails, in whole or in part, to meet the requirements of this notice;
- (3) Duplicates activities funded by other Federal awards; or
- (4) Duplicates activities funded in a prior year.

b. HUD may adjust the funding for an application to ensure funding diversity, geographic diversity, and alignment with HUD administrative priorities.

c. If an applicant turns down an award offer, or if HUD and an applicant do not finalize the terms and conditions of the award in a timely manner, HUD may withdraw the award offer and make an offer of funding to another eligible application.

d. If funds remain after all selections have been made, remaining funds may be made available within the current FY for other competitions within the program area, may be held for future competitions (if allowable in accordance with the applicable appropriation or authorizing statute), or may be used as otherwise provided by authorizing statute or appropriation.



e. If, after announcement of awards made under the current NOFO, additional funds become available either through the current appropriations, a supplemental appropriation, other appropriations or recapture of funds, HUD may, in accordance with the appropriation, use the additional funds to provide additional funding to an applicant awarded less than the requested amount of funds to make the full (or nearer to full) award, and/or to fund additional applicants that were eligible to receive an award but for which there were no funds available.

### 3. Funding Errors

If HUD commits an error that, when corrected, would cause selection of an applicant during the funding round of a Program NOFO, HUD may select that applicant for funding, subject to the availability of funds. If funding is not available to award in the current fiscal year, HUD may make an award to this applicant during the next fiscal year if funding is available.

## **B. Administrative, National and Departmental Policy Requirements and Terms for HUD Applicants and Recipients of Financial Assistance Awards**

Unless otherwise specified, the following requirements apply and are detailed on HUD's Funding Opportunity page in the document titled, "[Administrative, National & Departmental Policy Requirements and Terms for HUD Financial Assistance – 2024](#)." You must review each requirement to ensure compliance is considered when preparing your application materials (e.g., staff, budget, and timeline). Failure to comply with these requirements may impact your ability to receive or retain a financial assistance award from HUD.

1. Compliance with The Fair Housing Act ([42 U.S.C. 3601-3619](#)) and implementing regulations at [24 CFR part 100 et seq](#)
2. Compliance with Title VI of the Civil Rights Act of 1964, [42 U.S.C. 2000d-2000d-4](#)(Nondiscrimination in Federally Assisted Programs) and implementing regulations at [24 CFR part 1](#)
3. Compliance with the Age Discrimination Act of 1975 ([42 U.S.C. 6101-6107](#)) and implementing regulations at [24 CFR part 146](#)
4. Compliance with Section 504 of the Rehabilitation Act of 1973 ([29 U.S.C. 794](#)) and implementing regulations at [24 CFR part 8](#)
5. Compliance with the Americans with Disabilities Act, [42 U.S.C. 12101 et seq](#)
6. Compliance with Affirmatively Furthering Fair Housing (AFFH) requirements, including 24 CFR 5.150 et seq
7. Compliance with Economic Opportunities for Low-and Very Low-income Persons (12 U.S.C. 1701u) requirements, including those listed at [24 CFR part 75](#)
8. Compliance with Improving Access to Services for Persons with Limited English Proficiency (LEP) requirements, including those listed within [Federal Register Notice, FR-4878-N-02](#) (also see [HUD's webpage](#))
9. Compliance with Accessible Technology requirements, including those listed on in [HUD's Policy on Section 508 of the Rehabilitation Act and Accessible Technology](#)
10. Compliance with Equal Access Requirements (e.g., [24 CFR 5.105\(a\)\(2\)](#) and [5.106](#))

11. Compliance with Ensuring the Participation of Small Disadvantaged Business, and Women-Owned Business requirements at [2 CFR 200.321](#)
12. Compliance with Energy Efficient and Sustainable by Design
13. Compliance with Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 USC 4601 et seq.) (URA) requirements, [49 CFR part 24](#), and applicable program regulations
14. Compliance with Participation in HUD-Sponsored Program Evaluation
15. Compliance with OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards ([2 CFR part 200](#))
16. Compliance with Drug-Free Workplace requirements ([2 CFR part 2429](#))
17. Compliance with the requirements related to safeguarding resident/client files (e.g., 2 CFR 200.303(e))
18. Compliance with the Federal Funding Accountability and Transparency Act of 2006 ([2 CFR part 170](#)) (FFATA), as amended
19. Compliance with Eminent Domain
20. Compliance with Accessibility for Persons with Disabilities requirements, including 24 CFR parts 8 and 100; 28 CFR part 35
21. Compliance with applicable Violence Against Women Act requirements in the Housing Chapter of VAWA, 34 U.S.C. 12491-12496, 24 CFR part 5, subpart L, and program-specific regulations, if applicable
22. Compliance with Conducting Business in Accordance with Ethical Standards/Code of Conduct, including [2 CFR 200.317](#), [2 CFR 200.318\(c\)](#) and other applicable conflicts of interest requirements
23. Compliance with the [Build America, Buy America \(BABA\) Act](#) procurement requirements
24. Compliance with System for Award Management and Universal Identifier Requirements at [2 CFR part 25](#)
25. Compliance with [section 106\(g\) of the Trafficking Victims Protection Act of 2000 \(TVPA\), as amended \(22 U.S.C. 7104\(g\)\)](#) and implementing regulations at [2 CFR part 175](#) (Award Term for Trafficking in Persons)
26. Compliance with Award Term and Condition for Recipient Integrity and Performance Matters (see [Appendix XII to 2 CFR part 200](#))
27. Compliance with Suspension and Debarment regulations ([2 CFR part 2424](#) and [2 CFR part 180](#))
28. Compliance with environmental justice requirements that apply in accordance with Executive Orders [12898](#) and [14008](#), and OMB Memorandum [M-21-28](#), which implements the *Justice40 Initiative*, section 223 of Executive Order [14008](#).

29. Compliance with [HUD Secretary Fudge’s April 12, 2022 memorandum](#), “Eliminating Barriers That May Unnecessarily Prevent Individuals with Criminal Histories from Participation in HUD Programs”

30. Compliance with equity requirements, including racial equity and underserved communities and LGBTQ+ requirements that apply in accordance with Executive Orders [13985](#), [13988](#), and 14091

31. Compliance with 41 U.S.C. § 4712, which includes informing your employees in writing of their rights and remedies, in the predominant native language of the workforce. Under 41 U.S.C. § 4712, employees of a contractor, subcontractor, grantee, subgrantee, and personal services contractor may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing information that the employee reasonably believes is evidence of gross mismanagement of a Federal contract or grant, a gross waste of Federal funds, an abuse of authority relating to a Federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant. (See [Federal Contractor or Grantee Protections | Office of Inspector General, Department of Housing and Urban Development \(hudoig.gov\)](#))

32. Compliance with [2 CFR 200.216, Prohibition on Certain Telecommunication and Video Surveillance Services or Equipment](#) and Executive Orders 14091 and 14110, which includes prohibition on the use of HUD funds to purchase or fund any form of facial or biometric recognition technology for the purpose of surveillance or any other use that may adversely impact equitable access to housing

Build America, Buy America (BABA).

The Build America, Buy America Act (BABA), enacted as part of the Infrastructure Investment and Jobs Act on November 15, 2021, established a domestic content procurement preference, also referred to as the Buy America Preference (the “BAP”). Awards under this NOFO, as reposted and revised, are governed by BABA. The BAP applies to Awards provided to Non-Federal Entities for infrastructure projects, unless the agency has waived the application of the BAP. When applicable, the BAP requires that all iron, steel, manufactured products, and construction materials used in covered infrastructure projects be produced in the United States. The definition of “Non-Federal Entities” is provided in OMB Memorandum M-24-02, Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure.

Owners subject to the requirements of BABA and the BAP may be subject to a waiver of general applicability published by HUD and/or may request a waiver of the application of the BAP pursuant to guidance published by the Office of Management and Budget (OMB) or HUD. On March 15, 2023, HUD published a Phased Implementation Waiver [1] that sets forth the below implementation schedule for the BAP for Lead Hazard Reduction and Healthy Homes Production Grants, unless further waived or modified by HUD:

BAP Compliance Element	Compliance Effective Date for Obligations by HUD on or after:
Iron and Steel	February 22, 2023

Non-ferrous metals, lumber, composite building materials, and plastic and polymer-based pipe and tube.	August 23, 2024
All other construction materials	August 23, 2024
Manufactured products	August 23, 2024

Additional guidance and technical assistance regarding BABA may be provided to grantees and addressed in the grant agreement process. Notwithstanding, as expressed in [Executive Order 14005](#), *Ensuring the Future Is Made in All of America by All of America's Workers* (86 FR 7475), it is the policy of the executive branch to maximize, consistent with law, the use of goods, products, and materials produced in, and services offered in, the United States.

Guidance regarding HUD's implementation of BABA and any future waivers of the BAP can be found at [https://www.hud.gov/program\\_offices/general\\_counsel/BABA](https://www.hud.gov/program_offices/general_counsel/BABA).

1. HUD. Public Interest Phased Implementation Waiver for FY2022 and 2023 of Build America, Buy America Provisions as Applied to Recipients of HUD Federal Financial Assistance, March 15, 2023. 88 FR 10533.

### **Environmental Review**

Compliance with environmental requirements, including regulations at [24 CFR 50](#) or [58](#):

Except for specific grant-funded administrative actions, cleaning and maintenance activities, environmental review of successful grant project proposals must be completed prior to project implementation including the execution of contract(s) for project service(s).

Recipients of funding under this NOFO, that are states or units of general local government must carry out environmental review responsibilities as a responsible entity under 24 CFR part 58, "Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities."

For recipients that are not a state or unit of general local government, the responsible entity that is designated under 24 CFR 58.2(a)(7)(ii) will (per 24 CFR 58.1(b)(7) and 58.4(a)) perform environmental reviews of proposed activities under part 58.

If a responsible entity objects to performing the environmental review, or the recipient objects to the responsible entity performing the environmental review, HUD may, under section 58.11, designate another responsible entity to perform the review under part 58 or perform the review itself under part 50. However, these circumstances will likely delay the issuance of an "Authority to Use Grant Funds" which occurs after the initial environmental review is complete and before any abatement, renovation or repair work may begin.

Reasonable expenses incurred for completion of environmental reviews are eligible expenses under this NOFO. Grantee administration of the environmental review is a consideration of the Rating Factors for grant applications.

For all grants awarded under this NOFO, recipients and other participants in the project are prohibited from undertaking or committing or expending HUD or non-HUD funds on a project or activities under this NOFO (other than activities listed at 24 CFR 58.34,



58.35(b) or 58.22(f), e.g., lead-based paint inspections, radon sampling and analysis, health hazard assessments) until the recipient or other responsible entity completes a tiered environmental review (ref. 24 CFR 58.15) including the submission, and HUD approval, of a Request for Release of Funds and the recipient's Environmental Certification (both on Form HUD 7015.15) and subsequent completion of a site-specific review.

The grant application constitutes an assurance that the applicant will comply with this prohibition until HUD approval of Form HUD 7015.15, and a site-specific Tier 2 environmental reviews is completed for activities at that site. For environmental reviews conducted under part 50, the applicant will comply with this prohibition until HUD approval of the property is received following HUD's site-specific Tier 2 environmental review for the property. The applicant will supply HUD with all available, relevant information necessary for completion of any required environmental review. Additionally, the application constitutes an assurance that the recipient will carry out mitigating measures or select alternate eligible property as required by HUD. The results of an environmental review may require that proposed activities be modified, or proposed sites rejected.

Maintenance activities require a limited form of environmental review and documentation in the environmental review record; examples of maintenance work versus rehabilitation work are defined in the HUD Memo CPD-16-02 "Guidance for Categorizing an Activity as Maintenance for Compliance with HUD Environmental Regulations, 24 CFR parts 50 and 58" issued 2/8/2016.

For technical assistance with environmental reviews during the period of performance of a grant under this NOFO, contact [olhchhpecos@hud.gov](mailto:olhchhpecos@hud.gov)

### **Remedies for Noncompliance**

HUD may apply the remedies at [2 CFR 200.339](#) or impose additional conditions to remedy noncompliance with any Federal State, or local statutes, regulations, or terms and conditions of the financial assistance award. If noncompliance cannot be remedied, HUD may terminate a Federal award, in whole or in part, for any of the reasons specified in [2 CFR 200.340, Termination](#).

### **Lead-Based Paint Requirements**

When providing housing assistance funding for purchase, lease, support services, operation, or work that may disturb painted surfaces, of pre-1978 housing, you must comply with the lead-based paint evaluation and hazard reduction requirements of HUD's lead-based paint rules (Lead Disclosure; and Lead Safe Housing ([24 CFR part 35](#))); and EPA's lead-based paint rules (e.g., Repair, Renovation and Painting; Pre-Renovation Education; and Lead Training and Certification ([40 CFR part 745](#))).

## **C. Reporting**

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

### **1. Recipient Integrity and Performance Matters**

You should be aware that if the total Federal share of your Federal award includes more than \$500,000 over the period of performance, the award will be subject to post award reporting requirements reflected in [Appendix XII to 2 CFR part 200, Award Terms and Conditions for Recipient Integrity and Performance Matters](#).

### **2. Race, Ethnicity and Other Data Reporting**

HUD requires recipients that provide HUD-funded program benefits to individuals or families to report data on the race, color, religion, sex, national origin, age, disability, and family characteristics of persons and households who are applicants for, participants in, or beneficiaries or potential beneficiaries of HUD programs in order to carry out the Department's responsibilities under the Fair Housing Act, Executive Order 11063, Title VI of the Civil Rights Act of 1964, and Section 562 of the Housing and Community Development Act of 1987. These authorities prohibit discrimination in housing and in programs receiving financial assistance from the Department and direct the Secretary to administer the Department's programs and activities in a manner affirmatively to further these policies and to collect certain data to assess the extent of compliance with these policies. Each recipient shall keep such records and submit to the Department timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the Department may determine to be necessary to enable it to ascertain whether the recipient has complied or is complying with 24 CFR parts 1 and 121. In general, recipients should have available for the Department data showing the demographics of beneficiaries of Federally-assisted programs.

### **3. Compliance with the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109-282) as amended (FFATA)**

FFATA requires information on Federal awards be made available to the public via a single, searchable website, which is [www.USASpending.gov](http://www.USASpending.gov). Accordingly, each award HUD makes under this NOFO will be subject to the requirements provided by the Award Term in Appendix A to [2 CFR part 170](#), "REPORTING SUBAWARD AND EXECUTIVE COMPENSATION INFORMATION," unless the Federal funding for the award (including funding that may be added through amendments) is not expected to equal or exceed \$30,000. Requirements under this Award Term include filing subaward information in the Federal Funding Accountability and Transparency Act (FFATA) Sub-award Reporting System (FSRS.gov) by the end of the month following the month in which the recipient awards any sub-award equal to or greater than \$30,000.

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

The program specific reporting requirements will include quarterly reporting through the Healthy Homes Grant Management System (HHGMS). Note that HUD continues to improve HHGMS, so its operational details may have changed.) A narrative and quantitative reporting will be expected each quarter that will include at a minimum progress towards goals related to intake, assessment, modification, partnerships, sustainability activities and fiscal transactions/balance of funds spent successfully to date.

## **D. Debriefing**

For a period of at least 120 calendar days, beginning 30 calendar days after the public announcement of awards under this NOFO, if requested, HUD will provide a debriefing related



to their application. The AOR or the AOR's successor must submit a written request for debriefing via mail or email to the POC in Section VII Agency Contact(s) of this NOFO. Information provided during a debriefing may include the applicant's final score for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which funding was approved or denied.

## **VII. AGENCY CONTACT(S)**

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

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

Name:

Dr. Taneka Blue

Phone:

202-402-6846

Email:

[olhchh.nofa@hud.gov](mailto:olhchh.nofa@hud.gov)

Individuals who are deaf or hard of hearing, as well as individuals who have speech or communication disabilities may use a relay service to reach the agency contact. To learn more about how to make an accessible telephone call, visit the webpage for the [Federal Communications Commission](#).

Note that HUD staff cannot assist applicants in preparing their applications.

## **VIII. OTHER INFORMATION**

### **1. Compliance of this NOFO with the National Environmental Policy Act (NEPA)**

A Finding of No Significant Impact (FONSI) with respect to the environment has been made for this NOFO in accordance with HUD regulations at [24 CFR part 50](#), which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C.4332(2)(C)). The FONSI is available for inspection at [HUD's Funding Opportunities](#) web page.

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

- [Affirmatively Furthering Fair Housing](#)
- [Assistance Listing\(formerly CFDA\)](#)
- [Climate Action Plan](#)
- [Climate and Economic Justice Screening Tool \(CEJST\)](#)
- [Code of Conduct Requirements and E-Library](#)
- [Environmental Review](#)
- [Equal Participation of Faith-Based Organizations](#)
- [Fair Housing Rights and Obligations](#)
- [Federal Awardee Performance and Integrity Information System](#)
- [Federal Funding Accountability and Transparency Act \(FFATA\) Subaward Reporting System](#)
- [Grants.gov](#)

- [Healthy Homes Strategic Plan](#)
- [Healthy Housing Reference Manual](#)
- [Historically Black Colleges and Universities \(HBCUs\)](#)
- [HUD's Disability Overview](#)
- [HUD's Strategic Plan](#)
- [HUD Grants](#)
- [HUD Reform Act](#)
- [HUD Reform Act: Hud Implementing Regulations](#)
- [Limited English Proficiency \(LEP\)](#)
- [NOFO Webcasts](#)
- [Procurement of Recovered Materials](#)
- [Promise Zones](#)
- [Rural.gov](#)
- [Rural Partners Network Community Networks](#)
- [Section 3](#)
- [State Point of Contact List](#)
- [System for Award Management \(SAM\)](#)
- [Real Estate Acquisition and Relocation](#)
- [Unique Entity Identifier](#)
- [USA Spending](#)

### 3. Program Relevant Web Resources

None

## APPENDIX

### Appendix A – Substantially Rural Community Lookup Tool

Open the spreadsheet file located at:

[https://www.hud.gov/program\\_offices/sprn/gmomgmt/grantsinfo/fundingopps/oahmp](https://www.hud.gov/program_offices/sprn/gmomgmt/grantsinfo/fundingopps/oahmp).

FY 2024 Home Modification NOFO Substantially Rural Community Lookup Tool.xlsx.

The first tab of the spreadsheet, labeled Lookup, contains instructions and cells for obtaining data about the community(ies) (called jurisdiction(s) here) you are considering as your target area for this grant.

The subsequent tabs of the spreadsheet have information about the jurisdiction(s) based on the 2020 Census, the most recent one for which Census has developed and provided the information. The information in these tabs in the posted version of this spreadsheet is not changeable.

The overall approach to determine if a jurisdiction is substantially rural or not is to select its location information through drop-down menus. This includes:

For each single jurisdiction:

- Selecting its state,

- Then selecting its county,
- Then, if the jurisdiction is smaller than a county, selecting the county subdivision (if the target area is in such a subdivision in one of the 20 states that has its subdivisions recognized by the Census Bureau: CT, IL, IN, KS, MA, ME, MI, MN, MO, NE, NH, NJ, NY, ND, OH, PA, RI, SD, VT, and WI), and,
- If applicable, selecting the place.

The spreadsheet then enters the location information you have selected, and the information on the jurisdiction's rural and urban populations into Table 1. The spreadsheet then calculates whether the jurisdiction is substantially rural or not substantially rural, based on whether the population is at least half rural or less than half rural, respectively.

Target area with one jurisdiction:

If your target area consists of one jurisdiction, and it is in the rurality classification category you intended to apply in, copy Table 1 (the row of headers and the row of information) into your application. You may, if you wish, narrow the table column widths.

If your target area is not the rurality classification category you intended to apply in, you may delete the information in Table 1, and select another jurisdiction, using the same procedure as before, and determine if your new jurisdiction has the rurality status you want it to have. When you are satisfied with the rurality status of your target area jurisdiction, copy and paste Table 1 into your application. You may, if you wish, narrow the table column widths.

Target area with multiple jurisdictions:

If your target area consists of multiple jurisdictions, see the additional instructions below Table 1, which involves repeating the steps above for each jurisdiction, copying the values of the jurisdictions cells in Table 1 into the first blank row of Table 2.

The bottom row of Table 2 provides the overall classification of your target area, indicating that, overall, it is substantially rural or not substantially rural.

If this is the rurality classification category you intended to apply in, copy and paste Table 2 into your application, deleting blank rows, and, if you wish, narrowing column widths.

If this is not the rurality classification category you intended to apply in, you may delete the information in one or more of the rows of Table 2; only the jurisdictions remaining in Table 2 are used to determine the substantially rural or not ("rurality") status. You may, if you wish, add jurisdictions to Table 2, using the same procedure as before, and determine if your new set of jurisdictions has the rurality status you want it to have. (The spreadsheet is not concerned with blank rows; you need not move rows up in the spreadsheet to fill in the blank rows.)

When you are satisfied with the rurality status of your target area, copy and paste Table 2 into your application, deleting blank rows, and, if you wish, narrowing column widths.

## **Appendix B - Home Modifications/Repairs**

Feature or System	Examples of OAHMP Maintenance Repair Activities	Examples of OAHMP Renovation Activities
Site	<ul style="list-style-type: none"> <li>• adding or replacing address number so it is visible from the street for emergency responders</li> <li>• power-washing slippery exterior surfaces</li> </ul>	<ul style="list-style-type: none"> <li>• construction of new walkways, driveways or parking areas, or replacement thereof</li> </ul>
Building Exterior	<ul style="list-style-type: none"> <li>• adding exterior lighting at entrances (to include automatic sensors)</li> <li>• installing new or adjusting mailbox to make it easier to reach</li> <li>• fixing gutters and downspouts if causing safety hazard</li> <li>• manufactured / mobile home skirting</li> </ul>	<ul style="list-style-type: none"> <li>• roof installation</li> <li>• gutter and/or downspout installation</li> </ul>
Exterior walkways and steps	<ul style="list-style-type: none"> <li>• graded ground ramps</li> <li>• installing temporary/modular ramps (placed on top of the ground) for accessibility for individuals with a disability</li> <li>• placing temporary anti-slip tape or colored tape or paint on surfaces</li> <li>• applying directional signage or marking for wayfinding</li> <li>• installing handrails on both sides of steps and/or pathways</li> <li>• repairing cracked, broken, or uneven pathways (pavement, brick, etc.)</li> <li>• installing pathway lighting</li> </ul>	<ul style="list-style-type: none"> <li>• installing permanent ramps (with footings set into the ground) for accessibility</li> <li>• installing exterior stairlift</li> <li>• installing wheelchair platform and lift</li> </ul>
Exterior Windows and Doors	<ul style="list-style-type: none"> <li>• installing automatic doors or automatic door openers</li> <li>• installing magnetic screen door</li> <li>• replacing door lock with one that is easier to operate</li> <li>• replacing doorknobs with lever-style handles</li> </ul>	<ul style="list-style-type: none"> <li>• widening exterior doorway to accommodate a walker or wheelchair</li> <li>• replacement of exterior door</li> <li>• replacement of windows</li> </ul>

	<ul style="list-style-type: none"> <li>• adding or adjusting peephole or viewing panel to correct height for client</li> <li>• eliminating trip hazards at entry threshold</li> <li>• installing “tap-n-go” or other hands-free door hold open capability</li> <li>• adjusting windows to make them easier to open and close</li> <li>• fixing broken window pane(s), storm window(s) or damaged entry door</li> <li>• adding storm windows or storm doors</li> </ul>	
Interior Walls, Windows, and Ceilings	<ul style="list-style-type: none"> <li>• adjusting or replacing hardware for drapes, shades, and/or curtains to make them easier to use</li> <li>• building shelf to improve hands-free activity or to improve accessibility</li> <li>• patching or mending cracked plaster</li> <li>• patching or fixing holes or cracks in drywall</li> </ul>	<ul style="list-style-type: none"> <li>• installing new drywall or paneling</li> <li>• installing new acoustical ceiling</li> </ul>
Interior Doors and Hallways	<ul style="list-style-type: none"> <li>• adjusting door swings to reverse or remove awkwardness</li> <li>• installing automatic doors or door openers</li> <li>• installing door hinge offset or swing clear door hinges</li> <li>• installing “tap-n-go” or other hands-free door hold-open capability</li> </ul>	<ul style="list-style-type: none"> <li>• installing different door type</li> <li>• widening interior doorways to accommodate a walker or wheelchair</li> <li>• widening hallways to accommodate a walker or wheelchair</li> </ul>
Flooring	<ul style="list-style-type: none"> <li>• repairing flooring transitions so there is zero height difference between them</li> <li>• repairing floor tile to remove uneven surfaces</li> <li>• repairing floors to remove uneven surfaces</li> </ul>	<ul style="list-style-type: none"> <li>• installation of new floor if the existing floor has extensive slipping or tripping hazards resulting from deterioration or damage</li> </ul>



	<ul style="list-style-type: none"> <li>• stripping floors and resealing when incidental to other work</li> <li>• installing linoleum/vinyl flooring to remove uneven surfaces that pose extensive slipping or tripping hazards</li> <li>• carpet removal</li> <li>• cleaning floor when incidental to other work</li> </ul>	
Interior Stairways (Circulation)	<ul style="list-style-type: none"> <li>• installing railings</li> <li>• maintaining chair lift/stair climber</li> <li>• replacing broken stair treads or balusters</li> <li>• applying adhesive strips with nonslip surface</li> <li>• applying adhesive tape or paint to distinguish thresholds and edges</li> <li>• carpet removal</li> <li>• installing super-pole between floor and ceiling with or without pivot arm</li> </ul>	<ul style="list-style-type: none"> <li>• installing chair lift/stair climbers</li> </ul>
Bathroom/ Laundry	<ul style="list-style-type: none"> <li>• installing grab bars</li> <li>• adding nonskid strips to bathtub or shower floor</li> <li>• installing a hand-held or adjustable showerhead</li> <li>• installing clamp for handheld shower on wall or grab bar</li> <li>• tub cuts to enable easy entry/conversion to shower</li> <li>• installing curved shower rod</li> <li>• installing easy-to-use lever handles rather than knobs or turn handles for the sink, bathtub and shower faucets feature</li> <li>• replacing toilet with comfort-height model</li> <li>• installing pedestal or wall hung sink for wheelchair accessibility</li> </ul>	<ul style="list-style-type: none"> <li>• complete or substantial bathroom remodel</li> <li>• installing new wall tile</li> <li>• installing a walk-in shower or bathtub</li> </ul>



	<ul style="list-style-type: none"> <li>• insulating exposed pipes beneath the sink to protect against touching a hot pipe</li> <li>• cushioning exposed pipes beneath the sink to protect against bumping</li> <li>• replacing or adjusting position of bathroom mirror, toilet paper holder, and other accessories to meet client's needs</li> <li>• replacing cabinet hardware, such as replacing round knobs with D-shaped handles</li> <li>• installing new toilet handles</li> <li>• installing toilet riser with handles</li> <li>• installing toilet safety frame or rails</li> <li>• repairing toilet seats</li> <li>• installing wall soap holder</li> <li>• repairing wall tile</li> <li>• securing rugs with rubber carpet mesh or double-sided rug tape</li> <li>• unclogging sink or toilet when incidental to other work</li> <li>• moving or replacing washing machines and dryers</li> <li>• replacing broken medicine cabinet</li> </ul>	
Kitchens	<ul style="list-style-type: none"> <li>• replacing cabinet hardware, such as replacing round knobs with D-shaped handles</li> <li>• removing or replacing interior of existing cabinetry for easier access (e.g., pull-out drawers and shelves)</li> <li>• replace faucets with lever-, touch-, or sensor-style faucet</li> <li>• install easy-to-use ABC-rated fire extinguisher in an easy-to-reach place</li> <li>• install automatic stove turnoff devices</li> </ul>	<ul style="list-style-type: none"> <li>• complete or substantial kitchen remodel</li> <li>• install lower work surface that can be used while seated</li> <li>• lowering of cabinets</li> </ul>

Electrical/ Lighting	<ul style="list-style-type: none"> <li>• adding stick-on motion sensor lighting</li> <li>• adding task lighting under cabinets and over counters and tables</li> <li>• changing light bulbs</li> <li>• adding light switches at top and bottom of stairs for safety</li> <li>• replacing light switches with safety and accessibility features such as glow in the dark, rocker-style switches, or other easy-to-function switches</li> <li>• moving light switches and electrical outlets where they are more accessible to the individual</li> <li>• adding ball chain extension to ceiling fan/light</li> </ul>	<ul style="list-style-type: none"> <li>• major rewiring of building</li> <li>• installing new electrical service</li> <li>• replacing or moving electrical panels</li> </ul> <p>*Some lighting and/or electrical work may prompt and environmental review and permits from local and state governing agencies.</p>
HVAC / Plumbing systems	<ul style="list-style-type: none"> <li>• replacing thermostat with one that has accessibility features</li> <li>• setting home's water heater or replacing its thermostat, to ensure hot water is at or below 120°F to avoid scalding</li> <li>• installing pressure-balanced, temperature-regulated sink faucets in kitchen and bath</li> </ul>	<ul style="list-style-type: none"> <li>• installing new furnace or heat distribution system</li> <li>• installing central air conditioning</li> <li>• installing new plumbing system</li> <li>• new water or sewer connection</li> </ul> <p>**Some HVAC and plumbing work may prompt and environmental review and permits from local and state governing agencies.</p>
Security	<ul style="list-style-type: none"> <li>• adding security technology to entrance door</li> <li>• installing secure slide latch or chain inside entrance door</li> </ul>	<ul style="list-style-type: none"> <li>• installing new security alarm system</li> </ul>
Life Safety	<ul style="list-style-type: none"> <li>• installing GFCI outlet</li> <li>• repairing electrical outlets</li> <li>• installing or servicing smoke, fire and CO detectors</li> </ul>	<ul style="list-style-type: none"> <li>• making substantial physical changes to a building to comply with fire and life safety codes</li> </ul>

	<ul style="list-style-type: none"> <li>• installing or replacing doorbell that can be seen or heard by client throughout the house</li> <li>• cleaning surface mold</li> </ul>	<ul style="list-style-type: none"> <li>• installing fire suppression system</li> <li>• chimney repairs</li> <li>• mold remediation</li> </ul>
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\*Refer to local/state guidelines for building codes and regulations as the workplan is developed, to ensure compliance with residential and environmental protocols.

\*Please note that the table serves as a general framework to support the program intent, service model, and interventions supported under the grant. It does not represent an exhaustive list of home modification and assistive device options. The table provides examples to inform the work scope and planning of interventions on which to reduce parallel activity implementation for the determination of categorical exemption or environmental review necessity.

The goal of any program intervention is to address client functional goals (identified through client interview) by enhancing the client's capacity through use of adaptive equipment and home modification.

### **Appendix C – Housing and Demographic Data**

Certain information for your application can be found in the Census Bureau's American Housing Survey (<https://www.census.gov/programs-surveys/ahs.html>) and/or American Community Survey (<https://www.census.gov/programs-surveys/acs/>), as indicated in the rating factor narrative. Using table creation and data search tools on one or both of these websites, as applicable, provide the information for each subfactor for the county that includes your target area, or for the state, if the county level information is not available. If your target area is found in more than one county, aggregate the data from each county to compute totals and to compute averages, as applicable. Use the most recent dataset's year's data or, for more stable estimates, the most recent 5-year data.

**Exhibit B**

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

**Lead Hazards Control and Healthy Homes**

**Older Adult Home Modifications Grant Program**

**Fiscal Year 2025 - Terms and Conditions**



**U.S. Department of Housing and Urban Development  
Office of Lead Hazard Control and Healthy Homes**



**Older Adults Home Modification Grant Program  
Fiscal Year 2025- Terms and Conditions**

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#### APPENDIX - List of Actions Due



# **I GENERAL**

## **1. Introduction**

- 1.1. This instrument is governed by 2 CFR Part 200 – “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” which is now called the Office of Management and Budget (OMB) Guidance for Federal Financial Assistance. The OMB Guidance for Federal Financial Assistance streamlines and consolidates government requirements for receiving and using Federal awards to reduce administrative burden and improve outcomes. On April 30, 2024, the OMB made major changes and updates to the OMB Guidance for Federal Financial Assistance. The effective date for the final guidance is October 1, 2024.
- 1.2. Recipients must review their official award document for additional administrative and programmatic requirements.
  - a. Assistance Award/Amendment – Form HUD-1044 – The form shall be used by HUD and the recipient to execute the agreement; it shall also be used for changes in key personnel, the award amount, the primary contact/recipient of the quarterly assessment report, terms and conditions, and other identifying information.
  - b. A copy of the governing body's authorization of an individual to sign the application for assistance and the Assistance Award as the Authorized Representative must be on file in the recipient's office.
- 1.3. The Grantee and any subrecipients must comply with the applicable terms and conditions outlined below. Also, the Grantee must comply with the separate Office of Lead Hazard Control and Healthy Homes (OLHCHH) Grant Program Policy Guidance applicable to its program, found on the Office's website, [www.hud.gov/healthyhomes](http://www.hud.gov/healthyhomes) (specifically, as of the publication of this document, on the Grant Program Policy Guidance page, [https://www.hud.gov/program\\_offices/healthy\\_homes/lbp/pg](https://www.hud.gov/program_offices/healthy_homes/lbp/pg)).
- 1.4. By acceptance of the grant award, each recipient (Grantee) agrees to comply with these requirements. Failure to comply with the general terms and conditions in this document and those directly reflected on the official assistance award document may result in enforcement actions outlined in 2 CFR § 200.339 and § 200.340.

## **2. Overview of Award Implementation**

- 2.1. This instrument reflects the acceptance by HUD of the proposed budget, key personnel and partners, and primary conditions of the applicant's awarded proposal, or any subsequent revision, submitted in response to the Notice of Funding Opportunity (NOFO) for the Department of Housing and Urban Development, OLHCHH Grant Programs for the NOFO indicated on the Form HUD-1044 cover page. A final budget, work plan, and benchmarks will be developed, accepted, and incorporated into the Form HUD-1044 within 60 days of the award notice. As a condition of this grant award, the Grantee and subrecipients, as applicable, agree to submit the following documents:

- a. A final negotiated work plan, with deliverables/outcomes measures, prioritization plan, targeted areas of program implementation; and
- b. Policies and procedures for how the grant will be administered. Submit the documents listed via the Healthy Homes Grant Management System (HHGMS) within 60 calendar days of the Period of Performance start date (located on the Form HUD-1044).

These revisions will update the general/basic plan submitted with the proposal and include any negotiated changes to the work plan, benchmarks, and budget. A Grantee whose work plan includes conducting activities that physically alter the dwelling or its property, such as modifications considered rehabilitation or repair, will not be allowed to draw down funds before the determination by the appropriate HUD Environmental Officer that the environmental review for the work is satisfactory and HUD approval of working on the property, or the Grantee's receipt of an approved Request for Release of Funds and Certification, as prescribed within section II.40 of this agreement. See OLVCHH Policy Guidance 2008-03 for further details.

**NOTE: If the successful applicant does not provide documents in section 2.1 that are satisfactory to the Grants Officer (GO) in a timely manner, including not addressing problems identified, the grant may be terminated based on failure to successfully conclude negotiations or to provide HUD with the requested information, according to the NOFO for which the Grantee applied.**

### 3. Definitions

The following terms and definitions are in accordance with 2 CFR Part 200 and the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, and applicable NOFOs .

- 3.1. **Allocable Costs** - Defined in 2 CFR § 200.405, are costs that are assignable to a particular Federal award or cost objective if the goods or services involved are chargeable to that Federal award or cost objective in accordance with relative benefits received. This standard is met if the cost:
  - a. Is incurred specifically for the Federal award;
  - b. Benefits both the Federal award and other work of the Grantee and can be distributed in proportions that may be approximated using reasonable methods; and
  - c. Is necessary to the overall operation of the Grantee and is assignable in part to the Federal award in accordance with the principles in 2 CFR Part 200, subpart E – Cost Principles.
- 3.2. All activities that benefit from the Grantee's indirect costs, including unallowable activities and services donated by the Grantee or to the Grantee by third parties, will receive an appropriate allocation of indirect costs.
- 3.3. Any cost allocable to a Federal award or cost objective may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by law or terms and conditions of the Federal awards, or for other reasons.
- 3.4. **Allowable Costs** - Defined in 2 CFR § 200.403, are those costs that are:
  - a. Necessary and reasonable for the performance of the Federal award and are allocable to the Federal award;
  - b. Conform to any limitations or exclusions set forth herein, in the NOFO, or in the Federal award as to types or amount of cost items;

- c. Consistent with policies and procedures that apply uniformly to both Federally-financed and other activities of the Grantee;
  - d. Accorded consistent treatment. A cost may not be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to the Federal award as an indirect cost;
  - e. Determined in accordance with generally accepted accounting principles (GAAP), except, for state and local governments and Indian tribes only, as otherwise provided for in 2 CFR Part 200;
  - f. Not included as a cost or used to meet cost sharing or matching requirements of any other Federally-financed program in either the current or a prior period;
  - g. Adequately documented. See also 2 CFR §§ 200.300 through 200.309; and
  - h. Incurred during the approved budget period.
- 3.5. **Approving Official** (also known as “Coordinator”) – A Secure Systems administrator who manages the organization’s “Users” in Secure Systems. Responsibilities include assigning Secure Systems LOCCS roles to themselves and “Users.” Approving Officials will use eLOCCS to re-certify their staff every 3 months, therefore, Approving Officials will also need to register for an ID in Secure Systems like the “Users.” For more information, visit [eLOCCS Access Guidelines for Business Partners](#).
- 3.6. **Assistance Award/Amendment- Form HUD-1044** - The Form HUD-1044 is used by HUD and the recipient to execute the agreement; it is also used for changes in key personnel, the award amount, the primary contact/ recipient of the quarterly assessment report, terms and conditions, and other identifying information.
- 3.7. **Authorized Representative or Official (AR)** - The official at the operational level who has the responsibility for the full measure of the mission and the authority to obligate funds to support the grant from the Grantee.
- 3.8. **Certifying Officer** - The “responsible Federal official” as that term is used in section 102 of the National Environmental Policy Act (NEPA) and in statutory provisions cited in 24 CFR §58.1(b), and as defined at 24 CFR §58.2(a)(2). The Certifying Officer is therefore responsible for all the requirements of section 102 of NEPA and the related provisions in 40 CFR parts 1500 through 1508, and 24 CFR part 58, including the related Federal authorities listed in 24 CFR §58.5. The Certifying Officer must also:
- a. Represent the responsible entity and be subject to the jurisdiction of the Federal courts. The Certifying Officer will not be represented by the Department of Justice in court; and
  - b. Ensure that the responsible entity reviews and comments on all environmental impact statements prepared for Federal projects that may have an impact on the recipient's program.
- 3.9. **Contract** - Defined in 2 CFR §200.1, is a legal instrument by which a recipient or subrecipient purchases property or services needed to carry out the project or program under a Federal award.
- 3.10. **Contractor** - An entity that receives a contract as defined in 2 CFR §200.1.
- 3.11. **Direct Costs** - Described in 2 CFR §200.413, are those costs that can be identified specifically with a particular final cost objective, such as a Federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively

easily with a high degree of accuracy. Typical direct costs chargeable to Federal awards are:

- a. Compensation of employees for the time devoted and identified specifically to the performance of those awards;
- b. Cost of materials acquired, consumed, or expended specifically for the awards;
- c. Equipment and other approved capital expenditures; and
- d. Travel expenses incurred specifically to carry out the award.

Any direct cost of a minor amount may be treated as an indirect cost for reasons of practicality where such accounting treatment for that item of cost is consistently applied to all cost objectives. A cost may not be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to the Federal award as an indirect cost. Refer to the Notice of Funding Opportunity (NOFO) for specific information regarding what constitutes direct costs for your program and any applicable programmatic requirements to which a Grantee must adhere.

- 3.12. **Disallowed Costs** - Those charges to an award that HUD determines to be unallowable, in accordance with the applicable Federal statutes, regulations, or the terms and conditions contained in the award.
- 3.13. **Equipment** - A tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or \$10,000. Examples include X-ray fluorescence (XRF) machines, office equipment and furnishings, modular offices, telephone networks, information technology equipment and systems, air conditioning equipment, reproduction and printing equipment, and motor vehicles.
- 3.14. **Government Technical Representative (GTR)** - The HUD Official who is responsible for the technical administration of the grant, the evaluation of performance under the grant, the acceptance of technical reports or projects, and other such specific responsibilities as may be stipulated in the grant.
- 3.15. **Grant Award (Federal Award)** - A legal instrument of financial assistance between a Federal awarding agency or pass-through entity and a non-Federal entity that, consistent with 31 U.S.C. 6302, 6304:
  - a. Is used to enter into a relationship the principal purpose of which is to transfer anything of value to carry out a public purpose authorized by a law of the United States (see [31 U.S.C. 6101\(3\)](#)), and not to acquire property or services for the [Federal awarding agency](#) or [pass-through entity](#)'s direct benefit or use;
  - b. Is distinguished from a [cooperative agreement](#) in that it does not provide for substantial involvement of the [Federal awarding agency](#) in carrying out the activity contemplated by the [Federal award](#).
  - c. Does not include an agreement that provides only:
    - a. Direct United [States](#) Government cash assistance to an individual;
    - b. A subsidy;
    - c. A [loan](#);
    - d. A [loan](#) guarantee; or
    - e. Insurance.



HUD grant agreements consist of the Form HUD-1044 and any special award conditions.

- 3.16. **Grantee (or Recipient)** A non-Federal entity, usually but not limited to non-Federal entities that receive a Federal award directly from the Federal awarding agency. The term Grantee does not include subrecipients or individuals that are beneficiaries of the award.
- 3.17. **Grants Officer (GO)** - The official authorized by HUD to execute and/or administer the grant.
- 3.18. **Guidelines** - Definitions, standards, and information contained in the latest edition of the “Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing.” The Guidelines are incorporated by reference into the grant. See [https://www.hud.gov/program\\_offices/healthy\\_homes/lbp/hudguidelines](https://www.hud.gov/program_offices/healthy_homes/lbp/hudguidelines)
- 3.19. **Healthy Homes Grant Management System (HHGMS)** - The OLVCHH online data management system that allows the processing of administrative and technical actions, and quarterly reporting among the Grantee, Government Technical Representative, and Grants Officer.
- 3.20. **HUD** - The U.S. Department of Housing and Urban Development.
- 3.21. **High Risk Designation** - The designation of the Grantee that may be given by HUD to indicate that HUD will be conducting heightened monitoring of the Grantee’s performance as a result of unsatisfactory performance or when a Grantee has not complied with Federal statutes, regulations, including 2 CFR Part 200, or requirements established in the award and these provisions, including failure to submit reports on time and in accordance with the requirements contained in these provisions. The “high-risk” designation will stay in place until the corrective actions specified by HUD in the High-Risk Designation Amendment have been addressed to HUD’s satisfaction. If the corrective actions are not addressed within the time frame specified, HUD may pursue sanctions as defined in Section II.42 or Suspension and Termination as described in section II.46.
- 3.22. **Indirect Costs** - Those costs that have been incurred for common or joint purposes. These costs benefit more than one cost objective and cannot be readily identified with a particular final cost objective without effort disproportionate to the results achieved. After direct costs have been determined and assigned directly to Federal awards and other activities as appropriate, indirect costs are those remaining to be allocated to benefitted cost objectives. A cost may not be allocated to a Federal award as an indirect cost if any other cost incurred for the same purpose, in like circumstances, has been assigned to a Federal award as a direct cost. Indirect costs are generally charged to Federal awards through the development and application of an indirect cost rate (ICR).

Requirements for development and submission of indirect (F&A) cost rate proposals and cost allocation plans are contained in Appendices III-VII and Appendix IX of 2 CFR Part 200 as follows:

- a. Appendix III to Part 200 - Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Institutions of Higher Education (IHEs)
- b. Appendix IV to Part 200 - Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Nonprofit Organizations

- c. Appendix V to Part 200 - State/Local Governmentwide Central Service Cost Allocation Plans
- d. Appendix VI to Part 200 - Public Assistance Cost Allocation Plans
- e. Appendix VII to Part 200 – States and Local Government and Indian Tribe Indirect Cost Proposals
- f. Appendix IX to Part 200 - Hospital Cost Principles

- 3.23. **Leverage** - The non-match resources provided by the Grantee in excess of the required match for making a grant fully operational.
- 3.24. **Line of Credit Control System (LOCCS)** - HUD's primary grant and subsidy disbursement system that handles disbursement and cash management for most HUD grant programs. Organizations and individuals have access to these grants through an internet version of LOCCS called eLOCCS, where Grantees (Business Partners) with appropriate authorization can access, manage, and drawdown against their HUD grant portfolios. For more information, visit [eLOCCS Access Guidelines for Business Partners](#).
- 3.25. **Modified Total Direct Cost (MTDC)** - All direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and up to the first \$50,000 of each subaward (regardless of the period of performance of the subawards under the award). MTDC excludes equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs, and the portion of each subaward more than \$50,000. Other items may only be excluded when necessary to avoid a serious inequity in the distribution of indirect costs, and with the approval of the cognizant agency for indirect costs (2 CFR §200.1).
- 3.26. **Must (or Shall)** - A mandatory requirement of the Terms and Conditions in association with the Form HUD-1044 for the grant.
- 3.27. **Notice of Funding Opportunity (NOFO)** - The announcement of the availability of funding for an award.
- 3.28. **Non-Federal Entity** - A state, local government, Indian tribe, Institution of Higher Education (IHE), or nonprofit organization that carries out an OLHCHH award as a Grantee or subrecipient.
- 3.29. **OLHCHH** - The U.S. Department of Housing and Urban Development (HUD), Office of Lead Hazard Control and Healthy Homes.
- 3.30. **Partner** - A subgrantee or contractor that has an arrangement in which skills, services, or resources are shared in accordance with the partnership agreement to meet the goals of the grant.
- 3.31. **Pass-Through Entity** - A non-Federal entity that provides a subaward to a subrecipient to carry out part of a Federal program.
- 3.32. **Period of Performance (POP)** - The total estimated time interval between the start of an initial OLHCHH award and the planned end date, which may include one or more funded portions, or budget periods.



**3.33. Publication** includes:

- a. Any document containing information for public consumption; or
- b. The act of, or any act which may result in, disclosing information to the public.

**3.34. Responsible Entity** means:

- (i) With respect to environmental responsibilities under programs listed in §58.1(b)(1), (2), (3)(i), (4), and (5), a recipient under the program.
- (ii) With respect to environmental responsibilities under the programs listed in §58.1(b)(3)(ii) and (6) through (12), a state, unit of general local government, Indian tribe or Alaska native village, or the Department of Hawaiian Homelands, when it is the recipient under the program. Nonrecipient responsible entities are designated as follows:
  - (A) For qualified housing finance agencies, the state or a unit of general local government, Indian tribe or Alaska native village whose jurisdiction contains the project site;
  - (B) For public housing agencies, the unit of general local government within which the project is located that exercises land use responsibility, or if HUD determines this infeasible, the county, or if HUD determines this infeasible, the state;
  - (C) For nonprofit organizations and other entities, the unit of general local government, Indian tribe or Alaska native village within which the project is located that exercises land use responsibility, or if HUD determines this infeasible, the county, or if HUD determines this infeasible, the state.

**3.35. Should** - The best practices or recommended approach of the terms and conditions in association with the Form HUD-1044 for the grant.

**3.36. Standard Form-424 (SF-424)** - The application for Federal assistance programs required by discretionary grant programs.

**3.37. Subaward** - An award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract. A subgrantee is the recipient of a subaward, while a contractor is the recipient of a contract for the purpose of obtaining goods and services for the non-Federal entity's own use.

**3.38. Subrecipient or Subgrantee** - An entity, usually but not limited to non-Federal entities, that receives a subaward from a pass-through entity to carry out part of a Federal award, but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.

**3.39. Third-party In-kind Contributions** - The value of non-cash contributions (i.e., property or services) that:

- a. Benefit a Federally-assisted project or program; and
- b. Are contributed by non-Federal third parties, without charge, to a non-Federal entity under a Federal award.

Third-party in-kind contributions may be a source of match funds.

#### **4. Federal Funding Accountability and Transparency Act (FFATA) of 2006**

- 4.1. The Federal Funding Accountability and Transparency Act (FFATA) of 2006 (Public Law 109-282) requires disclosure of all entities and organizations receiving Federal funds through a single publicly accessible website, [USASpending.gov](http://USASpending.gov), which includes information on each Federal financial assistance award and contract over \$30,000, including such information as:
  - a. The name of the entity receiving the award
  - b. The amount of the award
  - c. Information on the award including transaction type, funding agency, etc.
  - d. The location of the entity receiving the award
  - e. A unique identifier of the entity receiving the award
  - f. Names and compensation of highly compensated officers (as applicable)
- 4.2. Grantee Reporting - Recipients are required to report subawards on the Federal Subaward Reporting System (FSRS) website [www.FSRS.gov](http://www.FSRS.gov).
- 4.3. Prime financial assistance awardees receiving funds directly from HUD are required to report subawards and executive compensation information both for the award and subawards, where both the initial award is \$30,000 or greater or the cumulative award will be \$30,000 or greater if funding incrementally as directed by HUD in accordance with OMB guidance. The reporting of award and subaward information is in accordance with the requirements of the FFATA, as amended by section 6202 of Public Law 110-252, and OMB Guidance issued to the Federal agencies on September 14, 2010 (75 FR 55669) and in OMB Policy Guidance. The prime awardee will have until the end of the month plus one additional month after a subaward is obligated to fulfill the reporting requirement. For more information on FFATA Reporting visit FSRS, [USASpending.gov](http://USASpending.gov), and HUD's Grants Information webpage.

#### **5. English Language**

The English language will be used in the Terms and Conditions as defined in 2 CFR §200.111:

- 5.1. All Federal financial assistance announcements and Federal award information must be in the English language. Applications must be submitted in the English language and must be in the terms of U.S. dollars. If the Federal awarding agency receives applications in another currency, the Federal awarding agency will evaluate the application by converting the foreign currency to United States currency using the date specified for receipt of the application.
- 5.2. Non-Federal entities may translate the Federal award and other documents into another language. In the event of inconsistency between any terms and conditions of the Federal award and any translation into another language, the English language meaning will control. Where a significant portion of the non-Federal entity's employees, who are working on the Federal award, are not fluent in English, the non-Federal entity must provide the Federal award in English and the language(s) with which employees are more familiar.

#### **6. Code of Conduct**

- 6.1. Code of Conduct for OLHCHH Grant Programs - All OLHCHH Grantees, except states, and all subrecipients under Federal awards must have a code of conduct (or written standards of

conduct) for procurements that meet all requirements in 2 CFR §200.318(c) regarding conflicts of interest. Each applicant selected for an award (other than a state) must ensure an up-to-date copy of the organization's code of conduct, dated and signed by the Executive Director, Chair, or equivalent official, of the governing body of the organization, is available in [HUD's Code of Conduct e-library](#). Applicants can check the code of conduct list at Code of Conduct for HUD Grant Programs to confirm if HUD has determined their code of conduct complies with 2 CFR §200.318(c)(1). HUD does not collect or review state codes of conduct for compliance with 2 CFR §200.318(c). Instead, each state must follow the same policies and procedures for procurements under Federal awards that the state uses for procurements from its non-Federal funds, as provided in 2 CFR §200.317.

- 6.2. Conflict of Interest (COI) - As defined by 2 CFR §200.112, means the non-Federal entity must disclose in writing any potential conflict of interest to the Federal awarding agency or pass-through entity in accordance with applicable Federal awarding agency policy.
- 6.3. Other Conflicts of Interest - In all cases not governed by 2 CFR §200.317 and §200.318(c), all recipients and subrecipients must comply with the conflict-of-interest requirements in the applicable program regulations. If there are no program-specific regulations for the award, the following conflict-of-interest requirements apply in all cases not governed by 2 CFR §200.317 and §200.318(c):
  - a. General prohibition - No person who is an employee, agent, consultant, officer, or elected or appointed official of the recipient or subrecipient and who exercises or has exercised any functions or responsibilities with respect to assisted activities, or who is in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from the activity or have an interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either for themselves or for those with whom the individual has immediate family or business ties, during their tenure or for one year thereafter. Immediate family ties include (whether by blood, marriage, or adoption) the spouse, parent (including a stepparent), child (including a stepchild), sibling (including a stepsibling), grandparent, grandchild, and in-laws of a covered person.
  - b. Exceptions - HUD may grant an exception to the general prohibition in paragraph I.6.3.a, upon the recipient's written request and satisfaction of the threshold requirements in paragraph I.6.3.c, if HUD determines the exception will further the Federal purpose of the award and the effective and efficient administration of the recipient's program or project, taking into account the cumulative effects of the factors in paragraph I.6.3.d.
  - c. Threshold Requirements for Exceptions - HUD will consider an exception only after the recipient has provided the following documentation:
    - (i) A disclosure of the nature of the conflict, accompanied by an assurance that there has been a public disclosure of the conflict and a description of how the public disclosure was made; and
    - (ii) An opinion of the recipient's attorney that the interest for which the exception is sought would not violate state or local law.
  - d. Factors to Be Considered for Exceptions - In determining whether to grant a requested exception after the recipient has satisfactorily met the threshold requirements in paragraph I.6.3.c, HUD will consider the cumulative effect of the following factors,

where applicable:

- (i) Whether the exception would provide a significant cost-benefit or an essential degree of expertise to the program or project that would otherwise not be available.
- (ii) Whether an opportunity was provided for open competitive bidding or negotiation.
- (iii) Whether the person affected is a member of a group or class of low- or moderate-income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;
- (iv) Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision-making process with respect to the specific assisted activity in question.
- (v) Whether the interest or benefit was present before the affected person was in a position as described in paragraph I.6.3.a.
- (vi) Whether undue hardship will result either to the recipient or the person affected when weighed against the public interest served by avoiding the prohibited conflict. Any other relevant considerations.

Important: Recipients must disclose in writing any potential conflict of interest to HUD promptly upon discovery.

## **7. Determining Subrecipient or Contractor Classification**

Determining subrecipient or contractor classification as defined by 2 CFR §200.331 means the non-Federal entity may concurrently receive Federal awards as a recipient, a subrecipient, and a contractor, depending on the substance of its agreements with Federal awarding agencies and pass-through entities. Therefore, a pass-through entity must make case-by-case determinations whether each agreement it makes for the disbursement of Federal program funds casts the party receiving the funds in the role of a subrecipient or a contractor. Please note that a non-Federal entity partner to the prime recipient cannot operate as both a contractor and a subrecipient on the same award.

## **8. Procurement Standards**

Procurement refers to the process of selecting contracts, and establishing price and terms to acquire goods and services. Recipients must follow the procurement standards articulated in 2 CFR 200.

- 8.1. States must follow the same policies and procedures it uses for procurements from its non-Federal funds. States must comply with §§200.321, 200.322, and 200.323 and ensure that every purchase order or other contract includes any clauses required by §200.327.
- 8.2. All other non-Federal entities, including subrecipients of a state, must follow the procurement standards in §§200.318 through 200.327.
  - a. As required by §200.327, and Appendix II of Part 200 which the section cites, and which cites Executive Order 11246, "Equal Employment Opportunity," recipients performing or having subrecipients or contractors at any tier perform, Federally assisted construction contracts (i.e., including work that includes rehabilitation or repair of buildings, or improvements to real property, and supervision, inspection, and other onsite functions incidental to the actual construction) under their award shall comply, in implementing their agreement, with, in the Department of Labor's equal employment opportunity regulations at 41 CFR, section 60-1.4, Equal Opportunity Clause, subsections (b) through

(e) (with definitions in section 60-1.3), and excepting such contracts up to \$10,000 (as per section 60-4.1), with section 60-4.2, Solicitations.

Please see [Policy Guidance Number - 2017-04](#) for additional guidance.

## **9. Build America, Buy America (BABA) Act**

Grantees must comply with the Build America, Buy America (BABA) Act procurement requirements and implementing guidance available on HUD's dedicated webpage ([BABA | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)](#)). This site provides a comprehensive collection of proposed, currently effective, and expired waivers (as they become available) of the Build America, Buy America Act's domestic content procurement preference as applied to HUD's Federal Financial Assistance programs.

## **10. Davis-Bacon Wage Rates.**

The Davis-Bacon wage rates are not applicable to these programs. However, if you use grant funds in conjunction with other federal programs, Davis-Bacon requirements may apply to the extent required under the other federal programs.

## **11. Waste, Fraud, Abuse, and Whistleblower Protections**

HUD and its grantees and contractors are required to comply with the provisions of 41 U.S.C. § 4712, which protects employees of HUD contractors, subcontractors, grantees, subgrantees, personal services contractors and certain program participants from retaliation or reprisal as a result of protected disclosures of gross mismanagement, gross waste, abuse of authority, and other violations in connection with Federal contracts or grants.

Any person who becomes aware of the existence or apparent existence of fraud, waste, or abuse of any HUD award must report such incidents to both the HUD official responsible for the award and to the HUD's Office of Inspector General (OIG). HUD OIG is available to receive allegations of fraud, waste, and abuse related to HUD programs via its hotline number (1-800-347-3735) and its online hotline form (Hotline Form | Office of Inspector General, Department of Housing and Urban Development ([hudoig.gov](#))). (also see [HUD Whistleblower \(hudoig.gov\)](#))

Grantees must comply with 20.3. 41 U.S.C. § 4712, which includes informing their employees in writing of their rights and remedies, in the predominant native language of the workforce.

Federal Procurements entered into after July 1, 2013, are required to include Federal Acquisition Regulation (FA R) clause 52.203-17 if they are above the simplified acquisition threshold. This clause requires contractors to inform their employees of their whistleblower rights and protections in writing.

## **12. Freedom of Information Act (FOIA).**

HUD makes frequently requested materials, including information on the highest-scoring funding grant applications available on its Freedom of Information Act (FOIA) website ([Frequently Requested Materials FOIA HUD.gov](#)). To avoid disclosure of PII, proprietary information, business confidential information, or other content that should not be disclosed to the public, HUD will only post applications redacted pursuant to FOIA. Those recipients who receive the highest score in each competition must provide a redacted version of their applications within thirty (30) days of notification from HUD that they submitted the highest-scoring application. If multiple applicants receive the same score, all of them will be asked to submit redacted applications. When submitting a redacted version, recipients may black out information that would be considered trade secrets and commercial or financial information and the



information is privileged or confidential, as provided in 5 U.S.C. 552(b)(4), should the information be disclosed to the public. HUD will take the recipient's proposed redactions under advisement when determining what information should be released to the public. Please direct questions regarding specific reporting requirements to the point of contact listed in Section VII. Agency Contact(s), below.

## **II PROGRAM REQUIREMENTS**

### **10. Administrative Costs**

LBPHC, LHRD, and other grants awarded under section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of the Housing Community Development Act of 1992, Public Law 102-550): Administrative costs may not exceed 10 percent of the Federal lead grant award. Administrative costs are defined as overhead costs and costs of general management, oversight, and coordination. Administrative costs include all allowable and allocable direct administrative costs (costs for the general management, oversight, and coordination of the grant – i.e., program administration and indirect (F&A) cost (defined in 2 CFR §200.414)). During negotiations, the Grantee's Authorized Official and Fiscal Officer must certify administrative costs and complete the Standard Form 425 Part 3 Financial Reporting (Administrative Cost Summary).

Notwithstanding any administrative cost limits provided in a statute, regulation, or the applicable NOFO, an indirect cost rate that is no greater than the approved rate negotiated with the applicant's Federal cognizant agency for indirect costs shall be used.

[See Policy Guidance Number 2015-01](#)

### **1. Administrative Requirements**

For all Grantees, awards will be governed by the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 200) and these grant provisions.

### **2. Advance Payment by Treasury Check or Electronic Funds Transfer**

- 2.1. Advance payments by the Treasury electronic funds transfer are authorized under this grant. HUD may provide to the Grantee a one-time cash advance that shall not exceed 10 percent of the grant amount and shall be limited to the minimum amount needed for the actual, immediate cash requirements of the Grantee in carrying out the startup activities of this agreement and as agreed to by the GO.
- 2.2. In accordance with 2 CFR §200.305, "Federal payment," to the extent available, the non-Federal entity must disburse funds available from program income (including repayments to a revolving fund), rebates, refunds, contract settlements, audit recoveries, and interest earned on such funds before requesting additional cash payments. The non-Federal entity must maintain advance payments of Federal awards in interest-bearing accounts, unless the following apply:
  - a. The non-Federal entity receives less than \$250,000 in Federal awards per year.
  - b. The best reasonably available interest-bearing account would not be expected to earn interest over \$500 per year on Federal cash balances.



- c. The depository would require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash resources.
- d. A foreign government or banking system prohibits or precludes interest-bearing accounts.

2.3. Should the Grantee demonstrate an unwillingness or inability to establish procedures that will minimize the time elapsing between advances and disbursements or fail to provide any required progress report on time, the authorization for advance one-time payment may be revoked. The Grantee may then be required to finance the project with its working capital, and payment to the Grantee may be made by Treasury check or electronic funds transfer, at HUD's discretion, to reimburse the Grantee for actual cash disbursements.

### **3. Cost Reimbursement**

This is a cost-reimbursement award. Except as described in Section 3, "Advance Payment by Treasury Check or Electronic Funds Transfer," the Grantee shall be reimbursed for costs incurred in the performance of work in an amount not to exceed the obligated amount shown on the Form HUD-1044, Assistance Award/Amendment. In the event the Grantee incurs costs over the prescribed amount, the excess shall be borne entirely by the Grantee. HUD shall reimburse the Grantee for costs incurred in the performance of this award which is determined by the GTR/GO to be allowable, allocable, and reasonable in accordance with applicable Federal cost principles as permitted by 2 CFR Part 200 subpart E.

### **4. Amendments**

The Grant may be modified at any time by written amendment. Amendments that reflect the rights and obligations of either party shall be executed by both HUD (through the GO) and the Grantee. Administrative amendments, such as changes in appropriation data, may be issued unilaterally by the GO.

See [OLHCHH Policy Guidance 2013-03](#).

### **5. Budget**

5.1. The Grantee shall incur eligible costs in conformance with the final negotiated budget. The Grantee shall not commingle any funds computed under this grant with any other existing or future operating accounts held by the Grantee.

5.2. In addition to the general requirement that any costs incurred are allowable as described in section I.3.4, Grantees must also ensure that cost following OAHM program specific allowability requirements below.

- a. Program Operations - Program Operation costs are program implementation, management, and oversight activities that are directly attributable and specifically identified with this grant. All costs must be reasonable and clearly detailed. Examples of costs may include but are not limited to the following:
  - i. Staff and contractor recruitment
  - ii. Salaries and wages for direct hires or contractors working directly on activities supported by this grant
  - iii. Fringe benefits for direct hires working directly on activities supported by this grant. Fringe benefits are allowable as a direct cost in proportion to the salary

- charged to the grant, to the extent that such payments are made under formally established and consistently applied organizational policies.
- iv. Program marketing/advertising and printing
  - v. Procurement of materials and supplies for program administration. Materials and supplies are defined as tangible personal property other than equipment, costing less than \$10,000. Materials and supplies that are necessary to carry out the project are allowable as prescribed in 2 CFR §200.453.
  - vi. Local travel
- b. Information Technology and IT Services - Costs are directly attributable to tracking service activities and collecting program monitoring data. Examples of such costs may include but are not limited to the following:
- i. Procurement and maintenance of database and other tools
  - ii. Information technology consulting services
- c. Client Intake, Assessment, and Reasonable Accommodations - Costs directly attributable to activities that ensure the client's needs and goals are fully understood and that they get the maximum benefit from the program to address their needs and goals. Examples of such costs may include but are not limited to the following:
- i. Assistance to the client in locating proof of eligibility
  - ii. Fees to use standardized assessment tools
  - iii. Occupational therapist services
  - iv. Registered nurse services (only if required by evidence-based model) as described in section I.A., Background, which do not include medical treatment. Examples of registered nurse services are assessing a client's goals related to pain, depressive symptoms, medication use, strength, and balance, and facilitating communication with a primary care practitioner.
  - v. Social worker services
  - vi. Translation services (limited English proficiency)
  - vii. Development of a list of resources to refer the client to, which will address needs outside of the scope of this program.
  - viii. Any costs associated with providing a reasonable accommodation for a beneficiary with a disability or a potential beneficiary applying to participate in the program.
  - ix. Any costs associated with ensuring effective communication with applicants and beneficiaries with visual, hearing, speech, and other communication-related disabilities.
- d. Home Modifications and Adaptive Equipment- Costs that are directly attributable to the implementation of recommended home modifications and adaptive equipment specified by the Occupational Therapist (OT), OT Assistant, or Certified Aging in Place Specialist operating under the supervision of the OT based on the interview and assessment of the client and home environment. Examples of such costs may include but are not limited to the following:
- i. Procurement of equipment associated with the home modification. Equipment means tangible nonexpendable personal property charged directly to the grant, having a useful life of more than one year and an acquisition cost of \$10,000 or less, however, procurement of equipment with unit cost in excess of \$10,000 is allowable if prior written approval is obtained from HUD.

- ii. Procurement of adaptive equipment, materials, and supplies associated with the home modification. Materials and supplies are defined as tangible personal property other than equipment, costing less than \$10,000. Materials and supplies that are necessary to carry out the project are allowable as prescribed in 2 CFR § 200.453.
    - iii. Costs associated with making a specific home modification or adaptive equipment accessible for a beneficiary with a disability.
  - e. Professional Development - Costs directly attributable to activities that are intended to improve the organization's ability to ensure high-quality program outcomes and to share information about the program with industry groups. Examples of such costs may include but are not limited to the following:
    - i. Certification and/or training in aging in place or related areas, including travel costs and training fees.
    - ii. Peer group conference registration and travel (requires prior approval by HUD).
- 5.3. The signed SF-425 Financial Status Report shall be submitted quarterly to the GTR via the HHGMS reporting system by attaching the report to the corresponding quarterly report as specified in section II.37, Project Management. A Final Report (along with a final SF-425) is due no later than 120 days after the end of the period of performance. See section II.9, Closeout, regarding the holdback of 5% of the Federal amount pending the receipt and approval of the Final Report. The Final Report should detail the progress made in achieving the purpose of the grant and adequate documentation of the total funds expended in support of the activities to achieve this purpose (Federal and match amounts).

## **6. Certifications and Assurances**

- 6.1. The certifications and assurances submitted in the Grantee's application are incorporated into this award document. These include, but are not limited to:
- a. Standard Form 424 (SF-424), Application for Federal Assistance
  - b. Certification and Disclosure Form Regarding Lobbying (SF-LLL)
  - c. Applicant/Recipient Disclosure Update Report (HUD-2880)
  - d. Certification of Consistency with the Consolidated Plan (HUD-2991)

## **7. Prior Approval Requirements (Changes to Award Agreement)**

- 7.1. In accordance with 2 CFR §200.308, as applicable, Grantees/recipients and subgrantees must obtain prior approval from HUD whenever any changes are anticipated to include the following:
- a. Purchase of equipment over \$10,000.
  - b. Any revision of the scope or objectives of the project (e.g., change in the target area(s), intervention methods, institutional review board approval to be obtained, interim or final benchmarks, numbers of environmental reviews to be completed, housing units to be treated, number of people to be trained) regardless of whether there is an associated budget revision.
  - c. Any scope of work for a single unit projected to cost more than \$5,000 for modifications must receive prior approval in writing from the GTR.
  - d. Request to extend the period of performance/availability of funds.

- e. Any revisions to the budget must be approved by the GTR. Budget revisions that are 10% or more of the total budget as last approved by HUD must be approved by the GO in concurrence with the GTR.
- f. Changes in the approved cost-sharing or matching provided by the Grantee.
- g. Changes in key personnel as specified in an application or a grant award.
- h. Contracting out, sub-granting (if authorized by law), or otherwise obtaining the third party (e.g., vendors) to perform activities that are central to the purposes of the award
- i. Any international travel that is required to meet the goals and objectives of the grant.
- j. The transferring of a grant to another entity/organization. This requires notifying the GTR for involvement in the transferring process. The Grantee must submit a request and receive written approval from the GO via a Form HUD-1044 amendment. Failure to receive written approval may result in sanctions, suspension, or termination of the grant. See section II.41 and 45, "Sanctions" and "Suspension and Termination."

[See OLHCHH Policy Guidance 2013-03](#)

## **8. Closeout**

- 8.1. The Grantee shall provide the closeout documentation to the GTR within 120 days after the end of the performance period, consisting of the following elements:
  - a. The Final Report should detail the progress made in achieving the purpose of the grant or cooperative agreement and adequate documentation of the total funds expended in support of the activities to achieve this purpose.
  - b. The final breakdown and justification of budget categories including direct costs, administrative costs, match/cost-share, and indirect cost rate, if applicable.
  - c. The Final Part 3 Report from HHGMS online quarterly reporting system.
  - d. The final Federal Financial Status Report (SF-425).
  - e. The final invoice for incurred expenses (all budget expenses reported in the SF-425, LOCCS, and placed in HHGMS must match before the grant can be closed out).
  - f. The final quarterly reporting into the HHGMS on-line quarterly reporting system (only if additional housing units were completed and cleared during the closeout period).
  - g. Signed statement by the Authorized Official that the HHGMS award page reflects all fiscal draws, balances, administrative burden, and benchmark counts that are claimed in the Final Report submitted, including confirmation if match commitment was met by listing the source and amount.
- 8.2. Section 3 of the Housing and Urban Development Act of 1968, as amended by the Housing and Community Development Act of 1992 (Section 3), and U.S.C §1701u ensure that employment and other economic opportunities generated by the Federal financial assistance for housing and community development programs are, to the greatest extent feasible, directed toward low- and very low-income persons, particularly those who receive government assistance for housing. The regulations are found at [24 CFR part 75](#). The Grantee must report its Section 3 activities within the HHGMS. More information can be found on [HUD's website](#).
- 8.3. HUD reserves the right to withhold five percent (5%) of the Federal award amount pending the receipt and approval of the Final Report (with supporting documentation).
- 8.4. HUD will notify the Grantee in writing when the grant is closed. After the grant is closed, the Grantee must comply with 2 CFR §200.345 "Post-closeout adjustments and continuing

responsibilities.” The Grantee has the following areas of continuing responsibility after closeout of award:

- a. Records and materials must be kept in a safe place and be accessible to HUD, auditors, and other government officials for at least 3 years from the date of submission of the final expenditure report. This requirement also extends to all sub-grants/subawards and subcontracts the Grantee has executed for over \$10,000.
- b. Accountability for property continues if the Grantee holds the property, or for the period established by the award document. Disposal of property must be in accordance with 2 CFR §200.310-§200.316. See section 35, Program income, regarding the use of those funds.
- c. The Grantee must return any funds due to HUD as a result of later refunds, corrections, or other transactions including final indirect cost rate adjustments.
- d. The Grantee must comply with 2 CFR Part 200 subpart F - Audit Requirements.
- e. The Grantee must notify the GTR and GO if at any time during the three years after the period of performance, the Grantee’s organization is discontinued or changes location. The GTR and GO shall be notified immediately of the new address or the address of the party retaining all records.

See [OLHCHH Policy Guidance 2020-06](#)

## **9. Conduct of Work**

- 9.1. During the period of performance of this grant, the GTR shall be responsible for monitoring the technical effort of the Grantee. The Grantee must allow and fully cooperate with both remote monitoring requests and on-site monitoring visits. Failure to comply with a request associated with remote and on-site monitoring within a reasonable timeframe (determined by the GTR or GO) may result in “high risk” designation, suspension, or termination of the grant. See section 45, Suspension and Termination.
- 9.2. The Grantee or subgrantee shall not engage in any unethical activities during the grant period of performance. See section 6, Code of Conduct. If HUD decides that the Grantee or subgrantee has engaged in unethical activities, the Grantee or subgrantee will be subject to “high risk” designation or suspension until the activities have ceased and assurance acceptable to HUD is given that no further activities will occur. HUD may also take enforcement action under 2 CFR §200.339.
- 9.3. Mandatory Disclosure Requirements - The Grantee and subgrantee must promptly disclose in writing to HUD, all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Failure to make disclosures can result in any of the remedies described in §200.339. Actions taken are subject to section 45, Suspension and Termination.

## **10. Collection of Data**

- 10.1. The collection of data from ten or more respondents and sponsored by HUD shall be subject to the Paperwork Reduction Act (44 U.S.C. 3501-3520). If a survey instrument for a collection of data sponsored by HUD is proposed, it will be subject to review and approval by the Office of Management and Budget (OMB). Such review and approval must be obtained before the use of the survey instrument. Also, the approval time may considerably lengthen the time required for the completion of the proposed project. The Grantee should consider

requiring the use of a survey or other information collection sponsored by HUD. The collection of data is deemed to be sponsored by HUD only under the following conditions (5 CFR 1320.3):

- a. The Grantee is conducting the collection of information at the specific request of HUD; or
- b. The terms and conditions of the grant require specific approval by HUD of the collection of information or collection procedures. If the Grantee decides on its own to collect information and it does not need HUD approval to do so, then HUD is not the “sponsor” of the information collection.

#### **11. Cooperation with HUD-Sponsored Research and Evaluation**

- 11.1. The Grantee shall cooperate fully with any research or evaluation sponsored by HUD, or another government agency associated with this grant program, including preservation of project data and records and compiling requested information in formats provided by the researchers, evaluators, or HUD. This also may include the compiling of certain and relevant local demographic, dwelling unit, and participant data not contemplated in the original proposal. Participant data shall be subject to the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996 (HIPAA). HIPAA and the Privacy Rule can be found at <https://www.hhs.gov/hipaa/index.html>

#### **12. Contact Information Updates**

- 12.1. The Grantee must inform the GTR within 30 days of any changes in contact information, including the organization’s name, address, telephone number, e-mail address, and key personnel or Authorized Official change.

#### **13. Copyrights**

- 13.1. HUD reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use for Federal government purposes: (a) the copyright in any work developed under this award, subaward, or contract awarded under this grant; and (b) any rights of copyright to which a Grantee or subgrantee or a contractor purchases ownership with award funds.
- 13.2. Section 508 of the Rehabilitation Act of 1973 requires all Federal electronic and information technology to be accessible by people with disabilities. All Products of Work that will be posted on HUD’s website must meet [HUD’s Web Publication Standards and Procedures](#).

#### **14. Direct Costs**

- 14.1. Direct costs as defined in 2 CFR §200.413 and these terms and conditions are those costs that can be identified specifically with a particular final cost objective, such as a Federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.



- 14.2. OLHCHH Policy Guidance, “PGI-2015-01-Clarification of Costs for LHRD and LBPHC Grant Programs,” clarifies program costs, administrative costs, direct costs, and indirect costs for Lead-Based Paint Hazard Control (LBPHC) grants and Lead Hazard Reduction Demonstration (LHRD), Healthy Homes and Weatherization Cooperation Demonstration (HHWCD), Older Adult Home Modification Program (OAHMP), and Radon Testing and Mitigation in Public Housing (RTMPH) grants.

## **15. Disputes**

- 15.1. During the performance of the grant, disputes may arise between the Grantee and the GTR, or between the Grantee and the GO. If a dispute with the GTR arises, the Grantee may solicit the assistance of the GO in resolving the dispute, and/or may appeal the determination by the GTR to the GO.
- 15.2. If a dispute with the GO arises, or if the Grantee has appealed a decision by the GTR to the GO, the GO shall prepare a final decision, considering all facts and documentation presented. The decision shall be in writing to the Grantee.
- 15.3. If the Grantee disagrees with the final decision by the GO, the Grantee may appeal the decision to the Director, Grants Services Division, OLHCHH. If the Grantee wishes to submit a second appeal, the Grantee may appeal to the Deputy Director, OLHCHH. If the Grantee disagrees with the appellate decision of the Deputy Director, the Grantee may appeal to the Director, OLHCHH for a final decision.

## **16. Estimated Cost and Payment – Line of Credit Control System (LOCCS)**

- 16.1. The Grantee shall be reimbursed for allowable costs incurred in the performance of work under this grant in an amount not- to- exceed “Total HUD Amount” on the Form HUD-1044.
- 16.2. Line of Credit Control System (LOCCS) is HUD’s primary grant disbursement system. Grant disbursements are facilitated via the Internet through the eLOCCS system. Grantees (Approving Officials and Users) are required to gain access to Secure Systems prior to accessing eLOCCS since it serves as an internet gateway between the public and the internal eLOCCS application.
- 16.3. It is imperative that Grantees thoroughly review [eLOCCS Access Guidelines for Business Partners](#) to obtain all the information needed to obtain a Secure Systems user identification (user ID) and complete the eLOCCS registration process.
- 16.4. Access of authorized personnel to the eLOCCS system is for official use only and the system user ID issued and the subsequent created password by the authorized personnel are to be used solely in connection with the performance of their official responsibilities as a Grantee and may not be used for personal or private gain. eLOCCS users shall not share Secure Systems user IDs or passwords. If user IDs or passwords are found to be shared, access will be terminated. See [Information Technology Security Policy: HUD Handbook 2400.25 REV.5.0](#).
- 16.5. The Grantees (including new and reinstated Users) will need to complete the HUD-27054E form. The form will need to be notarized and sent as an encrypted email to the assigned GO. Password protected forms are not acceptable. Grantees who are adding Lead-Based Paint Abatement Program to their existing authorizations do not need to have the HUD 27054E

notarized.

- 16.6 The Grant Officer must review the form and validate that the Grantee is the correct official accessing the grant, and program area request(s) are accurate. The Grant Officer signs and dates the Form HUD-27054E LOCCS Access Authorization Form acknowledging the review and authorization. The grantee must email (Encrypted) the notarized Form HUD-27054E LOCCS Access Authorization Form to the OLVCHH\_Grantee\_eLOCCS@hud.gov mailbox and Grant Officer for review. Before receiving funds from HUD, the Grantee must also designate a financial institution for HUD to make direct deposit payments through the ACH system. The Grantee must fill out the SF-1199a and email the completed form to your assigned Grant Officer. Please include your grant number and your organization's legal name in the subject line of all emails to your Grant Officer, Government Technical Representative and OLVCHH\_Grantee\_eLOCCS@hud.gov.
- 16.7. The Grantee shall submit to the GTR via the Healthy Homes Grants Management System (HHGMS) the supporting documents (voucher) related to reimbursements requested for work performed. The voucher must be supported by a detailed breakdown of the cost(s) claimed. Grantees are to use the Part 3 – Financial Reporting in accordance with OLVCHH Policy Guidance PGI 2015-02, "Line of Credit Control System (eLOCCS) Reimbursement Procedures". If a Grantee has any questions with this procedure, the individual should contact the assigned GTR.
- 16.8 Funds advanced to the Grantee shall be maintained in an interest-bearing account. Any interest over \$500.00 earned by the Grantee because of the advanced funds shall be promptly returned to HUD by check. Below are the 3 different ways funds can be returned to the Fort Worth Accounting Center:
  1. A check, money order, or cashier's check along with correspondence (including the grant number where the funds should be returned) can be sent to the below HUD lockbox address:

Payee's Name on the Negotiable Instrument: HUD-FAD Collections Ft Worth  
Lockbox Mailing Address: US Bank  
HUD-FAD Collections Ft Worth  
PO Box 6200-05  
Portland, OR 97228-6200
  2. Your bank can send us a wire-see table below:

Bank	Federal Reserve Bank of NY
Bank Address	33 Liberty St., New York, NY 10045
ABA Routing Number (Treasury Department Code)	021030004
Account Number (Agency Location Code)	86011101
Beneficiary Code	D
Account Holder	U.S. Department of HUD (Ft. Worth, TX)
Memorandum/Third Party Information	Grant Name: Grant Number: Attn: HUD OLHCHH Memo: \$\$\$ (enter dollar amount being wired) and State: Drawn on ineligible activity to line of credit

3. Use **pay.gov**. From link: **<https://www.pay.gov/public/form/start/76749239>**. To use this link, the amount must be more than \$100.00. *This link references an ONAP grant repayment but, the other grant program repayments can also use this link.* Please note that the grant number field must be 11 characters long with no dashes in the number. Normal time span for processing funds returned to the line of credit: 10 – 15 days.  
The Grantee may retain up to \$500.00 of interest earned per Grantee’s fiscal year for administrative expenses (2 CFR §200.305(b)(9)).

16.8. State universities and hospitals shall comply with the Cash Management Improvement Act (CMIA, <http://www.fms.treas.gov/cmia/> as it pertains to interest).

## 17. Equipment

17.7. The following equipment is allowable, in accordance with the OLHCHH NOFO for the applicable grant program, to be acquired for the performance of this grant:

- a. X-Ray Fluorescence (XRF) instruments purchased with Federal funds for use in the OLHCHH Grant programs will remain the property of the Grantee under the conditions cited in 2 CFR §200.313, as applicable.
- b. Leasing Motor Vehicles must be used by the Grantee in the program or project for which it was acquired for as long as needed and must not encumber the property without prior approval of the OLHCHH in accordance with 2 CFR §200.313(c).

## 18. Flow Down Provisions

18.7. If the Grantee subawards funds under this agreement with an entity to perform work under this award, the Grantee shall include in the subaward agreement these terms and conditions and any other provisions as may be necessary to ensure that the subgrantees or subrecipients comply with the requirements of the grant.

18.8. In accordance with 2 CFR §200.329, Monitoring and Reporting Program Performance, Grantees are responsible for oversight of the operations of the Federal award supported activities. Grantees must monitor its activities under Federal awards to assure compliance with applicable Federal requirements and performance expectations are achieved. Monitoring

by the Grantee must cover each program, function, or activity. See also 2 CFR §200.332 – Requirements for Pass-Through Entities.

## **19. Single Audit Reporting Requirements**

Under 2 CFR Part 200, subpart F – Audit Requirements, a single or program specific audit must be conducted each fiscal year for non-Federal entities that expend more than \$1,000,000 in Federal awards and submitted to the Federal Clearing House System as a requirement under the Single Audit Act of 1984 (as amended in 1996). Grants may be placed on “high risk” designation, suspended, or terminated for failing to submit the Single Audit Report. See section II.45, Suspension and Termination. The website for the Single Audit Report submission is

<https://harvester.census.gov/facweb/>

## **20. HUD’s Right to Audit and Disallow Cost and Recover Funds**

20.7. The Government reserves the right to recover and recapture any funds that were not expended in accordance with the terms and conditions of this agreement based upon HUD review, the final audit, a monitoring site visit, or any other special audits or reviews undertaken. HUD has the right to order a special audit, even if the Grantee’s auditor or a cognizant agency for audit (2 CFR §200.1) has already conducted one.

20.8. Access to Records of Grantees and Subgrantees – HUD, Inspectors General, the Comptroller General of the United States, and the pass-through entity, or any of their authorized representatives, shall have the right to access any books, documents, papers, or other records of Grantees and subgrantees that are pertinent to the grant, to conduct audits, monitoring visits, and examinations.

20.9. Later Disallowances and Adjustments - the closeout of a grant does not affect:

- a. HUD’s right to disallow costs and recover funds based on a later audit or another review (2 CFR §200.345).
- b. The Grantee’s obligation to return any funds due as a result of later refunds, corrections, or other transactions including final indirect cost rate adjustment (2 CFR §200.345).
- c. Record Retention and Access requirements in 2 CFR Part 200, subpart D – Post Federal Award Requirements, §200.334-§200.337.
- d. Property management and disposition requirements in 2 CFR §200.310 – §200.316
- e. Audit requirements in CFR Part 200, subpart F – Audit Requirements.
- f. The ability of HUD to make financial adjustments to a previously closed award such as resolving indirect cost payments and making final payments.

## **21. Incurrence of Costs**

The Grantee can incur costs for activities beginning on the period of performance start date on the Form HUD-1044. Any costs incurred before the date are not allowable costs unless specifically authorized in writing by the GO with the concurrence of the GTR.

## **22. Indirect (F&A) Cost Rate**

22.7. The Grantee may recover indirect costs in one of following manners:

- a. To recover indirect costs related to Federal awards, organizations must negotiate an indirect cost rate (ICR) with the cognizant Federal agency for indirect costs and present the negotiated and active ICR agreement to HUD.
- b. A recipient other than a state, local, and tribal governments may elect to utilize a 15% de minimis indirect cost rate of modified total direct costs (MTDC). This rate may be used indefinitely until they choose to negotiate for a rate. No documentation is required to justify the 15% de minimis rate. If they have a Federally negotiated ICR, they must utilize that rate.
- c. State, local, and tribal governments may elect to utilize a 15% de minimis indirect cost rate of modified total direct costs (MTDC) only if they receive less than \$35 million in direct Federal funding per year and they do not have a current negotiated rate (including provisional rate). No documentation is required to justify the 15% de minimis rate. If they receive less than \$35 million in direct Federal funding per year and they have developed and maintained an ICR proposal, they may use that indirect cost rate. If they receive over \$35 million in direct Federal funding per year, they must obtain a negotiated ICR to recover indirect costs.

22.8. If the Grantee elects to use the 15% de minimis rate, this methodology must be used consistently for all Federal awards until the Grantee entity chooses to negotiate for a rate, which the Grantee may apply to do at any time. As described in 2 CFR §200.403, costs must be consistently charged as either indirect or direct costs but may not be double charged or inconsistently charged as both.

22.9. In Category 10, the Indirect Costs on the HUD-424-CBW, the Grantee shall enter the Federally negotiated ICR or the de minimis rate of 15%. The Grantee must then apply the appropriate ICR and base (MTDC) to calculate the total estimated indirect cost for the grant. Therefore, in Category 10: Rate x Base = Estimated Cost.

### **23. Inspection and Acceptance**

Inspection, review, correction, and acceptance of all deliverables under this award shall be the responsibility of the GTR.

### **24. Key Personnel**

24.7. The Program Manager must commit at least 50% of their time to grant awards. Before diverting any of the specified individuals to other work, to include reductions in the allocation of time spent on the grant by any of the key personnel, the Grantee shall notify the GO and the GTR reasonably in advance in writing, and shall submit justification (including proposed substitutions with the qualifications and experience of the substitute personnel) in sufficient detail to permit evaluation of the impact on the work effort and quality.

24.8. At a minimum, HUD requires a current resume detailing the individual's experience as it relates to the position being sought. All changes to key personnel (except upon the death of such personnel) must be approved by the GTR in advance and may be denied in writing. No diversion shall be made by the Grantee without the prior written consent of the GO. The day-to-day Program Manager must be experienced in occupational therapy, housing rehabilitation, aging in place modifications, or other work related to the project. The Program Manager must have demonstrated project management experience and must dedicate at least 50 percent of his/her time for the proposed project. It is expected that the Program Manager and any support staff will have all necessary certifications and experience for the job

descriptions for the position.

## **25. Liability Insurance**

25.7. Costs of insurance required or approved and maintained, under the Federal award, are allowable. Costs of other insurance in connection with the general conduct of activities are allowable subject to limitations. See 2 CFR §200.447.

25.8. Medical liability (malpractice) insurance as defined by 2 CFR §200.447, "Insurance and indemnification," is an allowable cost of Federal research programs only to the extent that the Federal research programs involve human subjects or training of participants in research techniques. Medical liability insurance costs must be treated as a direct cost and must be assigned to individual projects based on how the insurer allocates the risk to the population covered by the insurance.

## **26. Limitation on Consultant Payments**

26.7. Consultants may not be paid or provided reimbursement for payment, whether retained by the Federal government or the Grantee, at a rate more than the equivalent of General Schedule 15, Step 10 base pay rate for the current Federal pay year in which the consultant performs services under the grant.

- a. Hourly Pay Limitation – Consultants may not be paid for any one hour an amount of pay that exceeds the hourly rate for GS-15, step 10. An hourly rate is computed by dividing the annual GS-15, step 10, base pay rate by 2,080 hours to find the hourly rate of pay.

26.8. Consultants retained for technical assistance on the grant must provide documentation that they are providing valuable and pertinent advice generally drawn from a high degree of broad administrative, professional, or technical knowledge or experience.

## **27. Limitation Payments to Influence Certain Federal Transactions**

31 U.S.C. §1352 provides, in part, that no appropriated funds may be expended by the recipient of a Federal contract, grant, loan, or cooperative agreement to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any of the following covered Federal actions: the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

## **28. Lobbying Activities Prohibition**

The Grantee is 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), implemented in HUD regulations at 24 CFR Part 87, and to the provisions of the Lobbying Disclosure Act of 1995, P.L. 104-65 (December 19, 1995).



## **29. Eliminating Barriers that May Unnecessarily Prevent Individuals with Criminal Histories from Participation**

In accordance with HUD Secretary Marcia L. Fudge's April 12, 2022, memorandum "Eliminating Barriers that May Unnecessarily Prevent Individuals with Criminal Histories from Participating in HUD Programs," exclusions based on criminal history or activity for grant programs must comply with this section consistent with applicable Federal statutes or regulations. Any reliance on an otherwise eligible participant's arrest record, criminal history, or criminal activity must be based on accurate records and reliable evidence, avoiding exclusions based on arrests only. Before excluding an individual because of an arrest record, criminal history, or criminal activity, you should offer that individual the opportunity to provide evidence of mitigating circumstances, such as the type of crime, the severity of the offense, the length of time since the offense, and evidence of rehabilitation, or that the arrest record is inaccurate.

## **30. Grant Deliverables**

30.1 The Grantee shall complete and submit a final negotiated work plan, benchmarks, and the Grantee's policy and procedures within 60 days after the effective date of the grant. These are subject to review and approval by HUD for incorporation as part of the grant. These revisions shall update the general plan submitted in the Grantee's proposal and include any negotiated changes of the work plan or budget if applicable. The plan shall be developed according to the instructions and benchmark standards that will be provided by the GTR for the grant program as applicable.

30.2 The work plan consists of the goals and time-phased objectives and deliverables for each of the major tasks to be undertaken by the program. Benchmark standards (milestones) have been developed to assist the Grantee plan and implement its program in a timely and cost-effective manner. A revised budget, in accordance with the final negotiation, shall be submitted (if necessary). The policy and procedures shall also include a detailed narrative description of how assistance and funding will flow from the Grantee to the actual performers of the hazard reduction work; the selection process for subrecipients and vendors; the selection process for the particular properties to be abated, the lead hazard control activities to be undertaken, and the screening, health, and other measures to be taken to protect children and other occupants. Where the tasks are interdependent, the work plan and policy and procedures shall indicate how each interdependent task will provide needed inputs to the others. (See section II.38, "Project Management.")

## **31. Order of Precedence**

31.7. In the event of any inconsistency among any provisions of this grant, the following order of precedence shall apply:

- a. Constitution of the United States
- b. Federal Statutes
- c. Federal Regulation (including 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards)
- d. Executive Orders
- e. The applicable NOFO
- f. OLHCHH Grant Programs Policy Guidance  
([https://www.hud.gov/program\\_offices/healthy\\_homes/lbp/pg](https://www.hud.gov/program_offices/healthy_homes/lbp/pg)) and other OLHCHH policies

- g. Grant Agreement (Form HUD-1044), including Terms and Conditions
- h. Special conditions
- i. Management and work plan
- j. Grantee's proposal (if incorporated, except for the management and work plan)

### **32. Patent Rights (Small Business Firms and Nonprofit Organizations)**

Patent rights are as specified in 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements." Inquiries regarding this Patent Rights clause should be directed to the GTR identified on the Form HUD-1044 via email.

### **33. Period of Performance (POP) Extensions, Incurring Costs, and Obligating Federal Funds**

- 33.7. The Grantee shall complete all benchmark goals and objectives stipulated in this award agreement during the period of performance specified on the Form HUD-1044, "Assistance Award/Amendment and Continuation Sheet." Grantees are to comply with the requirements of 2 CFR 200, subpart E - Cost Principles in charging costs to the grant. All obligations incurred under the award must be liquidated no later than 120 days after the end of the period of performance. The preparation of the final administrative and financial reports is to be completed within 120 days after the end of the period of performance.
- 33.8. The Grantee shall not incur costs or obligate funds for any purpose pertaining to the operation of the project, program, or activities beyond the period of performance end date stipulated in the award. The only costs which are authorized for a period of up to 120 days following the period of performance date are those strictly associated with closeout activities. Closeout activities are normally limited to the preparation of final progress report, final financial report, and required project audit reports unless otherwise approved in writing by the GO in consultation with the GTR.
- 33.9. An extension of the award period can be authorized only by the GO by executing a new amendment with the concurrence of the GTR. Neither verbal assurances, nor written assurances, of funding from other than the GO shall constitute authority to obligate funds for programmatic activities beyond the period of performance.
- 33.10. The OLHCHH has no obligation to provide any additional funding. Any amendment of the award to increase funding or extend the period of performance is at the sole discretion of the OLHCHH.

### **34. Pre-Award Costs**

Before the effective date of the grant, a Grantee may, at its own risk, incur pre-award costs with the prior written approval of the GO with the concurrence of the GTR. Pre-award costs are those incurred before the effective date of the award directly according to the negotiation and in anticipation of the award where such costs are necessary to comply with the proposed delivery schedule or POP. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the award and only with the approval of the awarding agency.

### **35. Profit**

No increment above cost shall be paid to the Grantee or any subgrantee or subrecipient under this award. Profit is unallowable.

### **36. Program Income**

Any program income derived because of this award, including royalties, whether obtained during or after the period of performance, shall be added to funds committed under the Grantee's award to further activities eligible for assistance under this award under 2 CFR Part 200 as applicable, including 2 CFR §200.307. The program income must be used for the purposes and under the conditions of this award. If not contained in the work plan or under special conditions itemized in these provisions, before using program income to further the objectives of the grant program, the parties shall mutually agree by written amendment on the use of program income.

### **37. Program Services Model**

37.1 The minimum requirements of the services to be provided by the Grantee are detailed in the NOFO (Grants.gov Opportunity #: FR-6800-N-69) in section III.F.14.

### **38. Project Management**

38.1 Deliverables - The Grantee shall include a schedule listing all significant project benchmark milestones, and dates for submission of all project deliverables including quarterly project reports, interim reports where appropriate, the Final Report, and financial reports utilizing the HUD-425. Upon approval of the work plan, the Grantee shall ensure all deliverables identified in the work plan and benchmark schedule are delivered on time.

38.2 Quarterly Progress Reports - Quarterly reports will be due no later than 30 days after the quarter ends following the initiation of the grant through project close-out, but should be submitted as soon as possible after the end of the quarter. If a due date falls on a Federal weekend or holiday, or an otherwise-closed HUD workday in Washington, DC, it shall be extended to the next Federal workday in Washington, DC, without affecting subsequent due dates. Quarterly reports must reflect activities undertaken, obstacles encountered, solutions achieved, and accomplishments in each calendar quarter. Also, a separate document illustrating the match contribution for each quarter is required. Contracts, training materials, protocols, rosters of persons trained, outreach and educational materials prepared, and other significant products developed to implement, analyze or control the project or disseminate information shall be submitted with the quarterly reports as attachments.

38.3 Federal Financial Report (FFR) Standard Form-425 - The Grantee shall submit an FFR for each grant quarterly. FFRs are due 30 days after the quarter ends. A final FFR shall be required after the award agreement and shall use the end date of the project or grant period as the reporting end date. Final reports shall be submitted no later than 120 days after the project or grant period end date. Extensions of reporting due dates may be approved by the GTR upon request of the recipient.

38.4 The Grantee shall use HHGMS, or a replacement system selected by the OLHCHH, after notifying the Grantee. The reporting system requires the submission of a work plan with specific, time-phased, and realistic goals, objectives, and benchmark milestones established. Quarterly status reports that show progress and measure performance of the program in meeting approved

work plan goals, objectives, and benchmark milestones shall be submitted. The reporting system utilizes quantifiable data and a narrative description of progress.

38.5 The Grantee is advised that failure to submit timely quarterly progress reports will result in not having its "eLOCCS Request Voucher for Grant Payment" processed and/or approved for payment until the quarterly progress report is submitted to HUD.

38.6 Annual Reports - [Race and Ethnic Data Reporting Form HUD-27061](#) - The form must be submitted annually by January 10.

38.7 Final Report - The Final Report shall summarize the applicant's plans, execution of the plans, achievements noted, and lessons learned. The report need not be lengthy but should be of a quality and detail to provide a freestanding description to any outside reader of all the applicant's work and achievements under the grant and compare the Grantee's proposal of achievements with actual results. Specific and detailed guidance on preparing the forms and the narratives may be obtained from the GTR identified on the Form HUD-1044. See section II.9, Closeout and [Policy Guidance](#) Number 2020-06 "Closeout Procedures for OLHCHH Grantees."

### **39. Publications and News Releases**

39.1 The results of work conducted under the award may be made available to the public through dedication, assignment by HUD, or other means, as HUD shall determine.

39.2 Interim and final reports may not be published by the Grantee or any subrecipients participating in the work for sixty days (60) after acceptance of the deliverables by the GTR.

39.3 All deliverables, or any part thereof, and any independent products and special products arising from this award, when published by the Grantee or other participants in the work shall contain the following acknowledgment and disclaimer:

"The work that provided the basis for this publication was supported by funding under an award with the U.S. Department of Housing and Urban Development. The substance and findings of the work are dedicated to the public. The author and publisher are solely responsible for the accuracy of the statements and interpretations contained in this publication. Such interpretations do not necessarily reflect the views of the Government."

39.4 Copies of all press releases, formal announcements, and other planned, written issuances containing news or information concerning work products or activities of this award that may be made by the recipient or its staff, or any subrecipient or other person or organization participating in the work of the award, shall, whenever possible, be provided to the GTR for review and comment at least two weeks before the planned release but in no event, later than coincidental with the release.

### **40. Release of Funds and Environmental Certification**

40.1 Proposed projects involving repair or rehabilitation above the maintenance level require an environmental review by HUD. That environmental review includes consultation with the State Historic Preservation Officer and compliance with other Federal environmental requirements listed at 24 CFR §50.4. Project implementation may be delayed 30 to 60 days, pending completion of the environmental review, and approval by HUD. To the greatest extent feasible, awardees of OAHMP should select the home modifications identified in the

“maintenance” column of the table in Appendix B, Home Modifications/Repairs. Proposed projects that meet the definition of maintenance will not require an environmental review or approval by HUD, and the Grantee may proceed with implementation.

40.2 Award of an FY2024 OLHCHH grant does not constitute approval of specific sites where activities that are subject to environmental review may be carried out. Recipients conducting eligible construction, rehabilitation, repair, weatherization, or related hazard remediation work must comply with 24 CFR Part 58, “Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities,” or, if specified in the Notice of Funding Opportunity for the award, 24 CFR Part 50, “Environmental Assessment.” Except when Part 50 is specified. Recipients that are states, units of general local government, or Native American tribes must carry out environmental review responsibilities as responsible entities, defined under Part 58. For the Older Adults Home Modification grant program, recipients that are not-for-profit firms, educational or for-profit institutions must contact and partner with the responsible entity, usually the unit of general local government or Native American tribe of the target area(s), to assume the environmental review responsibilities. Should the responsible entity object to performing the environmental review, or the non-governmental recipient is unable to identify a responsible entity with whom they can partner to perform the environmental review, HUD may designate another responsible entity to perform the review or may perform the environmental review itself under the provision of 24 CFR Part 50. For the Older Adults Home Modification grant program, recipients that are not states, units of general local government, or Native American tribes, HUD will perform the environmental review. For all grants under the NOFO, recipients and other participants in the project are prohibited from undertaking, or committing, or expending HUD or non-HUD funds (including match funds) on, a project or activities under the NOFO (other than activities listed in 24 CFR §§58.34, 58.35(b) or 58.22(f)) until the responsible entity completes an environmental review and the applicant submits and HUD approves a Request for the Release of Funds and the responsible entity's environmental certification (both on the HUD-7015.15) or, in instances where HUD performs the environmental review under Part 50, HUD has completed the review and notified the grantee of its approval. The results of the environmental review may require that proposed activities be modified, or proposed sites rejected.

40.3 HUD will not make additional payments from the amount awarded to a Grantee for lead hazard and healthy homes evaluation or control until the Grantee's contractors and workers are qualified for the activities according to 24 CFR Part 35 (possessing certification as abatement contractors, risk assessors, inspectors, abatement workers, or sampling technicians, or others having been trained in a HUD-approved course in lead-safe work practices). Any additional funds requested by the Grantee shall be requested in accordance with section II.17, “Estimated Cost and Payment - Line of Credit Control System (LOCCS).”

#### **41. Review of Deliverables**

41.1 Deliverables include, but are not limited to:

- a. All interim and final reports;
- b. Survey instruments required by the work plan, if applicable;
- c. Other physical materials and products produced directly under the work plan of this grant, if applicable;
- d. Match, in-kind and leverage commitments, if applicable.

41.2 The GTR shall be responsible for HUD review, receipt of corrections from the Grantee, and acceptance of the operational deliverables, above, of this grant. Such review(s) shall be

carried out promptly by the GTR, so as not to impede the work of the Grantee. Acceptance of the deliverable(s) shall be issued in writing by the GTR, with comments and/or required corrections, within thirty (30) days of the date of the GTR's receipt of such product from the Grantee. The Grantee shall carry out the required corrections if any, provided by the GTR and shall promptly return a revised copy of the product to the GTR. The basis for acceptance shall be the Grantee's good faith efforts to complete the deliverables of this grant. The GTR's review, correction, and acceptance of narrative deliverables shall be limited to:

- a. Identification of omissions or errors of fact, methodology, or analysis;
- b. Comments on technical such as methods;
- c. Deletion of irrelevant materials; and
- d. Improvements in style readability.

#### **42. Sanctions**

Failure to comply with the Federal statutes; regulations, including 2 CFR Part 200; or the requirements established in the award and these provisions, including failure to submit reports on time and in accordance with the requirements contained in these provisions, may result in the GTR/GO taking action to limit access to program funds. Actions by the GTR/GO may include but are not limited to requiring that reports and financial statements be submitted to the GTR/Grant Officer for approval before drawing down any funds; suspending the ability to incur costs or draw funds; and/or suspending or terminating the grant for non-performance as defined in section II.46, Suspension and Termination. HUD may take enforcement action under 2 CFR §200.339, as applicable.

#### **43. Scope of Work**

The Grantee shall furnish the necessary personnel, materials, services, equipment, facilities (except as otherwise specified herein) and otherwise do all things necessary for or incidental to the performance of the work outlined in the Grantee's original/revised application under this NOFO as well as the subsequent statement of work, work plan, and benchmark schedule.

#### **44. Substantial Involvement**

44.7. Anticipated substantial involvement by HUD staff for cooperative agreements may include but will not be limited to:

- a. Review and suggestion of amendments to the program design, including: selection of, and guidance in the use of, partners to encourage awareness of the program and enrollment in it by eligible families and contractors; techniques for addressing needs of older adults in urbanized areas and in rural communities; planning for and implementing collection and analysis of data on the benefits, if any, of the program for the older adults served by the program; collaboration with any HUD research on the OAHMP program, as necessary.
- b. Review and provision of recommendations in response to quarterly progress reports and other information provided by the Grantee or otherwise obtained by HUD, such as recommending amendments to the Grantee's program design and/or implementation based on preliminary results.
- c. Review and provision of technical recommendations on the interim and final reports on the benefits, if any, of the program for the older adults.



#### **45. Special Conditions**

Special conditions to this award are listed on the Form HUD-1044 Continuation Sheets.

#### **46. Suspension and Termination**

- 46.7. The GO may, on reasonable notice to the Grantee temporarily suspend the award and withhold further payments pending corrective action by the Grantee. The award may be terminated in whole or in part before the end of the performance period when the Grantee has failed to comply with the terms, conditions, standards, or provisions of this award, or if an award no longer effectuates the program goals or agency priorities. The award may be terminated for convenience when both parties agree that the continuation of the award would not produce beneficial results. Action will be taken in accordance with 2 CFR § 200.339 – § 200.343.
- 46.8. Effects of Suspension and Termination - Costs of the Grantee or subgrantee resulting from obligations incurred by the Grantee or subgrantee during a suspension or after the termination of an award are not allowable unless HUD expressly authorizes them in the notice of suspension or termination. Other Grantee or subgrantee costs during suspension or after termination which are necessary and not reasonably avoidable are allowable if:
- a. The costs result from financial obligations which were properly incurred by the Grantee or subgrantee before the effective date of suspension or termination, are not in anticipation of it; and
  - b. The costs would be allowable if the award was not suspended or expired normally at the end of the period of performance in which the termination takes effect.
- 46.9. Relationship to Debarment and Suspension - The enforcement remedies identified in this section, including suspension and termination, do not preclude the Grantee or subgrantee from being subject to “Debarment and Suspension” under Executive Orders 12549 and 12689, 2 CFR Part 180 as outlined in CFR § 200.339.

# APPENDIX - LIST OF ACTIONS DUE

Action	Due Date (deliverables may be provided earlier)
<b>Program start up activities:</b> hire qualified grant staff, submit HHGMS contact form, work plan, written policies and procedures, benchmarks/milestones, your organization's code of conduct, LOCCS access form, and certify that your organization has informed their employees of their whistleblower rights and protections in writing.	60 days after the effective date of grant.
Request for release of funds and certification, if applicable.	60 days after the effective date.
Institutional Review Board approval (if applicable)/approval of request for release of funds and certification.	120 days after the effective date.
Grant work/deliverables.	As per benchmarks following Institutional Review Board approval and/or approval of request for release of funds and certification.
Quarterly progress reports with a separate attached document illustrating match/cost sharing status and a current SF-425.	30 days after the quarter ends, i.e., January 30, April 30, July 30, October 30
FFATA sub-award reporting system. (See section 1.4).	By the end of the month following the month in which the Grantee awards a subaward greater than or equal to \$30,000.f
Economic opportunities for low- and very low-income persons (Section 3) completed in HHGMS.	Within 30 days of the end of the Grantee fiscal year-end.
Race and ethnic data reporting.	January 10 <sup>th</sup> annually.
Annual single audit.	Annually based on the Grantee's fiscal year.
The 90-day letter confirms all elements outlined in the grant have been met.	This will be sent to the Grantee by the GO 90 days prior to the period of performance end date. Grantees are required to respond and inform their GTR in writing if a non-cost extension is needed to complete their grant deliverables.
Final Reports (programmatic and final SF-425) (See section II.9)	120 days after the end of the period of performance.

**Exhibit C**

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

**Lead Hazards Control and Healthy Homes**

**Older Adult Home Modifications Grant Program**

**Grant Procurement Standards**

**Policy Guidance number 2017-04**



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, DC 20410-3000

OFFICE OF LEAD HAZARD CONTROL  
AND HEALTHY HOMES

<b>Policy Guidance Number: 2017-04</b>		<b>Date: September 18, 2017</b>
<b>SUBJECT:</b>	<b>Office of Lead Hazard Control and Healthy Homes Grant Procurement Standards</b>	
<b>STATUS:</b>	<b>Current</b>	
<b>APPLICABILITY:</b>	<b>ALL OLHCHH Grants and Cooperative Agreements Fiscal Year 2015 to Current</b>	
<b>RELATED FEDERAL REGULATIONS:</b>	<b>OMB Uniform Guidance: 2 CFR § 200.317 through § 200.326 OMB guidelines on debarment and suspension: 2 CFR part 180 Federal Acquisition Regulations: Parts 6, 13, 14, and 15 OLHCHH Policy Guidance 2017-02, Determining Subrecipient or Contractor Classification</b>	
<b>COMMENTS:</b>		

This Policy Guidance is being issued to provide guidance and instructions on procurement standards and methods to be used by the Non-Federal Entities that are recipients or subrecipients of grants and cooperative agreements (collectively, here, “grants”) from the Office of Lead Hazard Control and Healthy Homes (OLHCHH). The OLHCHH’s grantee must provide a copy of its procurement policies and procedures to OLHCHH during the grant negotiations.

A Non-Federal Entity must: (1) Provide for the fair and equitable treatment of all persons or firms involved in purchasing; (2) Assure that supplies, equipment or services are procured efficiently, effectively, and at the most favorable prices; (3) Promote competition in contracting; (4) Provide safeguards for maintaining a procurement system of quality and integrity; and (5) Assure that the Non-Federal Entity purchasing actions are in *full compliance with 2 CFR § 200.317 through § 200.326, the grant agreement, and OLHCHH’s Policies.*

### **APPLICATION**

Per 2 CFR § 200.318(a), the Non-Federal Entity must use its own documented procurement procedures which reflect applicable State and local laws and regulations, if the procurements conform to applicable Federal law and the standards identified in the above, “Related Federal Regulations” section. Therefore, this policy guidance applies to all contracts for the procurement of supplies, equipment or services entered by the Non-Federal Entity ***approved*** by the Grants Service Division, OLHCHH in accordance Policy Guidance 2017-02, *Determining Subrecipient or Contractor Classification*. It shall apply to every expenditure of funds under a contract with the Non-Federal Entity reimbursed by the OLHCHH.

When both OLHCHH and non-Federal funds are used for a project, the work to be accomplished with the funds should be separately identified, and the provisions of this Policy must be applied to the work financed by OLHCHH. If it is not possible to separate the funds, the provisions of this policy guidance shall be applied to the total project or service being provided.

The term “procurement,” as used in this policy guidance, includes both contracts and modifications (including change orders) for services, as well as purchase, lease, or rental of materials, supplies, and equipment. See Policy Guidance 2017-02 for the meaning of “contracts” as used in this policy guidance.

Much of this policy guidance is based on the Office of Management and Budget’s Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR part 200; “Uniform Guidance”). The various sections of the Uniform Guidance discussed below are available within the electronic Code of Federal Regulations ([www.ecfr.gov](http://www.ecfr.gov)) website.<sup>1</sup>

***Contract Claims and Disputes:*** In accordance with 2 CFR § 200.318(k), the ***Non-Federal Entity alone must be responsible***, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the Non-Federal Entity of any contractual responsibilities under its contracts. The OLHCHH will not substitute its judgment for that of the Non-Federal Entity unless the matter is primarily a Federal concern. Violations of law will be referred to the local, State, or Federal authority having proper jurisdiction.

***Debarment and Suspension:*** No contract award may be made to parties listed on the government-wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines on debarment and suspension at 2 CFR part 180.<sup>2</sup>

***Prompt Payments to Contractors*** must adhere to 2 CFR § 200.305, Payment: The Non-Federal Entity must make timely payment to contractors in accordance with the contract provisions. When the reimbursement method is used, the pass-through entity must make payment within 30 calendar days after receipt of the billing, unless the OLHCHH or pass-through entity reasonably believes the request to be improper (See 2 CFR § 200.53, Improper Payments). Note that, if non-federal laws or regulations applicable to a Non-Federal Entity specify a shorter prompt payment period, the Entity must comply with that shorter period.

## **PROCUREMENT ADMINISTRATION**

The Non-Federal Entity must have a contract administration system that is maintained to assure that contractors perform in accordance with their contracts, which provides for the proper inspection of supplies, services, or equipment as well as monitoring contractor performance, status reporting on contracts, and similar matters. Contract Provisions must be in accordance with 2 CFR § 200.326: The Non-Federal Entity's contracts must contain the applicable provisions described in Appendix II

<sup>1</sup> [www.ecfr.gov/cgi-bin/text-idx?node=pt2.1.200](http://www.ecfr.gov/cgi-bin/text-idx?node=pt2.1.200)

<sup>2</sup> <https://www.ecfr.gov/cgi-bin/text-idx?node=pt2.1.180>

to Part 200, Contract Provisions for Non-Federal Entity Contracts Under Federal Awards. (Note that the nature of the Grantee's contract administration system is a topic that is discussed during grant negotiations.)

The Non-Federal Entity must have written policies and procedures for procurement transactions. A copy of the written policies and procedures must be provided to the OLHCHH prior to the awarding of the grant or cooperative Agreement. These policies and procedures must ensure that all solicitations: Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Guidance on implementing the procurement methods discussed in this policy guidance is provided in the Federal Acquisition Regulations (FAR; title 48 of the CFR; [www.acquisition.gov](http://www.acquisition.gov)); specific FAR provisions are cited below.

***All procurement transactions*** must be conducted in a manner providing full and open competition consistent with the standards of this policy, including the special procurement methods below. To ensure objective contractor performance and eliminate unfair competitive advantage or even the appearance of such an advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals ***must be excluded*** from competing for such procurements.

Assistance to Small and Minority Businesses: ***As a required effort***, the Non-Federal Entity should make good faith efforts to ensure those small businesses and minority-owned businesses, women's business enterprises, and individuals or firms located within or owned in substantial part by persons residing in the area where the work or services for the grant are being used when possible. Such efforts shall include, but shall not be limited to:

- Including such firms, when qualified, on solicitation mailing lists;
- Encouraging their participation through direct solicitation of bids or proposals whenever they are potential sources;
- Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by such firms;
- Establishing delivery schedules, where the requirement permits, which encourage participation by such firms;
- Using the services and assistance of the Small Business Administration;
- Requiring prime contractors, when subcontracting is anticipated, to take the steps listed above.

Contracts and modifications must be in writing, clearly specify the desired supplies, equipment or services, and be supported by sufficient documentation regarding the history of the procurement, including as a minimum the rationale for the procurement method chosen, the contract type, the rationale for selecting or rejecting offers, and for procurements more than the "Simplified Acquisition Threshold" (see the Small Purchase Procedures segment, below), and a price or cost analysis supporting the basis for the contract price.



## **METHODS OF PROCUREMENT TO BE FOLLOWED**

*The Non-Federal Entity must use one of the following methods of procurement:*

**BLANKET PURCHASE AGREEMENTS (BPA):** A BPA is a simplified method of filling anticipated repetitive needs for supplies or services. The grantee (or other buyer) establishes an agreement to be able to purchase services or materials, under a specified performance work statement or product performance criteria statement, with qualified firms at specified prices. This eliminates the need for issuing individual purchase documents.

Once a BPA has been established, task or delivery orders can be placed without further competition. BPAs may be used for a variety of expendable supplies and services and are particularly attractive when the exact items, quantities and delivery requirements are not known in advance. The process to set up a BPA will save your grant or cooperative agreement time and money while making your purchasing quicker and easier. Prior to following the small purchasing procedures established below, the grantee will have created an historical database on their re-occurring purchases. After obtaining an estimate on the volume or quantities of a list of products, the grantee uses that information to solicit quotes or discount rates from several contractors. By using the purchasing power of greater quantities, the grantee secures better pricing. The maximum total value of a Small Purchase BPA, for which the contractors may be put on the list using the small purchase procedures, below, is \$150,000 per contractor. Similarly, BPAs may be established for total values per contractor above the small purchase threshold by using the Sealed Bid procurement method, below, for unit price awards under the BPA (for example, establishing a contractor's base unit price per home to have lead hazard control work conducted, and a per-room supplemental unit price for a home with more than a specified number of major rooms – not counting hallways, staircases, closets, etc.).

The federal procedures for using BPAs are found at FAR subpart 13.303; these may be used as guidance for BPA contracting by Non-Federal Entities.<sup>3</sup> Even though the General Services Administration (GSA) Multiple Awards Schedule (MAS) contracting process is unavailable for contracting under lead hazard control grants, grantees may wish to identify local contractors from the schedule for soliciting proposals. See, for example, the GSA MAS Summary: Professional Services Schedule,<sup>4</sup> for the schedules for Advertising Services (category 541) (usable for recruitment campaigns); Other Direct Costs for Advertising Services (541 1000); Environmental Consulting Services (899 1); and Environmental Training Services (899 3); among others. Of course, when EPA or State lead certifications are required (such as for lead-based paint abatement, lead-safe renovation, lead-based paint inspection, and/or lead risk assessment), contractors must have those certifications; see the EPA's lead website for a link for identifying certified firms.<sup>5</sup>

See Policy Guidance 2017-02, "Determining Subrecipient or Contractor Classification," when the BPA method is used for a homeowner or landlord to choose a contractor provided by the grantee to

<sup>3</sup> [www.acquisition.gov/sites/default/files/current/far/html/Subpart%2013\\_3.html](http://www.acquisition.gov/sites/default/files/current/far/html/Subpart%2013_3.html)

<sup>4</sup> [www.gsaelibrary.gsa.gov/ElibMain/scheduleSummary.do?scheduleNumber=00CORP](http://www.gsaelibrary.gsa.gov/ElibMain/scheduleSummary.do?scheduleNumber=00CORP)

<sup>5</sup> [www.epa.gov/lead/lead-based-paint-activities-professionals](http://www.epa.gov/lead/lead-based-paint-activities-professionals)

perform the work on their property. As described in that policy guidance, a homeowner or other individual housing owner (e.g., a person who is the landlord) is a beneficiary of the grant, and cannot be a subrecipient of the Grantee. Accordingly, a homeowner or individual landlord may not be reimbursed by the Grantee for contracting with a lead hazard assessment or control contractor, nor with a housing hazard assessment or mitigation contractor, whether contracted through a BPA or otherwise, and may not be named on any payment (check or electronic funds transfer) to any of the contractors under the grant.

***PROCUREMENT BY MICRO-PURCHASES:*** In accordance with 2 CFR §§ 200.320(a) and 200.67, the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold. As of the publication of this Policy Guidance, micro-purchase threshold \$3,500 (see 48 CFR § 2.101, Definitions). Micro-purchases must follow simplified acquisition procedures that are a subset of a non-Federal entity's small purchase procedures to expedite its lowest-dollar small purchase transactions and minimize administrative burden and cost. To the extent practicable, the Non-Federal Entity must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the Non-Federal Entity considers the price to be reasonable. The federal procedures for using micro-purchases are found at FAR subpart 13.2; these may be used as guidance for micro-purchase contracting by Non-Federal Entities.<sup>6</sup>

***PROCUREMENT BY SMALL PURCHASE PROCEDURES:*** In accordance with 2 CFR § 200.320(b), relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the Simplified Acquisition Threshold. As of the publication of this Policy Guidance, the Simplified Acquisition Threshold is \$150,000 (see 48 CFR 2.101, Definitions). If small purchase procedures are used, price or rate quotations must be solicited from an adequate number of qualified sources. Typically, at least three quotations must be solicited, although for larger procurements, it may be desirable to solicit quotations from more, e.g., five or seven. The federal procedures for using small purchase procedures are found at FAR subpart 13.3; these may be used as guidance for small purchase procedures contracting by Non-Federal Entities.<sup>7</sup>

***PROCUREMENT BY SEALED BIDS*** (Formal advertising): In accordance with 2 CFR § 200.320(c), bids are publicly solicited, and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The requirements for this method are described in paragraphs under § 200.320(c). The federal procedures for using small purchase procedures are found at FAR subpart 14; these may be used as guidance for sealed bid contracting by Non-Federal Entities.<sup>8</sup>

***PROCUREMENT BY COMPETITIVE PROPOSALS:*** In accordance with 2 CFR § 200.320(d), this technique is normally conducted with more than one source submitting an offer, and either a

<sup>6</sup> [www.acquisition.gov/sites/default/files/current/far/html/Subpart%2013\\_2.html](http://www.acquisition.gov/sites/default/files/current/far/html/Subpart%2013_2.html)

<sup>7</sup> [www.acquisition.gov/sites/default/files/current/far/html/Subpart%2013\\_3.html](http://www.acquisition.gov/sites/default/files/current/far/html/Subpart%2013_3.html)

<sup>8</sup> [www.acquisition.gov/far/html/FARTOCP14.html](http://www.acquisition.gov/far/html/FARTOCP14.html)

fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. The requirements for this method are described in paragraphs under § 200.320(d). The federal procedures for using small purchase procedures are found at FAR subpart 15; these may be used as guidance for competitive proposals contracting by Non-Federal Entities.<sup>9</sup>

***PROCUREMENT BY NONCOMPETITIVE PROPOSALS:*** In accordance with 2 CFR § 200.320(f), procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the circumstances below apply. The federal procedures for using sole-source procedures are found at FAR section 6.302-1, with the requirements for the sole-sourcing justification found at FAR subpart 6.303; these may be used as guidance for noncompetitive contracting by Non-Federal Entities.<sup>10</sup>

- The item is available only from a single source;
- The public exigency (an urgent need or demand) or emergency for the requirement will not permit a delay resulting from competitive solicitation;
- The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the Non-Federal Entity; or
- After solicitation of several sources, competition is determined inadequate.

#### **FOR FURTHER INFORMATION**

If you have any questions, please contact your grant's Government Technical Representative.

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<sup>9</sup> [www.acquisition.gov/far/html/FARTOCP15.html](http://www.acquisition.gov/far/html/FARTOCP15.html)

<sup>10</sup> [www.acquisition.gov/far/html/Subpart%206\\_3.html](http://www.acquisition.gov/far/html/Subpart%206_3.html)

**Exhibit D**  
**Budget Spreadsheet**



# OAHP 2021

[illegible]

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**Exhibit E**

**Budget Narrative**

## **Budget Narrative Sub Grantee**

Bluegrass Care Navigators is the Sub-grantee for Lexington-Fayette Urban County Government on the FY 2024 Older Adult Home Modification Program Grant. Bluegrass Care Navigators' budget contains the following expenses:

### **1. Personnel (\$383,926.92)**

**Occupational Therapist:** to be determined 100% of the time weekly. This position will be responsible for oversight of daily project administration; Ensuring project goals are met and communicated to stakeholders; Leading targeted outreach activities to identify/engage eligible beneficiaries; Documenting beneficiary/legal guardian consent to participate; Maintaining comprehensive records; Conducting in-home interviews and in-home assessments, utilizing HUD PD&R evaluation forms; Completing work orders. Conducting follow-up assessments and inspections post-modification, and ensuring evaluation forms and data collection are submitted properly. (Direct Cost \$ 301,392)

**Transitional Care Program Manager:** Jamie Cody, 10% of the time weekly. This position will serve as the direct supervisor for the Occupational Therapist, managing daily operations. Conducting meetings and assisting in the implementation of program policies and procedures. Ensuring compliance with Grantor regulations and adherence to the sub-recipient agreement with LFUCG. Managing the program budget and overseeing regular monthly billing to LFUCG. (Admin Cost \$ 32,385.60)

**Occupational Therapist Assistant:** To be determined, 10% of the time weekly. This position will be allocated to the proposed program as the client base grows in years 2 and 3 of the grant. Under the oversight of the OT Program Manager, this position will assist with home assessments, interviews, and follow-up visits and evaluations following the completion of home modifications. (Direct Cost \$ 31,200.00)

**Social Worker:** 5% of the time weekly. This position will support program clients who require additional assistance, ensuring that their needs are met comprehensively. Providing tailored support to clients facing unique challenges, extending services beyond the scope of the OAHMGP. Offering guidance and resources to address client-specific barriers, such as housing stability, healthcare access, or other essential services. Collaborating with the Transitional Care team to develop individualized plans for clients requiring intensive support. Documenting client interactions and maintaining compliance with program guidelines and reporting requirements. Serving as an advocate for clients, connecting them with community resources and partner organizations. (Direct Cost \$18,949.32)

2. **Fringe Benefits (\$95,981.73)**

Program Manager/ Occupational Therapist, Fringe benefits include, Medicare, FICA, Health Insurance, Dental Insurance, Life & Disability Insurance, 401(k), Flex Plan, Tuition Expenses, and Unemployment (Direct Cost \$75,348)

Transitional Care Program Manager, Jamie Cody, Fringe benefits include Pension, Medicare, FICA, Health Insurance, Dental Insurance, Life & Disability Insurance, 401(k), Flex Plan, Tuition Expenses and Unemployment (Admin Cost \$8,096.40)

Occupational Therapist Assistant, Fringe benefits include Pension, Medicare, FICA, Health Insurance, Dental Insurance, Life & Disability Insurance, 401(k), Flex Plan, Tuition Expenses and Unemployment (Direct Cost \$7,800)

Social Worker, Fringe benefits include Pension, Medicare, FICA, Health Insurance, Dental Insurance, Life & Disability Insurance, 401(k), Flex Plan, Tuition Expenses and Unemployment (Direct Cost \$4,737.33)

3. **Travel (\$10,296)**

3a . **Mileage: \$10,296**

Mileage reimbursement for program staff making home visits to clients at the Kentucky State government established rate of \$0.45. This covers the Occupational Therapist 15,600 avg. miles (Direct Cost \$7,020), OT assistant 4,160 avg. miles (Direct Cost \$1,872), and a social worker 3120 avg. miles (LCSW) (Direct Cost \$1,404). (Total Direct Cost \$10,296)

3b. Transportation Airfare - N/A

3c. Transportation Other – N/A

3d. Per Diem or Subsistence -N/A

4 **Equipment – N/A**

5. **Supplies and Materials (4,250.00)**

5a. **Consumable Supplies:**

general office supplies, for example, file folders, note pads, pens, and paperclips (Admin Cost \$1500)

Data Pan for the Occupational Therapist 36 mo. (Other Direct Cost \$540)

Data Pan for OT Assistant 24mo (\$360ea 720) (Other Direct Cost total \$2,760)

**5b. Non-Consumable Supplies:**

Laptop for the Occupational Therapist while working in the client's home, Direct Cost (\$1,250.00), Tablet and the case for OT assistant to use while working with clients in their home (\$1200 total) (Other Direct Cost Total \$2450)

**6. Consultants - N/A**

**7. Contracts and Sub-Grantees -**

Hoarding and Dumpster services for clients who need help removing excess clutter and belongings to get the required services through the program. (6 at \$2027ea. Total other direct \$12,162.00)

**8 Construction Cost – N/A**

**9. Other Direct Cost (\$13,500.00)**

Recruitment expenses for OT & OT Assistant positions, job posting (Other Direct Cost \$1500)

Program Marketing/ advertising & printing per year for the program will be handled by BCN (Other Direct Costs \$9,000)

Translation/Adaptation Services for LEP clients or those with communication-related disabilities (Other Direct Costs \$3,000)

**10. Indirect Cost (\$52,107.67)**

Indirect costs cover the administrative overhead expenses necessary for the provision of the Occupational therapist and other BCN staff assigned to the project. These include but are not limited to, office space, utilities, timekeeping, accounting, administrative support, IT infrastructure and support, and general supplies/equipment. They are calculated at 10% of the total direct costs





## Exhibit F

### List of In-Scope and Out-of-Scope Program Repairs

Area/Location	In-Scope Activities	Out-of-Scope Activities
Site	<ul style="list-style-type: none"> <li>• Adding or replacing address number so it is visible from the street for emergency responders.</li> <li>• Power-washing slippery exterior walking surfaces and handrails.</li> </ul>	<ul style="list-style-type: none"> <li>• Construction of new walkways, driveways or parking areas, or replacement thereof</li> </ul>
Building Exterior	<ul style="list-style-type: none"> <li>• adding exterior lighting at entrances (to include automatic sensors) *</li> <li>• installing new or adjusting mailbox to make it easier to reach*</li> <li>• fixing gutters and downspouts if causing safety hazard*</li> </ul>	<ul style="list-style-type: none"> <li>• manufactured / mobile home skirting</li> <li>• roof installation</li> <li>• gutter and/or downspout installation</li> </ul>
Exterior walkways & steps	<ul style="list-style-type: none"> <li>• installing aluminum temporary/modular ramps (placed on top of the ground) for accessibility for individuals with a disability. For main egress only.</li> <li>• placing temporary anti-slip tape.</li> <li>• Marking changes in elevation of walking surfaces such as step/landings with colored tape or paint on the surfaces</li> <li>• applying directional signage or marking for wayfinding</li> <li>• installing handrails on both sides of steps and/or pathways.</li> </ul>	<ul style="list-style-type: none"> <li>• graded ground ramps</li> <li>• installing permanent ramps (with footings set into the ground) for accessibility</li> <li>• installing exterior stairlift</li> <li>• installing wheelchair platform and lift</li> </ul>

Exterior walkways & steps Cont'd	<ul style="list-style-type: none"> <li>• repairing cracked, broken, or uneven pathways (pavement, brick, etc.)</li> <li>• installing pathway lighting</li> </ul>	
Exterior Windows & Doors	<ul style="list-style-type: none"> <li>• installing automatic doors or automatic door openers</li> <li>• installing magnetic screen door</li> <li>• replacing door lock with one that is easier to operate</li> <li>• replacing doorknobs with lever-style handles</li> <li>• widening exterior doorway to accommodate a walker or wheelchair*</li> <li>• adding or adjusting peephole or viewing panel to correct height for client</li> <li>• eliminating trip hazards at entry threshold</li> <li>• installing a temporary/modular entry ramp at door threshold (placed on top of the walking surface) at the main egress doors</li> <li>• installing "tap-n-go" or other hands-free door hold open capability</li> <li>• adjusting windows to make them easier to open and close</li> <li>• fixing broken window panel(s), storm window(s) or damaged entry door</li> </ul>	<ul style="list-style-type: none"> <li>• replacement of exterior door</li> <li>• replacement of windows</li> <li>• adding storm windows or storm doors</li> </ul>

Interior Walls, Windows, and Ceilings	<ul style="list-style-type: none"> <li>• adjusting or replacing hardware for drapes, shades, and/or curtains to make them easier to use</li> <li>• building shelf to improve hands-free activity or to improve accessibility</li> </ul>	<ul style="list-style-type: none"> <li>• installing new drywall, paneling, or substrate</li> <li>• installing new acoustical ceiling</li> </ul>
Interior Walls, Windows, and Ceilings Cont'd	<ul style="list-style-type: none"> <li>• patching or mending cracked plaster</li> <li>• patching or fixing holes or cracks in drywall</li> </ul>	
Interior Doors and Hallways	<ul style="list-style-type: none"> <li>• adjusting door swings to reverse or remove awkwardness</li> <li>• installing automatic door openers</li> <li>• installing door hinge offset or swing clear door hinges</li> <li>• installing "tap-n-go" or other hands-free door hold-open capability</li> </ul>	<ul style="list-style-type: none"> <li>• installing different door type including automatic doors</li> <li>• widening interior doorways to accommodate a walker or wheelchair</li> <li>• widening hallways to accommodate a walker or wheelchair</li> </ul>
Flooring	<ul style="list-style-type: none"> <li>• repairing flooring transitions so there is zero height difference between them</li> <li>• repairing floor tile to remove uneven surfaces</li> <li>• repairing floors to remove uneven surfaces</li> <li>• installing linoleum/vinyl flooring to remove uneven surfaces that pose extensive slipping or tripping hazards</li> <li>• carpet removal*</li> <li>• cleaning floor when incidental to other work</li> </ul>	<ul style="list-style-type: none"> <li>• installation of new floor if the existing floor has extensive slipping or tripping hazards resulting from deterioration or damage</li> <li>• stripping floors and resealing when incidental to other work</li> </ul>

<p>Interior Stairways (Circulation)</p>	<ul style="list-style-type: none"> <li>• installing railings</li> <li>• maintaining chair lift/stair climber</li> <li>• replacing broken stair treads or balusters</li> <li>• applying adhesive strips with nonslip surface</li> <li>• applying adhesive tape or paint to distinguish thresholds and edges</li> <li>• carpet removal*</li> <li>• installing super-pole between floor and ceiling with or without pivot arm</li> </ul>	<ul style="list-style-type: none"> <li>• installing chair lift/stair climbers</li> </ul>
<p>Bathroom/Laundry</p>	<ul style="list-style-type: none"> <li>• installing grab bars</li> <li>• adding non-skid strips to bathtub or shower floor</li> <li>• installing a hand-held or adjustable showerhead</li> <li>• installing clamp for handheld shower on wall or grab bar</li> <li>• installing curved shower rod</li> <li>• installing easy-to-use lever handles rather than knobs or turn handles for the sink, bathtub and shower faucets feature</li> <li>• replacing toilet with comfort height model</li> <li>• installing pedestal or wall hung sink for wheelchair accessibility</li> </ul>	<ul style="list-style-type: none"> <li>• complete or substantial bathroom remodel</li> <li>• installing new wall tile</li> <li>• installing a walk-in shower or bathtub</li> <li>• tub cuts to enable easy entry/conversion to shower</li> </ul>

<p>Bathroom/Laundry Cont'd</p>	<ul style="list-style-type: none"> <li>• insulating exposed pipes beneath the sink to protect against touching a hot pipe</li> <li>• cushioning exposed pipes beneath the sink to protect against bumping</li> <li>• replacing or adjusting position of bathroom mirror, toilet paper holder, and other accessories to meet client's needs</li> <li>• replacing cabinet hardware, such as replacing round knobs with D-shaped handles</li> <li>• installing new toilet handles</li> <li>• installing toilet riser with handles</li> <li>• installing toilet safety frame or rails</li> <li>• repairing toilet seats</li> <li>• installing wall soap holder</li> <li>• repairing wall tile</li> <li>• securing rugs with rubber carpet mesh or double-sided rug tape</li> <li>• unclogging sink or toilet when incidental to other work</li> <li>• moving or replacing washing machines and dryers*</li> <li>• replacing broken medicine cabinet*</li> </ul>	
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Kitchens	<ul style="list-style-type: none"> <li>• replacing cabinet hardware, such as replacing round knobs with D-shaped handles</li> <li>• removing or replacing interior of existing cabinetry for easier access (e.g., pull-out drawers and shelves)</li> <li>• replace faucets with lever-, touch-, or sensor-style faucet</li> <li>• install easy-to-use ABC-rated fire extinguisher in an easy-to reach place</li> <li>• install automatic stove turnoff devices</li> </ul>	<ul style="list-style-type: none"> <li>• complete or substantial kitchen remodel</li> <li>• install lower work surface that can be used while seated</li> <li>• lowering of cabinets</li> </ul>
Electrical/Lighting	<ul style="list-style-type: none"> <li>• adding stick-on motion sensor lighting</li> <li>• adding task lighting under cabinets and over counters and tables</li> <li>• changing light bulbs</li> <li>• adding light switches at top and bottom of stairs for safety*</li> <li>• replacing light switches with safety and accessibility features such as glow in the dark, rocker-style switches, or other easy-to-function switches</li> <li>• moving light switches and electrical outlets where they are more accessible to the individual *</li> <li>• adding ball chain extension to ceiling fan/light</li> </ul>	<ul style="list-style-type: none"> <li>• major rewiring of building</li> <li>• installing new electrical service</li> <li>• installing new electrical circuits</li> <li>• replacing or moving electrical panels</li> </ul> <p>*Some lighting and/or electrical work may prompt and environmental review and permits from local and state governing agencies.</p>

HVAC/Plumbing systems	<ul style="list-style-type: none"> <li>• replacing thermostat with one that has accessibility features</li> <li>• setting home's water heater or replacing its thermostat, to ensure hot water is at or below 120°F to avoid scalding*</li> <li>• installing pressure-balanced, temperature-regulated sink faucets in kitchen and bath</li> </ul>	<ul style="list-style-type: none"> <li>• installing new furnace or heat distribution system</li> <li>• installing central air conditioning</li> <li>• installing new plumbing system (including a new water heater)</li> <li>• new water or sewer connection</li> </ul> <p>**Some HVAC and plumbing work may prompt and environmental review and permits from local and state governing agencies.</p>
Security	<ul style="list-style-type: none"> <li>• adding security technology to entrance door</li> <li>• installing secure slide latch or chain inside entrance door</li> </ul>	<ul style="list-style-type: none"> <li>• installing new security alarm system</li> </ul>
Life Safety	<ul style="list-style-type: none"> <li>• installing GFCI outlet</li> <li>• repairing electrical outlets</li> <li>• installing or servicing smoke, fire and CO detectors, includes strobe light smoke detectors for hearing impaired</li> <li>• installing or replacing doorbell that can be seen or heard by client throughout the house</li> </ul>	<ul style="list-style-type: none"> <li>• making substantial physical changes to a building to comply with fire and life safety code</li> <li>• installing fire suppression system</li> <li>• chimney repairs</li> <li>• mold, asbestos, lead remediation</li> </ul>

\*Items are excluded for installation in Multi-Family Dwellings

Exhibit G

Healthy Homes Production – Checklist

# Older Adult Home Modification Program (OAHMP) Full Unit File Checklist

## Unit File Check List (Paper or Electronic Files)

**Instructions:** This is the list of supportive documentation that is required in each unit work file for *every* OAHMP beneficiary.

### Section I – Application for Unit Enrollment

- Application (List all adult household members on lease/mortgage and children)
- Photo Identification (Homeowner, or Landlord)
- Owner Agreement/Consent on Home Modification Approval
- Household Eligibility Verification (i.e., Local Income Chart within HUD Website)
- Proof of Income Documentation (i.e. check stubs, copy of tax documentation, social security income)
  - What Definition of Income is Your Program Using? (Review OLHCHH Income Policy)
- Confidentiality Releases for 3<sup>rd</sup> Party Reports (i.e. bank statements, tax documentation, DHHS benefits, social security letter)
  - *Verification of the Income (less than or equal to 80% AMI)*
- Lead Pamphlet Sign Off (if lead paint is disturbed/hazard is addressed)
- Case Notes (communication on production timeline - i.e. intake, OT assessment, procurement, clearance, Lead Risk Assessment, as necessary)

### Section II – Property Information

- Verified Deed (follow state or local requirement)
- Tax Receipts (follow state or local requirement)
- Insurance Declaration (follow state or local requirement)
- CENST Form (Exempt or Categorically Excluded (Not Subject to 24 CFR Part 58.5))
- Tier-I, II Environmental Review Documentation (as necessary)
  - SHPO/Flood

### Section III – Contracts

- Homeowner Participation Agreement
  - Sign Off on General Conditions
  - Owner Accepts Scope of Work
- Relocation Analysis (as needed)
- Relocation Information/Agreement (as needed)

### Section IV – Financial

- Change Orders (for contractors as necessary)
- Project Completion Documentation
- Invoices (Partial Payments and Final Payments)

- Match Documentation (if match contribution committed).

### Section V – Lead Project Information (as needed)

Lead Inspection/Risk Assessment Report (If lead hazard is addressed)

- Unit sketch
  - Dust Wipe Sample Lab Reports
  - Clearance Achievement or Failure Notice
- Any miscellaneous Lead Information (if lead hazard is addressed)
- Follow-up Visit Plan with sign-off

### Section VI – OAHMP/Healthy Homes

- OAHMP Inspection
- OAHMP OT Baseline Assessment & Analysis/ Summary
- OAHMP/Healthy Homes Clearance Report (Applicable if Healthy Homes activity is addressed)
- Any other miscellaneous OAHMP Healthy Homes Information/ docs
- Any documentation for additional service or program recommendations

### Section VII – Project Information

- Scope of Work –
  - OAHMP Work specifications
  - Lead/ Healthy Homes Work Specification (if applicable)
- In -House Cost Estimate
- Bidders List
- Request for Proposal
- All Original itemized Bids
- Bid Opening Chart (if required for local procurement standards)
- Pre-Modification Meeting (if required for local program procurement standards)
- Contractor Evaluation Criteria
- Intent to Award
- Occupant Protection Plan
- Monitoring Work Site Documentation
- Lead Abatement Project Notification (follow state or local requirement)
- Electrical/ Plumbing permits (follow state or local requirement)
- Notice to Proceed
- Building Permit (follow state/ local requirement)
- Contractor Licenses/Worker Certificates
- Job Completion with sign-off

## Older Adult Home Modification Program - Checklist for Each Unit File

### Electronic Database System (Spreadsheet Format)

Instruction: These are key dates that grantees should maintain in the electronic unit tracking database when addressing home modification activity and Lead Hazards (as necessary) within the unit production timeline:

- ☐ Date/ Source of Referral
- ☐ Date of initial application or intake
- ☐ Property address
- ☐ Age of property
- ☐ Multi-family or single-family property
- ☐ Owner Occupied
- ☐ Number of adults/ children in the home
- ☐ Local Income Verification Percentage (*less than or equal to 80% AMI*)
- ☐ Date of OT Baseline Assessment
- ☐ Date of Work Plan Agreement
- ☐ Date Relocation Begins (if necessary)
- ☐ Date scope of work is completed/ Unit walk-through completion date
- ☐ Date for release of bidding information
- ☐ Date bids are due/received
- ☐ Date the contractor was selected
- ☐ Date work began/ completed
- ☐ Date unit achieves clearance
- ☐ Dates contractor monitoring was completed
- ☐ Date of OT/CAPS/COTA initial (baseline) and follow-up Assessment
- ☐ Aggregate cost of the unit
- ☐ Types of funding used to cover the entire unit cost
- ☐ Date the final invoices are received
- ☐ Date the contractors are paid in full
- ☐ Date the family can return (if relocation was necessary)
- ☐ Dates of any/all follow-up visits by OT, COTA, or CAPS
- ☐ Dates of any/all OT supervisory visits for oversight provision of COTA and/or CAPS

Exhibit H  
Project Follow Chart



# Older Adult Home Modification Program Evaluation Process

