



U.S. Department of Housing and Urban Development

Community Planning and Development

Continuum of Care Supplemental to Address Unsheltered and Rural Homelessness

FR-6500-N-25S

10/20/2022

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OVERVIEW

Application Due Date:

October 20, 2022

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

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

For Further Information regarding this NOFO - Please direct specific program requirements of this NOFO to the office contact identified in Section XI.

Paperwork Reduction Act Statement. The information collection requirements in this notice have been approved by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to a collection of information unless the collection displays a valid OMB control number. Each NOFO will identify its applicable OMB control number unless its collection of information is excluded from these requirements under [5 CFR part 1320](#).

OMB Approval Number(s):

2506-0218; 2506-0112

I. Funding Opportunity Description and Program Overview

A. Program Description. The purpose of this Special NOFO to Address Unsheltered and Rural Homelessness (Special NOFO) is to target efforts to reduce unsheltered homelessness, particularly in communities with very high levels of unsheltered homelessness and homelessness in rural areas. Through this Special NOFO, HUD will award funding to communities to implement coordinated approaches -- grounded in Housing First and public health principles -- to reduce the prevalence of unsheltered homelessness, and improve services engagement, health outcomes, and housing stability among highly vulnerable unsheltered individuals and families. HUD expects applicant communities to partner with health and housing agencies to leverage mainstream housing and healthcare resources.

The Continuum of Care (CoC) Program (24 CFR part 578) is designed to promote a community-wide commitment to the goal of ending homelessness; to provide funding for efforts by nonprofit providers, states, Indian Tribes, tribally designated housing entities (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103) (TDHEs)), and local governments to quickly rehouse homeless individuals, families, persons fleeing or attempting to flee domestic violence, dating violence, sexual assault, or stalking, and youth while minimizing the trauma and dislocation caused by homelessness; to promote access to and effective utilization of mainstream programs by homeless individuals and families; and to optimize self-sufficiency among those experiencing homelessness.

B. Authority. The authority for this NOFO is the CoC Program that is authorized by Subtitle C of Title IV of the McKinney-Vento Homeless Assistance Act, (42 U.S.C. 11381–11389) (the Act), and the CoC Program rule found in 24 CFR Part 578 (the Rule). The authority to include activities eligible under the Rural Housing Stability Assistance program under section 491 of such Act (42 U.S.C. 11408) in grants awarded under this NOFO is section 231 of the Department of Housing and Urban Development Appropriations Act, 2020 (42 U.S.C. 11364a; Public Law 116-94, approved December 20, 2019). The funds for this NOFO are from recaptured unspent CoC Program funds that are available for reuse pursuant to such section 231.

C. Deadline. The deadline for submitting applications to HUD for the initial selection process in the Special NOFO is October 20, 2022. Applicants must complete and submit their applications in *e-snaps* at <https://esnaps.hud.gov/>. See Sections VI.E, F, and G of this NOFO for application submission and timely receipt requirements.

D. Available Funds. Approximately \$322,000,000 is available in this Special NOFO. Of this amount, \$54,500,000 is available only for projects that serve rural areas as defined in section III.C.2.k and \$267,500,000 is available for projects as part of the Unsheltered Homelessness Set Aside. Funds were set aside for grants in rural areas pursuant to section 231 of the FY 2020 Appropriations Act and may be used only to fund projects serving rural areas. The funds for the Unsheltered Homelessness Set Aside were set aside pursuant to Section 231 of the FY 2020 Appropriations Act and may be used by HUD, with Congressional approval, for the Continuum of Care competition. HUD may add to the total amount with available funds under and pursuant to such section 231. All application requirements are included in this NOFO. HUD will require

Collaborative Applicants to rank all projects as described in Sections I.E.3 and II.B.1 of this NOFO.

E. Summary of the Application Process. This Special NOFO is administered under 24 CFR Part 578 unless otherwise provided in Section V.3.e.2. of this NOFO for the Rural Set Aside. Note: This Competition is separate from the FY 2022 CoC Program Competition. Therefore, any information provided in response to the selection criteria in Section VII will not be carried forward to the CoC's FY 2022 CoC Program application, and any amounts applied for or awarded under this Special NOFO will not impact the amount the CoC may apply for or be awarded in the FY 2022 CoC Program Competition.

Applicants should review and follow the steps as outlined below to ensure applications are complete and submitted timely. Documents referenced in this section can be found on the HUD website.

1. *CoC Registration.* CoCs do not need a separate registration for this Special NOFO Competition. Only Collaborative Applicants that completed the FY 2022 CoC Program Registration in accordance with <https://www.hud.gov/sites/dfiles/CPD/documents/CoC/2022-02cpdn.pdf> may apply for this funding opportunity.
2. *Special NOFO Available Funding Opportunities.* CoCs will have the opportunity to submit projects for two funding opportunities through this Special NOFO: (1) Unsheltered Homelessness Set Aside and (2) Rural Set Aside. CoCs may apply for projects under one or both funding opportunities as follows:
 - a. *Unsheltered Homelessness Set Aside.* Projects included in this funding opportunity may serve any geographic area within the CoC and must meet all eligibility and quality threshold requirements established in this Special NOFO. A CoC's maximum award amount for this funding opportunity is described in Section III.J of this NOFO.
 - b. *Rural Set Aside.* Projects included in this funding opportunity must serve geographic areas that meet the definition of "rural area" as defined in Section III.C.2.k of this NOFO and meet all eligibility and quality threshold requirements established in this Special NOFO. CoCs whose geographic areas do not include any rural areas are not eligible for funding under this funding opportunity. A CoC's maximum award amount for this funding opportunity is described in Section III.J of this NOFO.
3. *CoC Project Review and Ranking.* Project applications must be submitted to the CoC to be included on the CoC Priority Listing (see Section VI.F.3 for more information). CoCs must review and either accept and rank, or reject project applications submitted to them, including project applications for CoC Planning and Unified Funding Agency (UFA) Costs. All project applications approved by the CoC must be listed on the CoC Priority Listing in rank order.
4. *Special NOFO Consolidated Application Submission.* Collaborative Applicants, including any Collaborative Applicant designated by HUD as an UFA, are responsible for submitting the CoC Consolidated Application in *e-snaps* on behalf of the CoC. The CoC Consolidated Application is made up of the following three parts:
 - a. *CoC Application.* The Collaborative Applicant must provide information about the CoC planning body, governance structure, overall performance, the strategic planning

process, and their CoCs Plan for Serving Individuals and Families Experiencing Homelessness with Severe Service Needs. This part of the application is scored and will determine the order in which CoCs are funded. CoCs may apply for both the Unsheltered Homelessness Set Aside and the Rural Set Aside (if they have rural areas in their geography), or only the Unsheltered Homelessness Set Aside or the Rural Set Aside. If CoCs are planning to apply for funds through the Unsheltered Homelessness Set Aside they must complete the entire application as described in Section VII.B of this NOFO. If a CoC is only planning to apply for funds through the Rural Set Aside, however, they need only answer the questions marked as required for the Rural Set Aside in Section VII.B of this NOFO.

b. *Project Application.* All project applications, including CoC planning and UFA costs, must be completed by project applicants and must describe the population(s) and subpopulation(s) they will serve, the type of housing and services that will be provided, and the budget activities that are being requested. Collaborative Applicants applying for CoC planning and UFA Costs (if designated as an UFA by HUD) must provide a description of the activities that will be carried out with CoC Program grant funds. For more information on project applications, see Section V of this NOFO. Additionally, all project applicants must ensure their organization has a Code of Conduct that complies with the requirements of 2 CFR part 200 and is on file with HUD at https://www.hud.gov/program_offices/spm/gmomgmt/grantsinfo/conduct. If the organization's Code of Conduct does not appear on HUD's website, the project applicant must attach its Code of Conduct that includes all required information to its Project Applicant Profile in *e-snaps*.

c. *CoC Priority Listing.* The CoC Priority Listing includes:

- (1) four separate project listing forms- Unsheltered Homelessness Set Aside, Rural Set Aside, CoC planning, and UFA Costs (if applicable)-where each project application must be reviewed, approved, and have a unique rank number or be rejected;
- (2) form HUD-2991, Certification of Consistency with the Consolidated Plan, which must be signed and dated between **June 22, 2022 and October 20, 2022**. Additionally, applicants that propose to locate a project on a reservation or trust land must include a tribal resolution from the tribe authorizing the applicant to do so or a letter from an official or principal of the Indian Tribe or TDHE who is authorized to act on behalf of the Indian tribe or TDHE indicating approval. Tribes do not need to include a tribal resolution or a letter from an official of the Indian Tribe or TDHE who is authorized to act on behalf of the Indian tribe or THDE to site a project on their own reservation or trust land. A tribal resolution is the formal manner in which the tribal government expresses its legislative will in accordance with its organic documents. In the absence of such organic documents, a written expression adopted pursuant to tribal practices or a letter from an official or principal of the Indian Tribe or TDHE who is authorized to act on behalf of the Indian tribe or TDHE will be acceptable.

The project listing forms rank all project applications in order of priority and identify any project applications rejected by the CoC. In this competition, HUD is also requiring Collaborative Applicants to rank CoC planning and UFA Costs with unique rank

numbers. The Collaborative Applicant cannot accurately complete the project listing forms of the CoC Priority Listing until all project applications have been submitted to the CoC. For more information on the CoC Priority Listing, see Section VI.F.3 of this NOFO.

F. Eligible Applicants.

1. Collaborative Applicants. Only those CoCs with a valid registration for FY 2022 will have access to the Special NOFO Consolidated Application, which includes the CoC Application, the CoC Priority Listing, and the project application(s). CoCs should not attempt to change Collaborative Applicants during this Special NOFO Competition without HUD's prior approval, unless HUD replaces the CoC's designated Collaborative Applicant under the authority of Section 402(c) of the Act. HUD will approve Collaborative Applicant changes outside the annual CoC Program Registration process under the following circumstances:

- a. the Collaborative Applicant made an error when entering the Collaborative Applicant name in the CoC Applicant Profile;
- b. the Collaborative Applicant designated by the CoC is no longer in business;
- c. the CoC selected a new Collaborative Applicant; or
- d. a new Collaborative Applicant was selected by HUD as a remedial action under Section 402(c) of the Act.

In cases where the CoC needs to change the Collaborative Applicant approved during the FY 2022 CoC Program Registration process, the CoC must notify the local HUD CPD field office, in writing, stating the reason for the Collaborative Applicant change. The notice to HUD must provide documentation of the CoC's approval of the change (e.g., a copy of the meeting minutes to include the date and attendees).

2. Project Applicants. Eligible project applicants for the CoC Program are identified in Section V.A and V.B.3.a of this NOFO. For-profit entities are ineligible and applications from them will not be reviewed.

G. Local Competition Deadlines. 24 CFR 578.9 requires CoCs to design, operate, and follow a collaborative process for the development of an application in response to a NOFO issued by HUD. As part of this collaborative process, CoCs should implement internal competition deadlines and notification processes to ensure transparency and fairness at the local level. The implementation of deadlines that meet the standards outlined in Section VI.G.1.b of this NOFO for project applications will be part of the scoring criteria (see Section VII.B.1.b).

H. CoC Review of Project Applications. HUD expects each CoC to implement a thorough review and oversight process at the local level for the project applications submitted to HUD in the Special NOFO Competition. It has been HUD's experience that many project applications contain information that results in conditions on the grant; or for more serious infractions, a project application being rejected. Deficient project applications prolong the review process for HUD, which results in delayed funding announcements, lost funding for CoCs due to rejected projects, and delays in funds to house and assist individuals and families experiencing homelessness. CoCs are expected to closely review information provided in each project application to ensure:

1. all proposed program participants will be eligible for the program component type selected;
2. the information provided in the project application and proposed activities are eligible and consistent with program requirements at 24 CFR part 578, unless otherwise provided in Section V.3.e.(2) of this NOFO for the Rural Set Aside;
3. each project narrative is fully responsive to the question being asked and that it meets all the criteria for that question as required by this NOFO;
4. the data provided in various parts of the project application are consistent;
5. any project ranked on the Rural Set Aside project listing exclusively serves rural areas as defined by this NOFO; and,
6. all required attachments correspond to the list of attachments in *e-snaps* that must contain accurate and complete information that are dated between **June 22, 2022 and October 20, 2022**.

I. Special NOFO Competition. CoCs and applicants should read this NOFO in its entirety in conjunction with the Rule to ensure a comprehensive understanding of and compliance with all CoC Program requirements. This NOFO frequently references citations from the Rule.

1. HUD will conduct a threshold review (see Section V.C.3.c and Section VIII.A.1 for more information) of ranked projects for all CoCs that submit the Special NOFO Consolidated Application by the application deadline.
2. HUD may issue more than one funding announcement.
3. HUD will score the Special NOFO CoC Application portion in accordance with the criteria set forth in Section VII.B of this NOFO.

II. HUD's Homeless Policy Priorities and Program Highlights

A. Policy Priority.

1. *Unsheltered Homelessness.* Unsheltered homelessness is continuing to rise in many areas of the country and recent analysis of homelessness data shows that people experiencing unsheltered homelessness report significantly greater health challenges and experiences of trauma and violence than their sheltered peers. These challenges often begin before they lose their housing. This NOFO supports this highly vulnerable population by supporting CoCs in their efforts to identify people living in unsheltered situations, including encampments, and connects them with health and housing resources. It also supports CoCs in their efforts to enhance their Homeless Management Information System (HMIS) to collect more comprehensive data on people experiencing unsheltered homelessness in their geographic area.
2. *Unsheltered Homelessness and Individuals and Families Experiencing Homelessness with Severe Service Needs in Rural Areas.* Rural areas often lack the resources and infrastructure for providing homeless services and permanent housing. Additionally, rural areas often require unique strategies to solve challenges specific to their geography. To support CoCs in their efforts to end unsheltered homelessness in their rural areas, this NOFO targets resources to rural areas and provides additional eligible activities to address some of the unique needs of rural areas.
3. *Providing Assistance on Tribal Lands.* Indian Reservations and Trust Lands may be all or

part of a CoCs' geographic areas, and Indian Tribes and Tribally Designated Housing Entities are eligible recipients of CoC Program funds. This NOFO provides additional incentives for creating projects that serve individuals and families in geographic areas that have high levels of homelessness, housing distress, or poverty, and are located where CoC services have until now been entirely unavailable, such as, for example, Trust Lands and Reservations.

4. Involving a Broad Array of Stakeholders in the CoC's Efforts to Reduce Homelessness.

Ending homelessness cannot be achieved by homeless service organizations alone. It requires coordination with a variety of other stakeholders, including affordable housing developers, mainstream service providers, the business community, victim service providers, political leaders, and healthcare providers. This NOFO supports and encourages CoCs to invite a variety of stakeholders to develop and implement a CoC Plan to Serve Individuals and Families Experiencing Homelessness with Severe Service Needs.

5. Advancing Equity. In nearly every community, Black, Indigenous, and other people of color as well as individuals who identify as LGBTQ+ and individuals with disabilities are substantially overrepresented in the homeless population. HUD is emphasizing system and program changes to address equity within CoCs through identifying and addressing the needs of subpopulations who are disproportionately more likely to experience homelessness, such as the populations identified above, and other populations who are disproportionately more likely to experience homelessness. CoCs should be reviewing their strategies to support and serve underserved communities in their geographic area, identify barriers that led to any disparities in communities being served, and take steps to eliminate these barriers. This includes, in conjunction with people experiencing homelessness, reviewing local policies, procedures, and processes to determine where and how to address disparities affecting underserved communities experiencing homelessness.

6. Use a Housing First approach. Housing First prioritizes rapid placement and stabilization in permanent housing and does not have service participation requirements or preconditions. Projects funded under this NOFO should help individuals and families move quickly into permanent housing, and the CoC should measure and help projects reduce the length of time people experience homelessness as well as ensure projects are correctly implementing a Housing First approach. Additionally, CoCs should engage landlords and property owners to identify an inventory of housing available for rapid rehousing and permanent supportive housing participants, remove barriers to entry, and adopt service delivery methods that respond to the preferences and needs of the individual or family presenting for assistance.

B. CoC Program Implementation. The following list highlights important information that applicants should consider as they are preparing the CoC Application and project application(s). This is not an exhaustive list of considerations or requirements; therefore, all applicants and CoC stakeholders should carefully review the Rule for comprehensive information.

1. Review of CoC Rankings. CoCs will be required to rank all project applications to be considered in the selection process, including project applications for CoC planning and UFA costs (as applicable), submitted by project applicants in *e-snaps*. HUD will not review any project that is rejected by the CoC.

2. *HUD Funding Process.* HUD will use two processes to select projects for this Special NOFO –one for the Unsheltered Homelessness Set Aside and one for the Rural Set Aside. The maximum amount of funding available for each set aside can be found in section III.J of this NOFO

a. Unsheltered Homelessness Set Aside. HUD will select CoCs for funding based on CoC score, meaning the highest scoring CoC will have its rated and ranked projects that pass thresholds as described in Section V.C.3 and VIII.A.1 of this NOFO conditionally selected for funding. HUD will select projects in this manner until no more funds are available.

b. Rural Set-Aside. Projects included on the CoC's Rural Set Aside project listing will be selected in order, up to the CoCs maximum funding amount, based on project application scores HUD will award as follows:

HUD will award a point value to each project application that is on the Rural Set Aside project listing using a 100-point scale:

(1) CoC Score. Up to 50 points in direct proportion to the score received on the questions from the CoC Application required to be answered for the Rural Set Aside (e.g., if a CoC received 60 out of 89 points on the Rural Set Aside CoC Application questions, the project application would receive 34 out of 50 points for this criterion).

(2) CoC Project Ranking. Up to 40 points for the CoC's ranking of the project application(s). To consider the CoCs ranking of projects, point values will be assigned directly related to the CoC's ranking of project applications. The calculation of point values will be $50 \times (1-x)$ where x is the ratio of the cumulative funding requests for all projects or portions of projects ranked higher by the CoC on the Rural Set Aside project listing plus one half of the funding of the project of interest to the total amount of funding available for the rural set aside. For example, if a CoC is eligible to apply for projects totaling \$500,000 in the rural set aside and applies for 5 projects of \$100,000 each: the highest-ranked project would receive 36 points, and then the subsequently ranked projects would receive 28, 20, 12, and 4 points

(3) Serving Structurally Disadvantaged Areas. 10 points if the project applicant makes a commitment to serve individuals and families in geographic areas that have high levels of homelessness, housing distress, or poverty, and are located where CoC services have until now been entirely unavailable, such as, for example, trust lands and reservations.

3. *CoC Planning and UFA Costs.* CoC planning and UFA costs are only available for the Unsheltered Homelessness Set Aside and are included in the maximum amount of funding for which a CoC is eligible to apply. Therefore, any CoC planning or UFA costs requested by the CoC for the Unsheltered Homelessness Set Aside must be ranked on the CoC Priority Listing. CoCs may apply for planning and UFA costs, if its Collaborative Applicant is a HUD-approved UFA. Projects for CoC Planning costs must not exceed 3 percent of the CoC's maximum award amount for the Unsheltered Homelessness Set Aside. Further, projects for UFA Costs must not exceed 3 percent of the CoC's maximum award amount for the Unsheltered Homelessness Set Aside. If, after projects are selected for conditional award, the requested planning or UFA amount is more than 3 percent of the

amount awarded for projects, HUD will adjust the award to be no more than 3 percent of the amount awarded in projects for the Unsheltered Homelessness Set Aside.

4. *Participant Eligibility.* Projects funded through this NOFO must have the following eligibility criteria for program participants:

a. Unsheltered Homelessness Set Aside. Projects funded through the Unsheltered Homelessness Set Aside must have the following eligibility criteria for program participants:

1. meet the criteria of paragraph (1) of the definition of homeless at 578.3, except that persons coming from transitional housing must have originally come from places not meant for human habitation, emergency shelters, safe havens, or institutions where they resided for 90 days or less and originally came from places not meant for human habitation, safe havens, or emergency shelters; or
2. meet the criteria of paragraph (4) of the definition of homeless at 578.3.

b. Rural Set Aside. Projects funded through the Rural Set Aside may serve any program participant meeting the criteria of the definition of “homeless” in 24 CFR 578.3, except in order to serve individuals and families meeting the criteria of paragraph (3) of the definition of homelessness the CoC must receive approval to do so as described in Section VII.C of this NOFO.

c. For both funding opportunities, references to paragraphs of the definition of homelessness refer to the paragraphs listed under the definition of “homeless” in 24 CFR 578.3. All projects must participate in coordinated entry. Additionally, all projects must operate consistently with the CoC Plan for Serving Individuals and Families Experiencing Homelessness with Severe Service Needs described in Section VII.B.4 of this NOFO.

5. *HMIS.* As directed by Congress, HUD must provide an annual estimate of all individuals and families experiencing homelessness nationwide and within the territories. Therefore, all CoCs must have an HMIS that has the capacity to collect unduplicated counts of individuals and families experiencing homelessness and provide information to project subrecipients and applicants for needs analysis and funding priorities. Additionally, CoC and Emergency Solutions Grants (ESG) Program recipients must participate in the local HMIS; unless a recipient is a victim service provider or legal service provider, in which case it must use a comparable database and provide de-identified information to the CoC. For many communities, the inclusion of ESG recipients and subrecipients and other HUD federal partners (e.g., the Department of Health and Human Services and Department of Veterans Affairs) that require their programs to use the CoC’s HMIS, will mean an increase in users that the HMIS must be able to accommodate. HUD expects communities to be able to use the HMIS information as well as aggregate data from comparable databases to review performance for the entire CoC geographic area, not just at the project level. The HMIS Lead should continue to consider any unique needs that the HMIS might be required to address to accommodate emergency shelter, street outreach, homelessness prevention, and other federal programs.

6. *Comprehensive CoC Plan to Serve Individuals and Families Experiencing Homelessness*

with Severe Service Needs. As part of this NOFO, CoCs are being required to develop a plan for Serving Individuals and Families Experiencing Homelessness with Severe Service Needs (see Section VII.B.4 for more information). These plans must describe the CoC's current strategies for conducting coordinated and comprehensive outreach, providing access to low-barrier shelter and other temporary accommodations, and providing immediate access to low-barrier permanent housing. Additionally, CoCs must demonstrate how they will leverage both mainstream housing and healthcare resources to assist in their efforts to end unsheltered homelessness and stabilize individuals and their families in housing and increase access to employment opportunities for those experiencing homelessness. Further, CoCs must demonstrate how they will support underserved communities, identify barriers that led to any disparities in communities being served, and support equitable community development by taking steps to address such barriers when using these funds and how they will involve individuals with lived experience in the decision making process of the CoC. Finally, CoCs must demonstrate how they will ensure resources funded under this Special NOFO will contribute to reducing unsheltered homelessness in their geographic area.

III. Continuum of Care Program Requirements

A. Standard HUD Definitions

1. **Affirmatively Furthering Fair Housing (AFFH)**, see 24 CFR 578.93(c) for specific Affirmatively Furthering Fair Housing requirements that apply to the CoC program.
2. **Assistance Listings (formerly CFDA)** refers to the publicly available listing of Federal assistance programs managed and administered by the General Services Administration, formerly known as the Catalog of Federal Domestic Assistance (CFDA). **Assistance Listing Number** is a unique number assigned to identify a Federal Assistance listing, formerly known as the CFDA.
3. **Deficiency** is information missing or omitted within a submitted application. Examples of deficiencies include missing documents, information on a form, or some other type of unsatisfied information requirement. Depending on specific criteria, deficiencies may be either Curable or Non-Curable.
 - **Non-Curable Deficiencies** cannot be corrected by an applicant after the submission deadline. Non-curable deficiencies are deficiencies that, if corrected, would change an applicant's score or rank versus other applicants. Non-curable deficiencies may result in an application being marked ineligible, or otherwise adversely affect an application's score and final determination.
 - **Curable Deficiencies** may be corrected by the applicant with timely action. To be curable the deficiency must:
 - Not be a threshold requirement, except for documentation of applicant eligibility;
 - Not influence how an applicant is ranked or scored versus other applicants; and
 - Be remedied within the time frame specified in the notice of deficiency.
4. **Eligibility requirements** are mandatory requirements for an application to be eligible for funding.
5. **Federal award**, has the meaning, depending on the context, in either paragraph (i) or (ii) of this definition:

1. (i) The Federal financial assistance that a recipient receives directly from a Federal awarding agency or a subrecipient receives indirectly from a pass-through entity, as described in 2 [CFR §200.101](#); or
(ii) The cost-reimbursement contract under the Federal Acquisition Regulations that a non-Federal entity receives directly from a federal awarding agency or indirectly from a pass-through entity, as described in [2 CFR §200.101](#).
2. The instrument setting forth the terms and conditions. The instrument is the grant agreement, cooperative agreement, other agreement for assistance covered in paragraph (2) of the definitions of Federal financial assistance in [2 CFR §200.1](#), 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](#).
6. **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 esnaps. You can access the website at <https://www.sam.gov/SAM/> . There is no cost to use SAM.
7. **Threshold Requirements** are an eligibility requirement that must be met for an application to be reviewed. Threshold requirements are not curable, except for documentation of applicant eligibility, and are listed in Section V.C.3 Threshold Requirements.
8. **Unique Entity Identifier (UEI)** means the identifier assigned by SAM to uniquely identify business entities.

B. Departmental Resources

The following links give detailed information on each resource

- [Affirmatively Furthering Fair Housing](#)
- [Code of Conduct List](#)
- [Do Not Pay](#)
- [DUNS Request/Dun & Bradstreet](#)
- [Federal Awardee Performance and Integrity Information System](#)
- [Federal Subaward Reporting System](#)
- [HUD Funding Opportunity](#)
- [HUD's Strategic Plan](#)
- [HUD Grants](#)
- [Limited English Proficiency](#)
- [State Point of Contact List](#)
- [System for Award Management](#)

- [Uniform Relocation Act Information](#)
- [USASpending](#)

The Rule details the requirements with which grants awarded under this Competition must comply. Regulatory citations are provided below so applicants can refer to specific areas of 24 CFR part 578. The grant agreements will be subject to the program regulation as it may be amended from time to time. Recipients will be subject to regulatory revisions as they come into effect.

C. Definitions and Concepts. The definitions and concepts in this section include terms that are important for all applicants to understand to complete all parts of the CoC Consolidated Application in *e-snaps* on behalf of the CoC.

1. Definitions from 24 CFR 578.3. The following terms are defined in 24 CFR 578.3. Applicants must refer to the Rule for the definitions contained in this section.

- a. *Applicant*
- b. *Centralized or Coordinated Assessment System*
- c. *Collaborative Applicant*
- d. *Continuum of Care*
- e. *Consolidated Plan*
- f. *High Performing Community (HPC)*
- g. *Homeless Management Information System (HMIS)*
- h. *HMIS Lead*
- i. *Homeless*
- j. *Permanent Housing*
- k. *Permanent Supportive Housing*
- l. *Point-in-Time Count (PIT)*
- m. *Private Nonprofit Organization*
- n. *Program Participant*
- o. *Project*
- p. *Recipient*
- q. *Safe Haven*
- r. *Subrecipient*
- s. *Transitional Housing*
- t. *Unified Funding Agency*
- u. *Victim Service Provider*

2. CoC Program NOFO Concepts. The following terms are not found in 24 CFR 578.3 but may be found in other areas of the Rule or are used in this NOFO to define concepts that pertain specifically to the CoC Consolidated Application.

- a. *Consolidated Plan Certification.* The standard form, Certification of Consistency with the Consolidated Plan (form HUD-2991), in which a state or local official certifies that the proposed activities or projects are consistent with the jurisdiction's Consolidated Plan and, if the project applicant is a state or unit of local government, that the jurisdiction is

following its Consolidated Plan per the requirement of 24 CFR part 91. All project applications submitted and listed on the CoC Project Listings by the Collaborative Applicant must be included in the certification either by submitting one correctly signed and dated HUD-2991 from the appropriate jurisdiction that includes an attachment listing of all submitted projects, or a single signed and dated HUD-2991 for each individual project application from the appropriate jurisdiction.

c. *Formula area*. This term has the same meaning as in the IHBG Program at [24 CFR 1000.302](#), or any successor regulation.

e. *Housing First*. A model of housing assistance that prioritizes rapid placement and stabilization in permanent housing that does not have service participation requirements or preconditions (such as sobriety or a minimum income threshold). Transitional housing and supportive service only projects are considered using a Housing First model for the purposes of this NOFO if they operate with low barriers, work to quickly move people into permanent housing, do not require participation in supportive services, and, for transitional housing projects, do not require preconditions for moving into the transitional housing (e.g., sobriety or minimum income threshold) but do provide or assist with access to such supportive services if needed and requested by program participants.

f. *Indian Tribe*. A federally recognized tribe or a State recognized tribe as defined in [Section 4 of NAHASDA \(25 U.S.C. 4103\)](#).

g. *Joint TH and PH-RRH Component Project*. The Joint TH and PH-RRH component project combines two existing program components—transitional housing and permanent housing—rapid rehousing—in a single project to serve individuals and families experiencing homelessness. Recipients should prioritize those with the highest needs using an evidence-based approach designed to provide stable housing and services that, to the greatest extent possible, move the participant towards self-sufficiency and independence. Program participants may only receive up to 24-months of total assistance. For more information about Joint TH and PH-RRH component projects, see Section V.C.3 of this NOFO.

If funded, HUD will limit eligible costs as follows, in addition to other limitations found in 24 CFR part 578:

- (1) leasing of a structure or units, and operating costs to provide transitional housing;
- (2) short- or medium-term tenant-based rental assistance on behalf of program participants to pay for the rapid rehousing portion of the project;
- (3) supportive services;
- (4) HMIS; and
- (5) project administrative costs.

When a program participant is enrolled in a Joint TH and PH-RRH component project, the recipient or subrecipient must be able to provide both components, including the units supported by the transitional housing component and the tenant-based rental assistance and services provided through the PH-RRH component, to all participants. A program participant may choose to receive only the transitional housing unit, or the assistance provided through the PH-RRH component, but the recipient or subrecipient must make both types of assistance available. Additionally, if funds under this NOFO are not being requested for both TH and PH-RRH units, the project application must still

describe the number of TH and PH-RRH units that will be utilized by the project, if selected for conditional award, and provide details in the project description of how TH and PH-RRH assistance will be provided.

h. *Non-Congregate Shelter*. A type of emergency shelter where each individual or family sheltered has living space that offers some level of privacy, such as hotels or motels.

i. *Rapid Rehousing*. A type of permanent housing meeting the requirements of 24 CFR 578.37(a)(1)(ii).

j. *Reservation*. For purposes of this NOFO, reservations are a type of formula area as specifically delineated under HUD's IHBG program at 24 CFR 1000.302.

k. *Rural Area*. For this competition a rural area is a county which:

(1) Has no part of it within an area designated as a standard metropolitan statistical area by the Office of Management and Budget; or

(2) Is within an area designated as a metropolitan statistical area or considered as part of a metropolitan statistical area and at least 75 percent of its population is local on U.S. Census blocks classified as non-urban; or

(3) is located in a state that has a population density of less than 30 persons per square mile (as reported in the most recent decennial census), and of which at least 1.25 percent of the total acreage of such State is under Federal jurisdiction, provided that no metropolitan city in such State is the sole beneficiary of the grant amounts awarded under this NOFO. A metropolitan city means a city that was classified as a metropolitan city under section 102(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)) for the fiscal year immediately preceding the fiscal year for which Emergency Solutions Grants program funds are made available.

l. *Rural Set Aside*. A funding opportunity included in this Special NOFO where all projects (as described in Section I.E.2.b of this NOFO) must only serve rural areas, as defined above, within the CoCs geographic area. These funds were set aside for grants in rural areas pursuant to section 231 of the FY 2020 Appropriations Act and may only be used to fund projects serving rural areas.

n. *Persons with Lived Experience*. Persons with first-hand knowledge of homelessness who can share their perspective on how social, economic, and political situations affect homelessness. Provides insight, training, and voice from persons who have or are experiencing homelessness regarding the current homeless system through discussion, recommendation, and participation. CoCs must meaningfully engage persons with lived experience in the planning and application process.

o. *Severe Service Needs* means any combination of the following factors: facing significant challenges or functional impairments, including any physical, mental, developmental or behavioral health disabilities regardless of the type of disability, which require a significant level of support in order to maintain permanent housing (this factor focuses on the level of support needed and is not based on disability type); high utilization of crisis or emergency services to meet basic needs, including but not limited to emergency rooms, jails, and psychiatric facilities; currently living in an unsheltered situation or having a history of living in an unsheltered situation; experiencing a vulnerability to illness or death; having a risk of continued or repeated homelessness; and having a vulnerability to victimization, including physical assault, trafficking or sex work.

p. *Solo Applicants*. A solo applicant must submit a solo applicant project application in *e-snaps* prior to the application submission deadline. Additionally, for HUD to consider its solo application, a solo applicant must also meet all the requirements outlined in Section X.C of this NOFO. (See 24 CFR 578.35(a)).

a. *Tribal Resolution*. For the purposes of this NOFO, this term has the same meaning as in [24 CFR 1003.4](#): "...the formal manner in which the tribal government expresses its legislative will in accordance with its organic documents. In the absence of such organic documents, a written expression adopted pursuant to tribal practices will be acceptable."

r. *Tribally Designated Housing Entity*. For purposes of this NOFO, this term has the same meaning as in [Section 4 of NAHASDA \(25 U.S.C. 4103\)](#)

s. *Trust Land*. For purposes of this NOFO, trust lands are a type of formula area as delineated under HUD's IHBG program at [24 CFR 1000.302](#).

t. *Underserved Communities*. 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. These communities include Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders, and other persons of color; 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.

u. *Unsheltered Homelessness Set Aside*. A funding opportunity included in this Special NOFO, designed to support communities in their efforts to understand and reduce unsheltered homelessness across their geographic area, where projects (as described in Section V.B.4.a of this NOFO) must serve individuals and families who qualify as homeless under paragraph (1) except that persons coming from transitional housing must have originally come from places not meant for human habitation, emergency shelters, safe havens, or institutions where they resided for 90 days or less and originally came from places not meant for human habitation, safe havens, or emergency shelters, or paragraph (4) of the definition of homeless at 24 CFR 578.3. Unlike the Rural Set Aside, projects may be located in any part of the CoC's geographic area.

D. Establishing and Operating the CoC. 24 CFR 578.5 and 24 CFR 578.7 detail the requirements for the establishment of a CoC and its operations.

E. CoC Geographic Area. 24 CFR 578.5 require representatives from relevant organizations within a geographic area to establish a CoC to carry out the duties within the geographic area. The boundaries of identified CoC geographic areas cannot overlap, and any overlapping geographies are considered Competing CoCs. HUD follows the process at 24 CFR 578.35(d) to determine which CoC HUD will fund in the case of CoC geographic areas that overlap.

F. Planning Duties of the CoC. Planning duties for CoCs are detailed in 24 CFR 578.7(c).

G. Centralized or Coordinated Assessment System. 24 CFR 578.7(a)(8) details the responsibilities of the CoC to establish and operate the system. In addition to the definition and responsibilities established in the regulation, HUD also posted on the HUD website the [CPD-17-01: Notice Establishing Additional Requirements for a Continuum of Care Centralized or Coordinated Assessment System](#) in January 2017, establishing additional requirements. CoCs

may use planning costs to design and plan for the implementation of a centralized or coordinated assessment system. These systems help communities assess the needs of program participants and effectively match homeless persons with the most appropriate resources available to address their particular needs.

H. CoC Program Components. 24 CFR 578.37 states that CoC funds may be used for projects under five program components: permanent housing (including rapid rehousing and permanent supportive housing); transitional housing; Supportive Services Only; HMIS; and in some cases, homelessness prevention. Only designated HPCs may carry out homelessness prevention activities through the CoC Program. Although CoCs were able to apply for HPC designation during the FY 2022 CoC Program Registration process, HUD did not receive any requests for HPC designation; therefore, no CoCs may request funds for homelessness prevention. Under this Special NOFO, HUD will fund projects in these components:

1. Permanent Housing;
2. Supportive Services Only; and
3. HMIS.

In addition to funding projects that use these components, Collaborative Applicants may apply for projects that include the Transitional Housing and Permanent Housing-Rapid Re-Housing components in a single project, a Joint TH and PH-RRH component project. See section V.B.3.e for a discussion of component projects under the rural set aside.

I. Collaborative Applicant. HUD will only review CoC Consolidated Applications submitted from the Collaborative Applicant that has been designated by the CoC. As set forth at 24 CFR 578.9(a)(3), the Collaborative Applicant will compile all parts of the CoC Consolidated Application, including the CoC Application, the CoC Priority Listing, and all project applications for these Special NOFO funds the CoC has ranked for funding within the geographic area. Additionally, as set forth at 24 CFR 578.3, the Collaborative Applicant is the only entity that may apply to HUD for CoC planning costs and, if the Collaborative Applicant is designated a UFA, for UFA Costs.

J. CoC Maximum Award. Each CoC will have two maximum award amounts under this Special NOFO – one for the Unsheltered Homelessness Set Aside and one for the Rural Set Aside.

a. Unsheltered Homelessness Set Aside. The maximum award for this funding opportunity is the CoC's PPRN for the FY 2022 CoC Program Competition or \$60,000,000, whichever is less. The estimated maximum amount each CoC can apply for in the Unsheltered Homelessness Set Aside can be found in Appendix A.

b. Rural Set Aside. The maximum award for this funding opportunity is 150 percent of the combined PPRNs for the FY 2022 CoC Program Competition of all of the rural areas, as defined in Section III.C.2.k of this NOFO, of the CoC's geographic area. A CoC that does not include any rural areas as defined by this NOFO are not eligible for this funding opportunity. The estimated maximum amount each CoC can apply for in the Rural Set Aside can be found in Appendix A.

IV. Award Information

A. Available Funds

Funding of approximately \$322,000,000 is available through this NOFO. Additional funds may become available for award under this NOFO, because of HUD's efforts to recapture funds, use carryover funds, or because of the availability of additional appropriated funds. Use of these funds is subject to statutory constraints. All awards are subject to the funding restrictions contained in this NOFO.

Of this amount, \$54,500,000 is available only for projects that serve rural areas as defined rural projects as defined in section III.C.2.k and \$267,500,000 is available for projects as part of the Unsheltered Homelessness Set Aside.

HUD will require Collaborative Applicants to rank all projects, including projects for CoC planning and UFA Costs. Under the Unsheltered Homelessness Set Aside, HUD will not fund any projects requesting new construction, acquisition, or rehabilitation.

B. Lead-Based Paint Requirement. When providing funding for purchase, lease, supportive 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 the Environmental Protection Agency's (EPA) lead-based paint rules (e.g., Repair, Renovations and Painting; Pre-Renovation Education and Certification; and Lead Training and Certification (40 CFR part 745)).

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

V. Eligibility Information

A. Eligible Applicants

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

1. **SAM Registration Requirement.** Applicants must be registered with <https://www.sam.gov/SAM> before submitting their application. In addition, Applicants must maintain an active SAM registration with current information while they have an active Federal award or an application or plan under consideration by HUD.
2. **UEI Number Requirement.** Applicants must provide a valid UEI number, registered and active at /www.sam.gov/ in the application.
3. **Faith Based Organizations**
 - a. Faith-based organizations may apply for this award on the same basis as any other organization, as set forth at [24 CFR 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 on the basis of the organization's religious character, affiliation, or exercise.
 - b. 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(e), 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.

c. 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. Rules and Regulations Applicable to HUD NOFOs

Applicants must comply with these rules to apply.

1. Eligibility Requirements for Applicants of HUD's Grant Programs.

Evidence of the following issues may prevent an award from being granted to otherwise successful project applicants. Detailed information on each requirement is posted on [HUD's Funding Opportunities Page](#).

- Outstanding Delinquent Federal Debt
- Debarments and/or Suspensions
- Pre-selection Review of Performance
- Sufficiency of Financial Management System
- False Statements
- Mandatory Disclosure Requirement
- Conducting Business in Accordance with Ethical Standards/Code of Conduct
- Prohibition Against Lobbying Activities
- Equal Participation of Faith-Based Organizations in HUD Programs and Activities

2. Resolution of Civil Rights Matters. Outstanding civil rights matters must be resolved before the application submission deadline. Project applicants, who after review are confirmed to have civil rights matters unresolved at the application submission deadline, will be deemed ineligible. Their applications will receive no further review, will not be rated and ranked, and will not receive funding.

- a. Project applicants having any of the charges, cause determinations, lawsuits, or letters of findings referenced in subparagraphs (1) – (5) that have not been resolved to HUD's satisfaction before or on the application submission deadline date are ineligible for funding. Such matters include:
 - i. Charges from HUD concerning a systemic violation of the Fair Housing Act or receipt of a cause determination from a substantially equivalent state or local fair housing agency concerning a systemic violation of a substantially equivalent state or local fair housing law proscribing discrimination because of race, color, religion, sex, national origin, disability, or familial status;
 - ii. Status as a defendant in a Fair Housing Act lawsuit filed by the Department of Justice alleging a pattern or practice of discrimination or denial of rights to a group of persons raising an issue of general public importance under 42 U.S.C. 3614(a);

- iii. Status as a defendant in any other lawsuit filed or joined by the Department of Justice, or in which the Department of Justice has intervened, or filed an amicus brief or statement of interest, alleging a pattern or practice or systemic violation of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Section 109 of the Housing and Community Development Act of 1974, the Americans with Disabilities Act or a claim under the False Claims Act related to fair housing, non-discrimination, or civil rights generally including an alleged failure to affirmatively further fair housing;
 - iv. Receipt of a letter of findings identifying systemic non-compliance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Section 109 of the Housing and Community Development Act of 1974; or the Americans with Disabilities Act; or
 - v. 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 submission deadline date will resolve the matter. Examples of actions that may be sufficient to resolve the matter include, but are not limited to:
- i. Current compliance with voluntary compliance agreement signed by all parties;
 - ii. Current compliance with a HUD-approved conciliation agreement signed by all the parties;
 - iii. Current compliance with conciliation agreement signed by all parties and approved by the state governmental or local administrative agency with jurisdiction over the matter;
 - iv. Current compliance with a consent order or consent decree;
 - v. Current compliance with a final judicial ruling or administrative ruling or decision; or
 - vi. Dismissal of charges.

3. Program Specific Requirements

a. Eligible Project Applicants (24 CFR 578.15, 24 CFR 5.100). Eligible project applicants for this Special NOFO are found at 24 CFR 578.15 and the Act and include nonprofit organizations, states, local governments, instrumentalities of state and local governments, Indian Tribes and TDHEs (as defined in section 4 of the Native American Housing and Self-Determination Act of 1996 (25 U.S.C. 4103)). Public housing agencies, as such term is defined in 24 CFR 5.100, are eligible without limitation or exclusion. For-profit entities are ineligible to apply for grants or to be subrecipients of grant funds.

b. Project Applications.

(1) Unsheltered Homelessness Set Aside. CoCs may submit projects for any type of project described in Section V.4.a, including projects for CoC planning costs and, where the CoC's Collaborative Applicant is a HUD-approved UFA, projects for UFA costs.

(a) All projects must be ranked, including projects for CoC planning and, where applicable, UFA costs on the appropriate project listing.

(b) Any project containing a request for acquisition, new construction, or rehabilitation funds will be rejected.

(2) Rural Set Aside. CoCs may submit projects for any type of project described in Section V.B.4.a, except for projects for CoC planning and UFA costs.

(a) All projects must be ranked.

(b) Any project proposing to serve a geographic area not defined as a rural area (see Appendix B) will be rejected.

(3) Additional Requirements for Projects for both Unsheltered Homelessness Set Aside and Rural Set Aside. In addition to the requirements above:

(a) HUD will review project subrecipient eligibility as part of the threshold review process. Project applicants are required to submit documentation of subrecipients' eligibility with the project application.

(b) All permanent housing, Joint TH and PH-RRH Component Projects, and SSO projects must follow a Housing First approach as defined in Section III.C.2.e of this NOFO.

c. Grant Terms. The initial grant term for projects awarded funds for acquisition, new construction, or rehabilitation (which are only permissible for projects awarded under the Rural Set Aside) and other activities to serve program participants will be 3 to 5 years. These grants will provide up to 2 years to complete the acquisition, new construction, or rehabilitation activities, and upon completion of the acquisition, new construction, or rehabilitation, will require the remaining grant activities to serve program participants for 3 years. The initial grant term for all other projects will be 3 years, including for CoC planning and UFA costs. Grant terms may be extended, consistent with 2 CFR 200.308 and 2 CFR 200.309.

(1) A CoC may apply for planning costs from the Unsheltered Homelessness Set Aside. The maximum amount available for CoC planning project is three (3) percent of the total amount awarded to recipients from the Unsheltered Homelessness Set Aside. CoCs may apply for up to 3 percent of the maximum award amount for the Unsheltered Homelessness Set Aside, but HUD will reduce this amount to no more than 3 percent of the amount awarded to the CoC for projects under the Unsheltered Homelessness Set Aside if that is less than the amount requested.

(2) A CoC that is a UFA, may apply for UFA costs from the Unsheltered Homelessness Set Aside. The maximum amount available for UFA Costs, for UFA designated Collaborative Applicants, is three (3) percent of the maximum award amount for the Unsheltered Homelessness Set Aside. CoCs may apply for up to 3 percent of the maximum award amount for the Unsheltered Homelessness Set Aside, but HUD will reduce this amount to no more than 3 percent of the amount awarded if that is less than the amount requested.

d. Match. 24 CFR 578.73 provides the information regarding match requirements.

e. Eligible Costs.

(1) Unsheltered Homelessness Set Aside. For the Unsheltered Homelessness Set Aside, 24 CFR 578.37 through 578.63 identify the eligible costs, except that projects applying for funds under the Unsheltered Homelessness Set Aside may not request funds for acquisition (24 CFR 578.43), rehabilitation (24 CFR 578.45), or new construction (24 CFR 578.47). HUD will reject any requests for ineligible costs and HUD will reject any projects that request funds for acquisition, new construction, or rehabilitation.

(2) Rural Set Aside.

(a) In general. For the Rural Set Aside, eligible activities are those identified in the CoC Program regulations at 24 CFR 578.37 through 578.63, and those listed in paragraph (b) when they are part of an SSO, PH, or Joint TH and PH:RRH Component project. Additionally, staff and overhead costs directly related to carrying out the eligible activities in paragraph (b) of this section are eligible as part of those activities.

(b) The eligible activities authorized under section 491 that are eligible under this Special NOFO are:

(i) Rent or utility assistance after 2 months of nonpayment of rent or utilities to prevent eviction or loss of utility service. Funds may be used to pay rent or utility arrear payments up to 6 months on behalf of program participants residing in permanent housing.

(ii) Short-term emergency lodging in motels or shelters, either directly or through vouchers. Eligible costs include lodging costs in motels or hotels for program participants; pro-rata share of sheltering program participants in existing shelters so long as the costs are actual costs of creating new and temporary beds in emergency shelters and not to permanently increase the capacity of the shelter. No funds may be used to shelter program participants in existing shelter beds..

(iii) Repairs, (such as insulation, window repair, door repair, roof repair, and repairs) that are necessary to make housing habitable to be used for transitional or permanent housing by people experiencing homelessness. The total cost of repairs may not exceed \$10,000 per structure.

(iv) Capacity building activities. Capacity building activities are those activities that maintain or improve the skills of recipients. Eligible capacity building activities include employee education, job training, staff retention activities such as financial incentives to staff, paying for continuing education opportunities, cross training within an organization, staff training and professional licensing or certification, and other professional development activities. An applicant may apply for up to 20% of funds requested as part of the project, including project administrative costs, for capacity building activities.

(v) Emergency food and clothing assistance. The cost of providing meals or groceries and clothing to program participants are eligible costs.

(viii) Costs associated with making use of Federal Inventory property programs to house homeless individuals and families. Federal Inventory property programs means the Use of Federal Real Property to Assist the Homeless program authorized by title V of the Act, and implemented by 24 CFR part 581, and the Single Family Property Disposition Program authorized by section 204(g) of the National Housing Act (12. U.S.C. 1710(g)) and implemented at 24 CFR part 291

Eligible costs are: preparing and submitting applications to obtain ownership of the real property; transfer taxes; recording fees; closing costs; building permit and zoning fees; attorney's fees; rehabilitation of buildings and structures on the property necessary to bring them into compliance with local building codes and to convert them to the intended homeless assistance use; water, sanitation, sewer and utility hook-up fees and deposits and bringing lines to the property; wells; septic systems; and improving access to the real property from public roads.

(c) HUD will reject any requests for ineligible costs.

f. Indirect Costs. Normal indirect cost rules under 2 CFR part 200 apply. Project applicants that intend to charge indirect costs to the award must clearly state in the project application(s) the rate and distribution base the recipient intends to use, and if applicable, the rate and distribution base to be used by any subrecipient(s). If the rate is a Federally negotiated indirect cost rate, the project application must include the corresponding negotiated indirect cost rate agreement signed by the cognizant agency. A government department or agency unit that receives no more than \$35 million in direct federal funding per year and has developed and maintains an indirect cost rate proposal and supporting documentation in accordance with 2 CFR part 200, appendix VII, may use the rate and distribution base specified in that indirect cost rate proposal, unless the cognizant agency requires the proposal to be submitted for negotiation.

For each applicant or intended subrecipient that meets the conditions for the de minimis rate under 2 CFR 200.414(f) and will use that rate to charge indirect costs, the project application must clearly state the intended use of the de minimis rate of 10 percent of Modified Total Direct Costs (MTDC). As described in 2 CFR 200.403, costs must be consistently charged as either indirect or direct costs but may not be double charged or inconsistently charged as both. Once an organization elects to use the de minimis rate, the organization must apply this methodology consistently for all Federal awards until the organization chooses to negotiate for 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.

g. Participative Planning and Implementation. Applicants must identify, in their application, the steps they will take to ensure that traditionally marginalized populations (such as racial and ethnic minorities and persons with disabilities) will be able to meaningfully participate in the planning process. The applicant must identify the specific populations that it will include, identify community organizations that represent these populations, and describe how these populations will be included in the planning process. For capital investment projects (i.e., projects that include new construction or rehabilitation activities), which are only permitted in rural areas as defined in Section III.C.2.k, recipients must comply with the requirements at 24 CFR Part 75, Economic Opportunities for Low- and Very Low-Income Persons (Section 3). In seeking public participation, applicants and recipients must ensure that all communications are provided in a manner that is effective for persons with hearing, visual, and other communication-related disabilities consistent with Section 504 of the Rehabilitation Act of 1973 and, as applicable, the Americans with Disabilities Act. In addition, Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d and Executive Order 13166 require that grantees take reasonable steps to ensure meaningful access to services, programs, and activities by persons with Limited English Proficiency

(LEP persons).

h. Cooperation with Related Research and Evaluation. Recipients shall fully cooperate with any research or evaluation sponsored or supported by HUD or another 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 may also include the compiling of certain relevant information 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 <http://www.hhs.gov/ocr/hipaa/>. HUD does not expect research to be conducted that could affect human subjects.

4. Criteria for Applicants.

a. Project Applications. The following types of project applications will be eligible for completion and submission in the Special NOFO Competition. See Section II.B.4 of this NOFO for eligible program participants for each of the following project types:

(1) *CoC planning projects.* All Collaborative Applicants are eligible and encouraged to apply for CoC planning funds which may be used as described in 24 CFR 578.39. The project applications for CoC planning must be submitted by the Collaborative Applicant, which must match the organization listed as the Collaborative Applicant in the CoC Applicant Profile in *e-snaps*. This project type must request a 3-year grant term. A Collaborative Applicant may apply for one CoC Planning grants as part of the Unsheltered Homelessness Set Aside. No CoC planning grants will be awarded for the Rural Set Aside. The planning grant must be ranked on the CoC Priority Listing in order to be considered for funding by HUD.

(2) *UFA Costs projects.* Only Collaborative Applicants approved for UFA designation in the FY 2022 Continuum of Care Registration process are eligible to apply for UFA Costs project funds as described in 24 CFR 578.41. The Collaborative Applicant must be the UFA Costs project applicant, which must match the organization listed as the Collaborative Applicant in the CoC Applicant Profile in *e-snaps*. This project type must request a 3-year grant term. A Collaborative Applicant may apply for one UFA costs project as part of the Unsheltered Homelessness Set Aside. No UFA costs will be awarded for the Rural Set Aside. The UFA grant must be rated and ranked in order to be considered for funding by HUD.

(3) *Permanent Housing projects* including:

- (i) permanent supportive housing (PH-PSH) projects;
- (ii) permanent housing-rapid rehousing (PH-RRH) projects; and

(4) *Supportive Service Only projects;*

(5) *Joint TH and PH-RRH projects;*

(6) *HMIS.*

C. Rules that affect how HUD evaluates applications

1. Past Performance

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

- the ability to account for funds in compliance with applicable reporting and recordkeeping requirements;
- timely use of funds received from HUD;
- timely submission and quality of reports submitted to HUD;
- meeting program requirements;
- meeting performance targets as established in the grant agreement;
- the project applicant's organizational capacity, including staffing structures and capabilities;
- timely completion of activities and receipt and expenditure of promised matching funds;
- the number of persons served or targeted for assistance;
- promoting self-sufficiency and economic independence;
- producing positive outcomes and results; and

HUD may reduce scores based on the past performance review. Wherever possible, HUD will obtain past performance information and if this review results in an adverse funding related to integrity of performance, HUD reserves the right to take any of the remedies necessary.

2. Statutory and Regulatory Requirements. To be eligible for funding under this NOFO, project applicants must meet all statutory and regulatory requirements in the Act and 24 CFR part 578, except that projects that are awarded Rural Set Aside funding may also use the funding on certain activities eligible under the Rural Housing Stability Assistance Program under Section 491 of the McKinney-Vento Act (42 U.S.C. 11408) that are not otherwise eligible under the Continuum of Care (see Section V.3.e.(2) of this NOFO for more information). Project applicants can obtain a copy of the Act and 24 CFR part 578 on the HUD website or by contacting the NOFO Information Center at 1-800-483-8929).

3. Threshold Requirements.

a. Ineligible Applicants. HUD will not consider a project application from an ineligible project applicant, including an application submitted for CoC planning funds or UFA Costs from a project applicant other than the Collaborative Applicant.

b. Project Eligibility Threshold. HUD will review all projects to determine if they meet the following eligibility threshold requirements on a pass/fail standard. If HUD determines that the applicable standards are not met for a project, the project will be rejected. Approval of project applications is not a determination by HUD that a recipient is compliant with applicable fair housing and civil rights requirements.

(1) Project applicants and potential subrecipients must meet the eligibility requirements of the CoC Program as described in 24 CFR part 578 and provide evidence of eligibility required in the application (e.g., nonprofit documentation).

(2) Project applicants and subrecipients must demonstrate the financial and management capacity and experience to carry out the project as detailed in the project application and the capacity to administer federal funds. Demonstrating capacity may include a description of the applicant/subrecipient experience with similar projects and with successful administration of SHP, S+C, or CoC Program

funds or other federal funds.

(3) Project applicants must submit the required certifications as specified in this NOFO.

(4) The population to be served must meet program eligibility requirements as described in the Act, 24 CFR part 578, and Section II.B.4 of this NOFO.

(5) Project applicants, except Collaborative Applicants that only receive awards for CoC planning costs and, if applicable, UFA Costs, must agree to participate in a local HMIS system. However, in accordance with Section 407 of the Act, any victim service provider that is a recipient or subrecipient must not disclose, for purposes of HMIS, any personally identifying information about any client. Victim service providers must use a comparable database that meets the needs of the local HMIS.

(6) To be considered for the Rural Set Aside project applications must serve 100 percent rural areas as described in Section III.C.2.k and must be ranked on the Rural Set Aside project listing. Projects not meeting this requirement will not be considered under this selection process in Sections II.B.2 and VIII.A of this NOFO.

c. *Project Quality Threshold.* HUD will review all project applications to determine if they meet the following project quality threshold requirements. If awarded, a recipient is required to meet all the criteria listed in the criteria column for its component. Additionally, the housing and services proposed must be appropriate to the needs of the program participants and the community. A determination that a project meets the project quality threshold is not a determination by HUD that a recipient is compliant with applicable fair housing and civil rights requirements.

Rating Factor for New Project Types	Points Available	Criteria
Permanent Housing: Permanent Supportive Housing or Rapid Rehousing.		
New permanent housing projects must receive at least 4 out of the 5 points available for this project type. Projects that do not receive at least 4 points will be rejected.	1	The type of housing proposed, including the number and configuration of units, will fit the needs of the program participants.
	1	The type of supportive services that will be offered to program participants will ensure successful retention in or help to obtain permanent housing, including all supportive services regardless of funding source.

	1	The proposed project has a specific plan for ensuring program participants will be individually assisted to obtain the benefits of mainstream health, social, and employment programs for which they are eligible to apply and which meet the needs of program participants (e.g., Medicare, Medicaid, SSI, Food Stamps, local Workforce office, early childhood education).
	1	Program participants are assisted to obtain and remain in permanent housing in a manner that fits their needs (e.g., provides the participant with some type of transportation to access needed services, safety planning, case management, housing that meets accessibility related needs, additional assistance to ensure retention of permanent housing).
	1	The proposed project is consistent with the plan described by the CoC in response to Section VII.B.4 of this NOFO.
Joint TH and PH-RRH		
Joint TH and PH-RRH component project applications must receive at least 4 out of 6 points available for this project type. Projects that do not receive at least 4 points will be rejected.	1	The type of housing proposed, including the number and configuration of units, will fit the needs of the program participants (e.g., ensuring a range of bedroom sizes to assist various family sizes.)
	1	The proposed project will provide enough rapid rehousing assistance to ensure that at any given time a program participant may move from transitional housing to permanent housing. This may be demonstrated by identifying a budget that has twice as many resources for the rapid rehousing portion of the project than the TH portion, by having twice as many PH-RRH units at a point in time as TH units, or by demonstrating that the budget and units are appropriate for the population being served by the project.

	1	The type of supportive services that will be offered to program participants will ensure successful retention or help to obtain permanent housing, including all supportive services regardless of funding source.
	1	The proposed project has a specific plan for ensuring program participants will be individually assisted to obtain the benefits of mainstream health, social services, and employment programs for which they are eligible to apply and which meet the needs of the program participants (e.g., Medicare, Medicaid, SSI, Food Stamps, local Workforce office, early childhood education).
	1	Program participants are assisted to obtain and remain in permanent housing in a manner that fits their needs (e.g., provides the participant with some type of transportation to access needed services, safety planning, case management, housing that meets accessibility related needs, additional assistance to ensure retention of permanent housing).
	1	The proposed project is consistent with the plan described by the CoC in response to Section VII.B.4 of this NOFO.
SSO- Coordinated Entry		
New SSO-Coordinated Entry project applications (also known as centralized or coordinated assessment) must receive at least 2 out of the 4 points available for this product type. New SSO-Coordinated Entry projects that do not receive at least 2 points will be rejected.	1	The centralized or coordinated assessment system is easily available/reachable for all persons within the CoC's geographic area who are seeking homeless assistance. The system must also be accessible for persons with disabilities within the CoC's geographic area.

	1	There is a strategy for advertising that is designed specifically to reach homeless persons with the highest barriers within the CoC's geographic area.
	1	There is a standardized assessment process.
	1	Ensures program participants are directed to appropriate housing and services that fit their needs.
Supportive Services Only (not including SSO projects for Coordinated Entry)		
SSO project applications must receive 4 out of 6 points available for this project type.	1	The proposed project has a strategy for providing supportive services to those with the highest service needs, including those with histories of unsheltered homelessness and those who do not traditionally engage with supportive services.
	1	Program participants are assisted to obtain and maintain permanent housing in a manner that fits their needs.
	1	The proposed project has a specific plan for ensuring program participants will be individually assisted to obtain the benefits of mainstream health, social services, and employment programs for which they are eligible to apply and which meet the needs of the program participants (e.g., Medicare, Medicaid, SSI, Food Stamps, local Workforce office, early childhood education).
	2	The project proposed will participate in coordinated entry.
	1	The proposed project is consistent with the plan described by the CoC in response to Section VII.B.4 of this NOFO.

HMIS

<p>HMIS project applications must receive at least 3 out of the 4 points available for this project type. New HMIS projects that do not receive at least 3 points will be rejected.</p>	<p>1</p>	<p>How the HMIS funds will be expended in a way that is consistent with the CoC's funding strategy for the HMIS and furthers the CoC's HMIS implementation.</p>
	<p>1</p>	<p>The HMIS collects all Universal Data Elements as set forth in the HMIS Data Standards.</p>
	<p>1</p>	<p>The ability of the HMIS to un-duplicate client records.</p>
	<p>1</p>	<p>The HMIS produces all HUD-required reports and provides data as needed for HUD reporting (e.g., APR, quarterly reports, data for CAPER/ESG reporting) and other reports required by other federal partners.</p>

CoC Planning – Collaborative Applicants Only

<p>CoC planning projects, submitted only by the CoC's designated Collaborative Applicant, must receive at least 3 out of the 5 points available for this project type. CoC planning projects that do not receive at least 3 points will be rejected.</p>	<p>1</p>	<p>Governance and Operations-The CoC conducts meetings of the entire CoC membership that are inclusive and open to members and demonstrates the CoC has a written governance charter in place that includes CoC policies.</p>
	<p>1</p>	<p>CoC Committees-The CoC has CoC-wide planning committees, subcommittees, or workgroups to address homeless needs in the CoC's geographic area that recommends and sets policy priorities for the CoC.</p>

2	The proposed planning activities that will be carried out by the CoC with grant funds are compliant with the provisions of 24 CFR 578.7.
1	The funds requested will improve the CoC's ability to evaluate the outcome of both CoC Program-funded and ESG-funded projects.

UFA Costs project applications are not subject to the above threshold review. HUD will review the UFA Costs submitted by the UFA designated Collaborative Applicant to ensure appropriate match and eligibility of costs requested.

Additionally, HUD will assess all project applications for the following minimum project eligibility, capacity, timeliness, and performance standards. To be considered as meeting project quality threshold, all projects must meet all the following criteria:

- (1) Project applicants and potential subrecipients must have satisfactory capacity, drawdowns, and performance for existing grant(s) that are funded under the S+C or CoC Program, as evidenced by timely reimbursement of subrecipients, regular drawdowns, and timely resolution of any monitoring findings; and;
- (2) Project applicants must demonstrate they will be able to meet all timeliness standards per 24 CFR 578.85.

HUD reserves the right to reduce or reject a project application from the project applicant for the following reasons:

- (a) outstanding obligation to HUD that is in arrears or for which a payment schedule has not been agreed upon;
- (b) audit finding(s) for which a response is overdue or unsatisfactory;
- (c) history of inadequate financial management accounting practices;
- (d) evidence of untimely expenditures on prior award;
- (e) history of other major capacity issues that have significantly affected the operation of the project and its performance;
- (f) history of not reimbursing subrecipients for eligible costs in a timely manner, or at least quarterly; and
- (g) history of serving ineligible program participants, expending funds on ineligible costs, or failing to expend funds within statutorily established timeframes.

d. *Certification of Consistency with the Consolidated Plan.* Each project applicant must submit a certification by the jurisdiction in which the proposed project(s) will be located that the applicant's project application for funding is consistent with the jurisdiction's HUD-approved consolidated plan. The certification must be made in accordance with the provisions of the consolidated plan regulations at 24 CFR part 91, subpart F. Form HUD-2991 must be completed and dated between **June 22, 2022 and October 20, 2022.**

Additionally, applicants that locate a project on a reservation or trust land must include a

tribal resolution to site a project on their own reservation or trust land or a letter from an official or principal of the Indian Tribe or TDHE who is authorized to act on behalf of the Indian tribe or TDHE indicating approval. A tribal resolution is the formal manner in which the tribal government expresses its legislative will in accordance with its organic documents. In the absence of such organic documents, a written expression adopted pursuant to tribal practices or a letter from an official or principal of the Indian Tribe or TDHE who is authorized to act on behalf of the Indian tribe or TDHE will be acceptable.

e. *Environmental Requirements.* Notwithstanding 24 CFR 578.31 and 24 CFR 578.99(a) of the Rule, and in accordance with Section 100261(3) of MAP-21 (Pub. L. 112-141, 126 Stat. 405), activities under this NOFO are subject to environmental review by a responsible entity under HUD regulations at 24 CFR part 58.

(1) For projects categorized as exempt or Categorically Excluded from review under the National Environmental Policy Act and not subject to 24 CFR 58.5 (CENST), the [Exempt/CENST](#) form is only required for each project, not every unit.

(2) All scattered-site projects where program participants choose their own unit and are not restricted to units within a pre-determined specific project site or sites are categorized in 24 CFR 58.35(b)(1) as CENST, including both tenant-based rental assistance and tenant-based leasing projects where program participants choose their own unit.

(3) For activities under a grant to a recipient other than a state or unit of general local government that generally would be subject to review under 24 CFR part 58, HUD may make a finding in accordance with 24 CFR 58.11(d) and may itself perform the environmental review under the provisions of 24 CFR part 50 if the recipient objects in writing to the responsible entity's performing the review under 24 CFR part 58.

(4) Irrespective of whether the responsible entity in accordance with 24 CFR part 58 (or HUD in accordance with 24 CFR part 50) performs the environmental review, the recipient must supply all available, relevant information necessary for the responsible entity (or HUD, if applicable) to perform for each property any required environmental review. The recipient also must carry out mitigating measures required by the responsible entity (or HUD, if applicable) or select alternative property.

(5) The recipient, its project partners, and their contractors may not acquire, rehabilitate, convert, lease, repair, dispose of, demolish, or construct property for a project under this NOFO, or commit or expend HUD or local funds for such eligible activities under this NOFO, until the responsible entity (as defined by 24 CFR 58.2(a)(7)) has completed the environmental review procedures required by 24 CFR part 58 and the environmental certification and Request for Release of Funds (RROF) have been approved or HUD has performed an environmental review under 24 CFR part 50 and the recipient has received HUD approval of the property. HUD will not release grant funds if the recipient or any other party commits grant funds (i.e., incurs any costs or expenditures to be paid or reimbursed with such funds) before the recipient submits and HUD approves its RROF (where such submission is required).

VI. APPLICATION AND SUBMISSION INFORMATION

A. Obtaining an Application

Authoritative Versions of HUD NOFOs. The version of this NOFO as posted on Grants.gov is the official document HUD uses to solicit applications. Applicants are advised to compare their application submission with the requirements in the Program NOFO. If there is a discrepancy in

the Program NOFO posted on Grants.gov and other information provided in any other copy or version or supporting documentation, the Program NOFO located on Grants.gov prevails. If discrepancies are found, notify HUD immediately as indicated in Section XI of this NOFO. Persons with hearing, or speech impairments, may use the Federal Relay Service's teletype service at 1-800-877-8339. HUD will post any corrections or changes to a Program NOFO on Grants.gov. While the CoC Program NOFO is officially posted on Grants.gov, this program uses *e-snaps*, an electronic application system. HUD does not accept faxed applications or supportive documents.

B. Other Guidance and Notifications

1. Federalism. E.O. 13132 prohibits, to the extent practicable and permitted by law, an agency from promulgating policies that have federalism implications and either impose substantial direct compliance costs on state and local governments and are not required by statute, or preempt state law, unless the relevant requirements of Section 6 of the executive order are met. This notice does not have federalism implications and does not impose substantial direct compliance costs on state and local governments or preempt state law within the meaning of the executive order.

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

- a. Documentation, Public Access, and Disclosure Requirements. HUD will ensure that documentation and other information regarding each application submitted pursuant to this NOFO are sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of support, will be made available for public inspection for a 5-year period beginning not less than 30 days after the award of the assistance. Material will be made available in accordance with the FOIA and HUD's implementing regulations at 24 CFR 15.
- b. Form HUD 2880, "Applicant/Recipient Disclosure/Update Report". HUD will also make available to the public for a period of 5 years all applicant disclosure reports (form HUD 2880) submitted in connection with this NOFO. Updated reports (also reported on form HUD 2880) will be made available along with the applicant disclosure reports, but in no case for a period of less than 3 years. All reports will be made available in accordance with the FOIA and HUD's implementing regulations.
- c. Publication of Recipients of Funding. HUD's regulations at 24 CFR part 4 provide that HUD will publish a notice in the Federal Register to notify the public of all funding decisions made by HUD to provide:
 1. Assistance subject to Section 102(a) of the HUD Reform Act; and
 2. Assistance provided through grants or cooperative agreements on a discretionary (non-formula, non-demand) noncompetitive basis.

3. Section 103 of the HUD Reform Act. Section 103 of the HUD Reform Act, codified at 24 CFR part 4, subpart B, applies to this funding competition until the announcement of selection of successful applicants. HUD's employees involved in the review of applications and in the

making of funding decisions are prohibited by the regulations from providing advance information to any person (other than an authorized HUD employee) concerning funding decisions or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance must confine their inquiries to the subject areas HUD's employees are permitted to answer under 24 CFR part 4. Applicants who have ethics-related questions may contact HUD's Ethics Law Division at 202-708-3815 (this is not a toll-free number). Persons with speech or hearing impairments may access this number via TTY by calling the Federal Relay Service at 1-800-877-8339.

4. Digital Signatures and Recordkeeping. HUD is increasing electronic recordkeeping where feasible.

- a. HUD plans to use digital signatures on grant award and modification documents to expedite awards and modification.
- b. HUD will manage email records in an electronic format. Recipients need not print emails and file them if their email system and procedures meet records management and litigation requirements (e.g., identifying, retrieving, and retaining the records for as long as they are needed).

5. Negotiation. Action on Conditionally Selected Application. HUD will notify conditionally selected applicants in writing. HUD may subsequently request conditionally selected applicants to submit additional project information—which may include documentation to show the project is financially feasible; documentation of firm commitments for match; documentation showing site control; information necessary for HUD to perform an environmental review, where HUD determines to do so in accordance with 24 CFR 58.11(d); a copy of the organization's Code of Conduct; and such other documentation as specified by HUD in writing that confirms or clarifies information provided in the application. HUD will require the submission of the additional project information no later than 30 days after the date of the letter for such information, except as otherwise provided in 24 CFR 58.21(c). If an applicant is unable to meet any conditions for the award within the specified time frame, HUD reserves the right not to award funds to the applicant and add those funds to the funds available for the next appropriate Competition related to such section 231.

6. Performance and Compliance Actions of Funding Recipients. As part of HUD's ongoing management of each funded award, HUD will evaluate the performance and compliance of each funded award. HUD expects recipients to fulfill performance goals indicated in their application. HUD will measure and address the performance and compliance actions of recipients in accordance with the applicable standards and sanctions of the respective program.

7. Faith-Based Organizations. Executive Orders 13798 and 13831, promote religious liberty and the increased engagement of faith-based groups in creating opportunity and serving underserved communities.

D. Application Package. The submission summary in *e-snaps* provides the list of elements required to complete each type of project application. A Collaborative Applicant will not be able to submit an application to HUD until all required parts are completed, including the project-level review and either accepting and ranking or rejecting the project applications. Once available, the CoC Application, Project Applications, and the CoC Priority Listing can be

accessed at <https://esnaps.hud.gov/>.

E. Content and Form of Application Submission. The CoC Consolidated Application for funds under this NOFO includes the CoC Application, which describes the CoC's plan for ending homelessness, its system-level performance, and addresses the selection criteria specified in Section VII of this NOFO; the CoC Priority Listing which includes four project listings including all project applications submitted to the CoC for funding consideration that are either approved and ranked or rejected; and the signed and dated form HUD-2991, Certification of Consistency with the Consolidated Plan.

F. CoC Consolidated Application. The Collaborative Applicant must submit the CoC Consolidated Application in *e-snaps* on behalf of the CoC. The Consolidated Application includes the parts listed below, (for more information see the project applications), CoC Application, and CoC Priority Listing detailed instructions and *e-snaps* Navigational Guides, which were developed by a technical assistance provider and located on the [HUD Exchange](#)).

1. CoC Application, with all charts and narratives completed as applicable and all required attachments, including:

a. CoC Review, Score, and Ranking Procedures. The CoC's written procedures that are publicly posted for all interested stakeholders and applicants that clearly describe the project-level review and ranking process that is used by the CoC to determine which CoC Program project applications submitted to the CoC are submitted to HUD;

b. Projects to Serve Persons Defined as Homeless under paragraph (3) of 24 CFR 578.3. If the CoC is seeking to serve persons defined as homeless under paragraph (3) of the homeless definition, which is only permitted with funds from the Rural Set Aside, a list of projects that will serve persons defined as homeless under paragraph (3) of the homeless definition;

c. Longitudinal Systems Analysis (LSA) Report. The report that shows all the system performance measures that were submitted to HUD as well as the data quality measures for the information submitted to HUD.

d. The CoC's Plan for serving Individuals and Families Experiencing Homelessness with Severe Service Needs described in Section VII.B.4 of this NOFO. The maximum length of the CoC's Plan For Serving Individuals and Families Experiencing Homelessness with Severe Service Needs is 15 pages. HUD will not count attachments required in Section VII.B.4 towards the 15-page limit. Collaborative Applicants must use the following format for their Plans For Serving Individuals and Families Experiencing Homelessness with Severe Service Needs:

- (1) use paper size 8-1/2 x 11 inches;
- (2) use single-spacing;
- (3) use at least a 1/2 inch for all margins. HUD will count pages with margins smaller than 1/2 inch as two pages;
- (4) use 12-point, Times New Roman font;
- (5) HUD will count any pages marked as sub-pages (e.g., with numbers and letters such as 25A, 25B, 25C) as separate pages;
- (6) limit of one page per one sheet of paper; i.e., pages may not be shrunk to get two

or more pages on a page. Shrunken pages, or pages where a minimized/reduced font are used. HUD will be count shrunken pages as multiple pages; and
(7) number all pages consecutively.

e. Letters of Commitment, Contracts, or Other Formal Written Agreements Demonstrating the Development of New Units and New Housing Opportunities for People Experiencing Homelessness. These written commitments must demonstrate the number of new units being developed or set aside for individuals experiencing homelessness and the date by which they will be available.

f. Written Commitments from Hospitals, Healthcare Clinics, Insurance Agencies, Medicaid State Agencies, Public Health Departments, Mental Health Clinics, Federally Qualified Health Center (FQHC), or Drug Treatment Facilities. These written commitments must demonstrate the types of services being made available on a voluntary basis, the value of the commitment, and the dates the healthcare resources will be provided.

g. Letter Signed by Working Group Comprised of Persons with Lived Experience of Homelessness. The letter must be signed by either (1) at least three members involved in the working group comprised of individuals with lived experience or (2) an authorized representative of the workgroup (e.g., a working chair) along with evidence that the person is authorized to represent the group. The letter must demonstrate support of the priorities in the CoCs Plan for Serving Individuals and Families Experiencing Homelessness with Severe Service Needs in the CoC's geographic area outlined in the Special NOFO CoC Application and the Project Applications.

h. Letter of Commitment from PHA(s) serving the CoC's geographic area. The Consolidated Appropriations Act, 2021 (Public Law 116-260, approved December 20, 2020) makes available \$43,439,000 of new incremental voucher assistance under section 8(o) of the United States Housing Act of 1937 for use by individuals and families experiencing or at-risk of homelessness; those fleeing or attempting to flee domestic violence, dating violence, sexual assault, and stalking; veterans and families that include a veteran family member that meets one of the preceding criteria (Stability Vouchers). HUD expects to announce this funding opportunity in FY 2022. HUD is asking CoCs to demonstrate written commitments with PHAs to: (1) pair vouchers with CoC-funded supportive services; and (2) to work with the CoC and other stakeholders to develop a prioritization plan for a potential allocation of Stability Vouchers or a preference for general admission to Housing Choice Voucher Program through the coordinated entry process for individuals and families experiencing homelessness, at risk of homelessness, or fleeing or attempting to flee domestic violence, dating violence, sexual assault, or stalking.

2. Project Application(s), including for each project application:

- a. Project application, charts, narratives, and attachments;
- b. SF-424 Application for Federal Assistance;
- c. SF-424 Supplement, Survey on Ensuring Equal Opportunities for Application required for nonprofit applicants only where completion and submission of this survey is voluntary;
- d. Documentation of Applicant and Subrecipient Eligibility. All project applicants must attach documentation of eligibility and the subrecipient eligibility must also be attached

to the project application;

- e. Applicant Certifications;
- f. Form HUD-2880, Applicant/Recipient Disclosure/Update Report. Must be attached for each project and must include the correct amount of HUD assistance requested.
- g. SF-LLL, Disclosure of Lobbying Activities (if applicable);
- h. Form HUD-50070, Certification for Drug-Free Workplace;
- i. Disclosure of Lobbying Activities; and
- j. Applicant Code of Conduct. All project applicants must ensure their organization has a Code of Conduct that complies with the requirements of 2 CFR part 200 and is on file with HUD at https://www.hud.gov/program_offices/spm/gmomgmt/grantsinfo/conduct. If the organization's Code of Conduct does not appear on HUD's website, the project applicant must attach its Code of Conduct that includes all required information to its Project Applicant Profile in *e-snaps*.

3. The CoC Priority Listing, including:

- a. Unsheltered Homelessness Set Aside project listing;
- b. Rural Set Aside project listing;
- c. UFA Costs project listing; and
- d. CoC Planning project listing.
- e. Form HUD-2991, Certification of Consistency with the Consolidated Plan. The Collaborative Applicant must submit a certification by the jurisdiction in which the proposed project(s) will be located that the applicant's application(s) for funding is consistent with the jurisdiction's HUD-approved consolidated plan dated between **June 22, 2022 and October 20, 2022**. This program requires a Certification of Consistency with the Consolidated Plan under 24 CFR 91.2, and certifies the proposed activities in the project applications are consistent with the jurisdiction's strategic plan, and the location of the proposed activities is consistent with the geographic areas specified in the Consolidated Plan. Additionally, applicants that propose locate a project on a reservation or trust land must include a tribal resolution from the tribe authorizing the applicant to do so or a letter from an official or principal of the Indian Tribe or TDHE who is authorized to act on behalf of in the Indian Tribe or TDHE indicating approval. Tribes do not need to include a tribal resolution to site a project on their own reservation or trust land. A tribal resolution is the formal manner in which the tribal government expresses its legislative will in accordance with its organic documents. In the absence of such organic documents, a written expression adopted pursuant to tribal practices or a letter from an official or principal of the Indian Tribe or TDHE who is authorized to act on behalf of the Indian tribe or TDHE will be acceptable.

4. Solo Applicants. Eligible project applicants that attempted to participate in the CoC planning process in the geographic area in which they operate, that believe they were denied the right to participate in a reasonable manner, may submit a solo project application to HUD and may be awarded a grant from HUD by following the procedure found in 24 CFR 578.35. Solo applicants must submit their solo project application in *e-snaps* to HUD by **8:00 PM EDT, on October 20, 2022**. See Section X.C of this NOFO for additional information regarding the Solo Applicant appeal process.

G. Submission Dates and Times.

1. Application Deadline Date

a. Completed applications must be submitted to HUD on or before 8:00 PM Eastern time on October 20, 2022.

b. 24 CFR 578.9 require CoCs to design, operate, and follow a collaborative process for the development of an application in response to a NOFO issued by HUD. As part of this collaborative process, CoCs must implement internal competition deadlines to ensure transparency and fairness at the local level. The implementation of deadlines that meet the standards outlined below for Special NOFO project applications will be considered as part of scoring criteria as detailed in Section VII.B.1.b of this NOFO.

(1) *Project Application.* All project applications are required to be submitted to the CoC no later than 30 days before the application deadline. CoCs that fail to establish a deadline for project applications that is no later than 30 days before the Special NOFO Competition application submission deadline will receive 0 points under Section VII.B.1.b of this NOFO.

(2) *CoC Notification to Project Applicants.* CoCs are required to notify, in writing outside of *e-snaps*, all project applicants who submitted their project applications to the CoC by the CoC-established deadline whether their project application(s) will be accepted and ranked on the CoC Priority Listing, rejected, or reduced by the CoC no later than 15 days before the Special NOFO application submission deadline. Where a project application is being rejected or reduced, the CoC must indicate the reason(s) for the rejection or reduction. Any project applicants that are rejected or reduced by the CoC must be notified in writing outside of *e-snaps*, with an explanation for the decision to reject or reduce the project application. CoCs that fail to provide rejection or reduction notification to a project applicant that submits its project application within the local competition deadline will receive 0 points under Section VII.B.1.b of this NOFO.

c. For the CoC Consolidated Application to be considered complete and properly submitted for review by HUD in the Special NOFO Competition, the Collaborative Applicant must submit the entire CoC Consolidated Application, which includes the: CoC Application, CoC Priority Listing, and project applications on behalf of the CoC, by the application deadline. Note that the "**Submit**" button will not be available on the Submission Summary of the CoC Application and the CoC Priority Listing until all required sections of the application and all parts of the listings, including accepting and ranking with a unique rank number or rejecting project applications have been completed. Collaborative Applicants should review the Submission Summary form carefully to ensure that no sections state "**Please Complete.**" **The CoC Application and the CoC Priority Listing are separate submissions in *e-snaps*; therefore, Collaborative Applicants must ensure that both the CoC Application and the CoC Priority Listing, that includes all project applications either approved and ranked or rejected, are submitted in *e-snaps* prior to the application submission deadline.**

d. Collaborative Applicants should print a copy of the Submission Summary form from the CoC Application and the CoC Priority Listing before closing their internet browser after the CoC Consolidated Application has been submitted to HUD. This is the

Collaborative Applicant's receipt of submission and proof of compliance with the application deadline. HUD will not give funding consideration to any Collaborative Applicant whose CoC Application or CoC Priority Listing is determined to be late and that are unable to provide HUD with a record of submission that verifies the CoC Consolidated Application was submitted prior to the application deadline date and time.

e. HUD strongly suggests that applicants use the "**Export to PDF**" functionality of *e-snaps* to print a hard copy of all submission documents for their records. This can be completed prior to or after submission.

f. As stated in Section VI.G of this NOFO, it is imperative that all Collaborative Applicants meet the application submission deadline of **October 20, 2022**. Applications that are not received on time will not be funded.

g. CoC and project applicants experiencing technical difficulty with any part of the Consolidated Application should notify HUD immediately for assistance and document all attempts to obtain assistance. Notification of technical difficulties are to be sent to Special CoCNOFO@hud.gov. HUD will not provide assistance directly related to content, only to troubleshoot submission issues.

H. Intergovernmental Review. Not Applicable.

I. Funding Restrictions. Not Applicable.

J. Other Submission Requirements

1. Application, Assurances and Certifications.

Standard Form 424 (SF-424) Application for Federal Assistance Programs is the governmentwide form required to apply for Application for Federal Assistance Programs, discretionary Federal grants and other forms of financial assistance programs. Applicants for this Federal assistance program must submit all required forms in the SF-424 Family of forms, including SF424B (Assurances of Non construction Programs) or SF424D (Assurances for Construction Programs). Applications receiving funds for both non-construction programs and construction programs must submit both the SF-424B and SF-424D.

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

federally recognized Indian tribes or Alaska native villages.

Assurances. By submitting your application, you provide assurances that, if selected to receive an award, you will comply with U.S. statutory and public policy requirements, including, but not limited to civil rights requirements. Applicants and recipients are required to submit assurances of compliance with federal civil rights requirements. *See, e.g.*, Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments Act of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975; *see also* 24 C.F.R. §§ 1.5; 3.115; 8.50; and 146.25. HUD accepts these assurances in the form of the SF-424B and SF-424D, which also require compliance with all general federal nondiscrimination requirements in the administration of the grant.

VII. Application Review Information

While HUD encourages activities in support of the Secretary's Initiatives for any of the three (3) preferences (Opportunity Zone, Promise Zone or Historically Black Colleges or University), this NOFO does not those include preference points.

A. Criteria

CoC Consolidated Applications will be assessed on a 100-point scale for the Unsheltered Homelessness Set Aside. CoC Consolidated Applications will be assessed on an 89-point scale for the Rural Set Aside. No Collaborative Applicants have exercised the authority under 422(j) of the Act in any prior CoC Program Competition; therefore, no selection criteria based on section 427(b)(1)(A)(viii) is included in this NOFO. Collaborative Applicants interested in exercising 422(j) authority should review section VII.C of this NOFO. Additionally, for purposes of the requirements of section 427 (b)(1)(B)(iv)(II) of the Act., HUD considers “all relevant subpopulations” to mean families, youth, veterans, persons fleeing or attempting to flee domestic violence, dating violence, sexual assault, or stalking, persons who are unsheltered, and chronically homeless individuals and families.

CoCs that submit applications including costs for new construction or rehabilitation, which HUD will only fund as part of the Rural Set Aside funding opportunity, must ensure the project application includes a letter from the CoC in support of the new construction and rehabilitation activities. As part of the application, the applicant must submit a letter of support that includes specific details as to how the project will comply with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) (Section 3) and HUD’s implementing rules at 24 CFR part 75 to provide employment and training opportunities for low- and very low-income persons, as well as contracting and other economic opportunities for businesses that provide economic opportunities to low- and very low-income persons. If the support letter from the CoC is not submitted or the letter does not include specific details for compliance, the capital cost project will be rejected.

B. CoC Application Scoring. The chart below describes the CoC Application criteria that will be used to establish CoC scores. HUD will use all of the factors outlined in this Section to establish the CoC’s score for the Unsheltered Homelessness Set Aside funding opportunity. For the Rural Set Aside funding opportunity, HUD will only use the factors labeled “(Required for Rural Set Aside)” to establish the CoCs score. CoCs only applying for funds under the Rural Set Aside only need to answer those marked “(Required for Rural Set Aside)”. CoCs must receive at least

50 percent of the points available, not including bonus points, for the funding opportunity (i.e., 50 points for the Unsheltered Set Aside and 44.5 points for the Rural Set Aside) to receive funding of any of its projects.

1. Project Capacity, Review, and Ranking. This entire Section is required to be completed for both the Unsheltered Homelessness Set Aside and the Rural Set Aside.

HUD will award up to 4 points to CoCs that demonstrate the existence of a coordinated, inclusive, and outcome-oriented community process for the solicitation, objective review, ranking, and selection of project applications.

Rating Factor	Maximum Points	To Receive Maximum Points
<p>a. Objective Criteria and Past Performance. Demonstrate the use of objective criteria to review project applications requesting CoC Program funding</p>	2	<p>The CoC must attach the written process or tool it used to review, rate, and rank project applications for this Special NOFO. This written process or tool must demonstrate it used objective criteria (e.g., cost effectiveness, performance data, type of population served, or type of housing proposed) to review, rate, and rank project applications.</p>
<p>b. Ranking and Selection Process. Demonstrate the use of an objective ranking and selection process for project applications that is publicly announced by the CoC.</p>	2	<ul style="list-style-type: none"> • Post on their website, at least 2 days before the application submission deadline for this Special NOFO, all parts of the Special NOFO Consolidated Application, including the CoC Application, including the CoC Application attachments and the CoC Priority Listing, and notify community members and key stakeholders that the CoC Consolidation Application is available. CoCs that do not have a website must post this information to a partner website within the CoC (e.g., a city or county website); • establish a deadline for project applications that is no later than 30 days before the Special NOFO Competition application submission date; and • notify project applicants, in writing outside of <i>e-snaps</i>, who submitted their project applications to the CoC by the CoC-established deadline, whether their project application(s) will be accepted and ranked, rejected, or reduced on the CoC Priority Listing no later than 15 days before the Special NOFO application submission deadline, and where a project application is being rejected or reduced, the CoC must

		indicate the reason(s) for the rejection or reduction.
<p>2. System Performance. This entire Section is required to be completed for both the Unsheltered Homelessness Set Aside and the Rural Set Aside. HUD will award full points in this section to CoCs whose geographic area is made up of 100 percent geographic areas where no CoC Program funds have been awarded previously, also known as new CoCs.</p> <p>HUD will award up to 18 points to CoCs that have a CoC system-wide performance measurement process related to reducing homelessness.</p>		
<p>a. Reducing the Number of Homeless Individuals and Families. Up to 3 points to CoCs that demonstrate an overall reduction of at least 5 percent in the number of individuals and families who experience homelessness.</p>	3	Up to 3 points for demonstrating a decrease of at least 5 percent in the number of unsheltered homeless individuals and families in the 2020 PIT compared to the most recent previous count as recorded in HDX (i.e., the 2018 or the 2019 PIT).
<p>b. Reduction in the number of First Time Homeless. Demonstrate how the CoC works to reduce the number of individuals and families who become homeless for the first time.</p>	3	<ul style="list-style-type: none"> • Demonstrate a reduction in the number of first time homeless as reported in HDX (1 of 3 points); • Identify the process by which risk factors are identified in the community for becoming homeless for the first time; • Describe the strategies in place to address individuals and families at risk of becoming homeless; and • Identify the organization or position that is responsible for overseeing the CoC's strategy to reduce or end the number of persons experiencing homelessness for the first time.
<p>c. Length of Time Homeless. Reduce the length of time individuals and families remain homeless and describe how the CoC will reduce the length of time individuals and families remain homeless in the future.</p>	3	<ul style="list-style-type: none"> • Demonstrate a reduction in the length of time individuals and families remain homeless in the CoC's geographic area of at least 5 percent as reported in HDX (up to 1 of the 3 points); • Describe the CoC's strategy to reduce the length of time individuals and families remain homeless; • Describe how the CoC identifies and houses individuals and families with the longest length of time homeless; and

		<ul style="list-style-type: none"> • Identify the organization or position that is responsible for overseeing the CoC's strategy to reduce the length of time individuals and families remain homeless.
<p>d. Successful Permanent Housing Placement or Retention. Demonstrate an increase in the rate in which individuals and families move to permanent housing destinations or continue to reside in permanent housing projects and describe how the CoC will improve their rate of permanent housing placement.</p>	3	<ul style="list-style-type: none"> • Demonstrate an increase in the rate at which persons exit to permanent housing destinations (and retain permanent housing if they are currently in a permanent housing project) of at least 5 percent as reported in HDX (up to 2 of the 3 points); and • Describe the strategy the CoC is taking to improve permanent housing placement and retention.
<p>e. Returns to Homelessness. Reduce the extent to which individuals and families leaving homelessness experience additional spells of homelessness and describe how the number of individuals and families who return to homelessness will be reduced in the community.</p>	3	<ul style="list-style-type: none"> • Demonstrate a reduction in the rate at which persons who exited to permanent housing destinations experienced additional spells of homelessness of at least 5 percent over a 6- to 12-months period as reported in HDX (up to 2 of the 3 points); • Describe the strategy that has been implemented to identify individuals and families who return to homelessness; • Describe the strategy that will reduce returns to homelessness; and • Identify the organization or position that is responsible for overseeing the CoC's strategy to reduce returns to homelessness.
<p>f. Jobs and Income Growth. Increase participants' incomes from employment and describe specific strategies to assist program participants' incomes.</p>	3	<ul style="list-style-type: none"> • Demonstrate an increase in income from employment and non-employment cash income (up to 2 of the 3 points) for persons served in CoC Program-funded projects as reported in HDX; • Describe the strategy that has been implemented to increase

	<p>employment and non-employment cash sources;</p> <ul style="list-style-type: none"> • Demonstrate how the CoC is working with mainstream employment organizations to help individuals and families experiencing homelessness increase their cash income; and • Identify the organization or position that is responsible for overseeing the CoC's strategy to increase jobs and income from employment and non-employment cash sources, including mainstream employment organizations.
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3. CoC Coordination and Engagement. This entire Section is required to be completed for both the Unsheltered Homelessness Set Aside and the Rural Set Aside.

HUD will award up to 8 points to CoCs that demonstrate coordination with other systems of care that serve homeless individuals and families, including sources of funding other than the CoC Program; an inclusive and outcome-oriented community process, including an organization structure(s) and decision-making process for developing and implementing a CoC strategy that is inclusive of representatives from both the private and public sectors, has a fair and impartial project review and selection process; and has created, maintained, and built upon a community-wide inventory of housing and homeless individuals and families.

a. Inclusive Structure and Participation.

<p>(1) has an inclusive membership of a variety of stakeholders within the geographic area and considers the needs of all relevant subpopulations;</p>	<p>1 Demonstrate participation from a broad array of stakeholders, not limited to organizations listed in 24 CFR 578.5(a), within the geographic area, including at a minimum:</p> <ul style="list-style-type: none"> • victim service providers; • youth providers; and • homeless or formerly homeless individuals; and • tribal organizations for CoCs where a tribal organization is present.
<p>(2) has an invitation process for new members to join;</p>	<p>1 Demonstrate:</p> <ul style="list-style-type: none"> • a transparent process (e.g., communicated in a public manner such as on the CoC's website) is in place to invite new members to join

	<p>and the invitation process is publicly available within the CoC's geographic area at least annually; and</p> <ul style="list-style-type: none"> • how the CoC invites organizations serving culturally specific communities experiencing homelessness in the geographic area to address equity (e.g., Black, Latino, Indigenous, and persons with disabilities).
(3) solicits and considers opinions from knowledgeable individuals and organizations; and	1 Demonstrate a transparent process (e.g., communicated in a public manner such as on the CoC's website) is in place to solicit and consider opinions regarding the CoC's priority setting process from individuals and organizations with knowledge of homelessness in the geographic area or an interest in preventing or ending homelessness in the geographic area.
(4) accepts and considers proposals from organizations that have not previously received CoC Program funding.	1 Demonstrate a transparent process (e.g., communicated in a public manner such as on the CoC's website) is in place to accept and consider proposals from organizations that have not previously received CoC Program funding.
b. Coordination with Federal, State, Local, Private, and Other Organizations. Coordinates with other organizations that serve individuals, families, unaccompanied youth, and persons fleeing or attempting to flee domestic violence, dating violence, sexual assault, or stalking who are experiencing or at risk of homelessness. CoCs must consult with Emergency Solutions Grants (ESG) recipients within the geographic area on the plan for allocating ESG funds and reporting on and evaluating the performance of ESG recipients and subrecipients. Each CoC is required to demonstrate how it is coordinating with ESG recipients.	1 CoCs must: <ul style="list-style-type: none"> • demonstrate coordination with other federal, state, local, private, and other organizations are included in the planning or operation of projects; • actively consult with ESG recipients in the planning and allocation of ESG funds; and • participates in the Consolidated Plan jurisdictions' process(s) by providing PIT and HIC data ensuring local homelessness information is communicated and addressed in the Consolidated Plan updates.
c. Discharge Planning. Coordinates with and assists in state or local discharge planning efforts to ensure persons discharged do not become homeless.	1 CoCs must coordinate with state or local discharge planning efforts to ensure persons exiting from foster care and institutions (i.e., jails/prisons/hospitals, mental health facilities, or other institutional settings) are not released directly to the streets, emergency shelters, or other McKinney-Vento Homeless Assistance programs. Works with discharge planning efforts to help identify affordable and integrated housing opportunities for individuals with disabilities transitioning from institutional settings, including providing reasonable accommodations that may be necessary for program participation, and

	ensuring housing options include housing that meets one’s disability-related needs.
d. CoC Collaboration Related to Children and Youth. Demonstrate the CoC collaborates with education providers, local educational authorities, and school districts.	1 CoCs must: <ul style="list-style-type: none"> • Identify formal partnerships the CoC has with youth education providers, local educational authorities, and school districts; and • Demonstrate policies and procedures that have been adopted to inform individuals and families who become homeless of their eligibility for educational services.
e. Mainstream Benefits and Other Assistance. The CoC provides information and training to CoC Program-funded projects to supplement CoC Program funds with resources from other public and private sources, including mainstream programs that assist program participants in applying for and receiving mainstream benefits.	1 CoCs must demonstrate: <ul style="list-style-type: none"> • At least once a year, the CoC trains program staff regarding the following mainstream resources available for program participants within the geographic area: <ul style="list-style-type: none"> ○ Food Stamps, ○ SSI, ○ TANF, ○ substance abuse programs, ○ employment assistance programs, ○ Other • how the CoC works with projects to collaborate with healthcare organizations, including substance abuse treatment and mental health treatment, to assist program participants with receiving healthcare services; and • how the CoC promotes SOAR certification among program staff.

4. CoC Plan for Serving Individuals and Families Experiencing Homelessness with Severe Service Needs. This entire section is required for the Unsheltered Homelessness Set Aside. However, only those questions labeled “(Required for Rural Set Aside)” will be used to select projects for the Rural Set Aside funding opportunity. CoCs applying for funds for both funding opportunities need only answer the question once.

For the Unsheltered Homelessness Set Aside, HUD will award up to a total of 70 points based on the CoC Plan for Serving Individuals and Families Experiencing Homelessness with Severe Service Needs. For the Rural Set Aside, HUD will award up to 59 points based on the CoC Plan for Serving Individuals and Families Experiencing Homelessness with Severe Service Needs.

The maximum page limit for describing the following elements is 15 pages as described in Section VI.F.1.d. HUD will not consider any responses after 15 pages for scoring for this competition. Note: Attachments required in this section will not count toward the 15-page maximum.

a. Leveraging Housing Resources. Up to 18 points to CoCs that demonstrate efforts to increase the number of permanent housing units available to individuals and families experiencing homelessness, including the extent to which the amount of assistance provided will be supplemented with other, non-CoC Program and non-ESG funded, housing resources that are not already dedicated to individuals and families experiencing homelessness and how landlords are incentivized to house individuals experiencing homelessness.

(1) Development of new units and creation of housing opportunities. (Required for Rural Set Aside). CoCs must demonstrate the number of new permanent housing units that includes the date the units will be available for program participants and how many new permanent housing units will be available for individuals and families experiencing homelessness that include the preferences or set aside created.

10 CoCs must demonstrate that they have applied for permanent housing project(s), including permanent supportive housing or rapid re-housing, that utilizes housing subsidies or subsidized housing units not funded through the CoC or ESG Programs (e.g., Housing Choice Vouchers, HOME-ARP, HOPWA). The CoC must demonstrate that these housing units, which are not funded through the CoC or ESG programs, will:

- In the case of a permanent supportive housing project(s), provide at least 50 percent of the units included in the project; or
- In the case of a rapid re-housing project(s), serve at least 50 percent of the program participants anticipated to be served by the project.

CoCs must attach letters of commitment, contracts, or other formal written documents that clearly demonstrate the number of subsidies or units being provided to support the project. To receive full points, the CoC must attach a letter from a PHA committing to work with the CoC to pair vouchers with CoC-funded supportive services; to work with the CoC and other stakeholders to develop a prioritization plan for a potential allocation of Stability Voucher (see Section VI.F.1.h of this NOFO for

	<p>additional information) or a preference for general admission to Housing Choice Voucher program through the coordinated entry process for individuals and families experiencing homelessness, at risk of homelessness, or fleeing or attempting to flee domestic violence, dating violence, sexual assault, or stalking.</p> <p>CoCs can receive less than full points for demonstrating commitments less than the threshold described above.</p>
<p>(2) Landlord Recruitment. (Required for Rural Set Aside) CoCs must demonstrate their current strategy for recruiting landlords, and their units, in which to utilize tenant-based assistance.</p>	<p>8 CoCs must:</p> <ul style="list-style-type: none"> • Describe the current strategy they use to recruit landlords and show how well it works at identifying units across their entire geographic area, including areas where the CoC has historically not been able to identify units; • Identify any new practices it has implemented to recruit landlords in the past three years and the lessons learned from implementing those practices; and • Describe how they will use data to update their landlord recruitment strategy.

b. Leveraging Healthcare Resources. This entire Section is required to be completed for both the Unsheltered Homelessness Set Aside and the Rural Set Aside. Up to 10 points for CoCs that develop permanent housing projects that utilize healthcare resources to help individuals and families experiencing homelessness.

Leveraging Healthcare Resources. These points are available for CoCs that propose to develop permanent housing projects, including permanent supportive housing and rapid re-housing projects, that utilize health care resources to help individuals and families experiencing homelessness. Sources of healthcare resources include:

- Direct contributions from a public or private health insurance provider to the project; and
- Provision of health care services, including mental health services, by a private or public organization (including FQHCs and state or local health departments) tailored to the program participants of the project.
- Direct partnerships with organizations that provide healthcare services, including mental health services to individuals and families (including FQHCs and state or local public health departments) experiencing homelessness who have HIV/AIDS.
- Eligibility for the project must comply with HUD program and fair housing requirements. Eligibility criteria cannot be restricted by the eligibility requirements of the health care service provider.

10 CoCs must demonstrate through a written commitment from a health care organization, including organizations that serve people with HIV/AIDS, that the value of assistance being provided by the healthcare organization is at least:

- In the case of a substance abuse treatment or recovery provider, it will provide access to treatment or recovery services for all program participants who qualify and choose those services; or
- An amount that is equivalent to 50% of the funding being requested for the project(s) will be covered by the healthcare organization.

Acceptable forms of commitment are formal written agreements and must include:

- value of the commitment, and
- dates the healthcare resources will be provided.

	<p>In-kind resources must be valued at the local rates consistent with the amount paid for services not supported by grant funds. CoCs can receive less than full points for demonstrating commitments less than the threshold described above.</p>
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c. CoCs Current Strategy to Identify, Shelter, and House Individuals and Families Experiencing Unsheltered Homelessness. Up to 9 points to CoCs applying for the Unsheltered Funding Set-Aside that describe their current strategies to regularly engage individuals and families experiencing unsheltered homelessness in the locations where they reside and connect them to low barrier shelter, temporary housing, or permanent housing as available and appropriate. Up to 6 points are available for CoCs only applying for the Rural Set Aside.

<p>(1) Current Street Outreach Strategy. (Required for Rural Set Aside) The extent to which they have a street outreach strategy that regularly engages individuals and families experiencing unsheltered homelessness in the locations where they reside, including a specific strategy for engaging those with the highest vulnerabilities.</p>	<p>3 CoCs must demonstrate their current strategies to:</p> <ul style="list-style-type: none"> • ensure that outreach teams are coordinated; • ensure that outreach is frequent, by describing the days and times outreach is conducted each week; • help people exit homelessness and unsheltered homelessness; • ensure specific engagement strategies will engage individuals and families experiencing homelessness with the highest vulnerabilities and will use culturally appropriate strategies; • use the outreach teams to connect individuals and families experiencing unsheltered homelessness to permanent housing; and
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	<ul style="list-style-type: none"> • hire people with lived expertise of unsheltered homelessness to conduct outreach. <p>CoCs must identify evidence-based practices used to conduct street outreach and local strategies used that are based on data and performance.</p>
<p>(2) Current Strategy to Provide Immediate Access to Low-Barrier Shelter and Temporary Housing for Individuals and Families Experiencing Unsheltered Homelessness. The current strategy used by the CoC to provide low-barrier emergency shelter (especially non-congregate shelter), transitional housing, or other temporary accommodations to individuals and families experiencing unsheltered homelessness who want to reside in shelter or temporary housing before identifying a permanent housing option.</p>	<p>3 CoCs must describe the current strategy and show how well it performs at providing low-barrier culturally appropriate access to temporary accommodations (e.g., emergency shelter, especially non-congregate shelter, transitional housing) to all individuals and families experiencing unsheltered homelessness. The CoC must identify any new practices it has implemented in the geographic area over the past three years and the lessons learned from implementing those practices.</p>
<p>(3) Current Strategy to Provide Immediate Access to Low Barrier Permanent Housing for Individuals and Families Experiencing Unsheltered Homelessness. (Required for Rural Set Aside). The current strategy to rapidly house individuals and families experiencing homelessness in low-barrier permanent housing.</p>	<p>3 CoCs must describe the current strategy, including their use of a Housing First Approach, and demonstrate how well it performs at providing low-barrier and culturally appropriate access to permanent housing to individuals and families who have histories of unsheltered homelessness and the evidence that supports that strategy. The CoC must identify any new practices it has implemented in the geographic area over the past three years and the lessons learned from implementing those practices. To receive full points in this section, applicants should connect response to resources identified in 4.A.1.</p>

d. Updating the CoCs Strategy to Identify, Shelter, and House Individuals Experiencing Unsheltered Homelessness with Data and Performance. Up to 8 points to CoCs applying for the Unsheltered Set-Aside that demonstrate they will continuously review data and best practices and use that information to update their strategies to reduce unsheltered homelessness.

<p>Updating the Strategy Using Data and Performance. CoCs will provide information on how the current strategies to provide shelter and housing to individuals experiencing homelessness and to conduct street outreach will be updated and enhanced using data and performance.</p>	<p>8 CoCs must demonstrate how they will use data, that includes specific data points, performance, and best practices to expand and improve the performance of:</p> <ul style="list-style-type: none"> • Street outreach within the CoC’s geographic area. To receive full points the CoC must demonstrate street outreach is connected to coordinated entry or HMIS and how it will incorporate new partners (e.g., business owners, law enforcement, healthcare providers) into its street outreach strategies; • Providing access to low-barrier shelter and temporary accommodations, including any new practices and activities that would be funded through an award under this NOFO; and • Rapidly housing individuals and families who have histories of unsheltered homelessness in permanent housing.
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e. Identify and Prioritize Households Experiencing or with Histories of Unsheltered Homelessness. This entire Section is required to be completed for both the Unsheltered Homelessness Set Aside and the Rural Set Aside. Up to 12 points to CoCs that demonstrate a comprehensive method to identify and provide street outreach services to individuals experiencing unsheltered homelessness, and with histories of unsheltered homelessness and prioritize them for permanent housing.

<p>Prioritize Households Experiencing or with Histories of Unsheltered Homelessness. How the CoC will ensure that resources funded under this Special NOFO serve individuals and families who are currently unsheltered or have histories of unsheltered homelessness and how the CoC’s prioritization strategies will contribute to reducing unsheltered</p>	<p>12 CoCs must describe how they will ensure the resources awarded under this Special NOFO will contribute to reducing unsheltered homelessness in their geographic area and how they will prioritize assistance for individuals and families who are currently unsheltered or have histories of unsheltered homelessness. CoCs must describe:</p> <ul style="list-style-type: none"> • The CoC’s strategy for ensuring that resources provided under this NOFO will reduce unsheltered homelessness; • How the CoC will adopt program eligibility and coordinated entry processes that reduce unsheltered homelessness; • How the CoC will use street outreach to connect unsheltered people with housing resources; and • Additional steps the CoC is taking to ensure that people who are unsheltered or have histories of unsheltered homelessness are able to access housing and other resources in the community, including steps to increase access to identification, providing housing navigation services, and providing access to health care and other supportive services.
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homelessness within the CoC's geographic area.

f. Involving Individuals with Lived Experience of Homelessness in Decision Making. This entire Section is required to be completed for both the Unsheltered Homelessness Set Aside and the Rural Set Aside. Up to 5 points for the extent to which CoCs meaningfully include persons with lived experience of homelessness in the decision-making process of the CoC.

Involving Individuals with Lived Experiencing of Homelessness in Service Delivery and Decision Making.

5 CoCs must demonstrate individuals and families experiencing homelessness, particularly those who have experienced unsheltered homelessness, are meaningfully and intentionally integrated into the CoC decision-making structure. Additionally, CoCs must demonstrate how they encourage projects to involve individuals and families with lived experience of unsheltered homelessness in the delivery of services (e.g., by hiring people with lived experience of unsheltered homelessness).

Full points are available to CoCs that clearly describe the meaningful outreach efforts (e.g., street outreach, social media announcements) to engage those with lived homelessness experience to develop a working group (e.g., advisory committee, subcommittee) and who attach a letter of support for this Special NOFO from a working group comprised of individuals with lived experience of homelessness.

The narrative must also discuss how the working group is intentionally used in the CoC decision making process (i.e., what type of voting authority do the members have on policy, the ability to influence local policy, and priorities that impact those experiencing homelessness). The CoC must also attach a letter signed by a working group comprised of persons with lived experience of homelessness that meets the requirements of Section VI.F.1.g of this NOFO supporting the CoC priorities outlined in the CoC Application and the project application(s) submitted as part of the application process.

g. Supporting Underserved Communities and Supporting Equitable Community Development. This entire Section is required to be completed for both the Unsheltered Homelessness Set Aside and the Rural Set Aside. Up to 8 points for the extent to which CoCs support and serve underserved communities in their geographic area and offer equitable housing interventions to address their needs.

<i>Supporting Underserved Communities and Supporting Equitable Community Development.</i>	8	<p>To receive full points, CoC must describe:</p> <ul style="list-style-type: none"> • Their current strategy to identify populations in the CoC’s geography that have not been served by the homeless system at the same rate they are experiencing homelessness. • How underserved communities in their geographic area interact with the homeless system, including a description of those populations. • The current strategy to provide outreach, engagement, and housing interventions to serve populations experiencing homelessness that have not previously been served by the homeless system at the same rate they are experiencing homelessness.
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5. Unsheltered Homelessness Bonus. HUD will award bonus points to CoCs applying for the Unsheltered Set Aside based on the number of unsheltered people reported in the 2019 Point in Time Count. The points will be as follows

10,000 or more people	30
5,000 to 9,999 people	20
1,000 to 4,999 people	10
999 or fewer people	0

C. Use of CoC Funds for Other Federal Definitions of Homelessness. CoCs may request, in the CoC Application, that up to 10 percent of funding for the Rural Set Aside under this NOFO be approved to serve homeless households with children and youth defined as homeless under other federal statutes who are unstably housed (paragraph 3 of the definition of homeless found at 24 CFR 578.3). Approved CoCs are limited to using only up to 10 percent of the total amount awarded to the CoC under this NOFO for the Rural Set Aside to serve this population and must determine which project(s) will be permitted to use some or all of their funding for this purpose. The only project types that will be funded in this Competition to serve this population are Supportive Services Only, and the Joint TH and PH-RRH projects. No projects awarded as part of the Unsheltered Homelessness Set Aside may serve individuals and families meeting the definition of paragraph (3) of the definition of homeless.

To be approved to serve this population, CoCs making this request must demonstrate that serving this population is of equal or greater priority, which means that it is equally or more cost effective in meeting the overall goals and objectives of the plan submitted under Section 427(b)(1)(B) of the Act, especially with respect to children and unaccompanied youth, than

serving the homeless as defined under paragraphs (1), (2), and (4) of the definition of homeless in 24 CFR 578.3. CoCs must thoroughly describe how the requirements described in Section 427(b)(1)(F) of the Act will be met. CoCs must identify the specific project(s) that will use funding for this purpose (up to 10 percent of the CoC's total award under this NOFO for the Rural Set Aside) by submitting an attachment to the CoC Application in *e-snaps* that must include the following:

1. project name(s) as listed on the CoC Priority Listing; and
2. amount of funding in the project or per project that will be used for this purpose.

If HUD approves a CoC's request, HUD will notify the Collaborative Applicant. See 24 CFR 578.89 for more information about this limitation.

D. CoCs That Have Included the Same Geographic Area in Their CoC Program Registration(Competing CoCs). CoCs must apply for the geographic area they included in their FY 2022 CoC Program Registration. If more than one CoC included the same geographic area in their FY 2022 CoC Program Registration, HUD will award funds to the CoC whose application(s) had the highest total score. No projects will be funded from the lower scoring CoC and no projects that are submitted in two or more competing CoC applications will be funded.

E. Other Program Requirements

Environmental Justice. HUD may consider environmental justice in evaluating applications. Under E.O.12898, each Federal agency is directed to identify and address disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. [Click here](#) to view E.O. 12898.

Conflict of Interest of Consultants or Technical Experts Assisting HUD. Consultants and technical experts who assist HUD in rating and ranking applications for funding under published FY 2021 Program NOFOs are subject to 18 U.S.C. 208, the Federal criminal conflict-of-interest statute, and the Standards of Ethical Conduct for Employees of the Executive Branch regulation published at 5 CFR 2635. Thus, consultants and technical experts who have assisted or plan to assist applicants with preparing applications for this NOFO may not serve on a selection panel and may not serve as a technical advisor to HUD. Anyone involved in rating and ranking this NOFO applications, including departmental staff, experts, and consultants, must avoid conflicts of interest or the appearance of such conflicts. These individuals must also disclose to HUD's Office of General Counsel Ethics Law Division the following information, if applicable:

- a. How the selection or non-selection of any applicant under a FY Program NOFO will affect the individual's financial interests, as provided in 18 U.S.C. 208, or
- b. How the application process involves a party with whom the individual has a covered relationship under 5CFR 2635.502.

The consultant or technical expert assisting HUD must disclose this information before participating in any matter regarding a program NOFO. Applicants with questions regarding these provisions or concerning a conflict of interest should call the Office of General Counsel Ethics Law Division, at (202)708-3815 (this is not a toll-free number). The phone number above may also be reached by individuals who are deaf or hard of hearing, or with speech disabilities, through the Federal Relay Service's Text Telephone (TTY) service at 1-800-877-8339.

VIII. Project Review and Selection Process

A. Review, Rating, and Ranking. In addition to the selection criteria rating for the overall CoC Application, described in Section VII.B of this NOFO, a threshold review for project applicants and project applications will be conducted. HUD may employ rating panels to review and rate all or part of the CoC Applications according to the rating criteria in Section VII.B of this NOFO.

1. *Project Threshold Review.* Project applicant and subrecipient eligibility, capacity, and quality. HUD will review project applications to determine whether project applicants and subrecipients meet the eligibility and capacity thresholds, and whether the project applications meet the eligibility and project quality thresholds detailed in Sections V.C.3.b and V.C.3.c of this NOFO. If HUD determines these standards are not met, the project application will be rejected from the Competition. If a project application passes the project eligibility threshold review in Section V.C.3.b and receives enough points to pass the project quality threshold review in Section V.C.3.c of this NOFO, but does not receive all of the points available for its project type, then HUD may place conditions on the grant award that must be satisfied before HUD will execute a grant agreement with the applicant for the project. If an applicant is unable to satisfy the condition within the time frame specified by HUD, HUD reserves the right to withdraw the conditionally awarded funds.

B. Adjustments to Selection of Projects. HUD may adjust the selection of competitive projects as follows:

1. *Geographic Diversity.* HUD has determined that geographic diversity is an appropriate consideration in selecting homeless assistance projects in this Special NOFO. HUD believes that geographic diversity can be achieved best by awarding grants to as many HUD regions as possible. To this end, in instances where any of the HUD regions do not have at least one funded CoC, HUD reserves the right to fund projects to a CoC, up to their maximum allowable amount, with the highest total score. Further, HUD will not provide funding to more than 10 CoCs in a single state. If more than 10 CoCs from a single state qualify for funding, HUD will fund the 10 highest scoring CoCs .
2. *Tie-breaking Rules for Unsheltered Homelessness Set Aside.* In the case of a tie, HUD will fund the projects from the CoC that has a higher number of unsheltered people as reported in the 2019 Point in Time Count.

If HUD exercises a right it has reserved under this NOFO, that right will be exercised uniformly across all applications received in response to this NOFO.

C. Corrections to Deficient Applications. Deficiency is information missing or omitted within a submitted application. Deficiencies typically involve missing documents, information on a form, or some other type of unsatisfied information requirement (e.g., an unsigned form, unchecked box, etc.). Depending on specific criteria, deficiencies may be either curable or non-curable.

- Curable Deficiency – Applicants may correct a curable deficiency with timely action. To be curable the deficiency must: not be a threshold requirement, except for documentation

of applicant eligibility; not influence how an applicant is ranked or scored versus other applicants; and be remedied within the time frame specified in the notice of deficiency.

- **Non-Curable Deficiency** – An applicant cannot correct a non-curable deficiency after the submission deadline. Non-curable deficiencies are deficiencies if corrected would change an applicant’s score or rank versus other applicants. Non-curable deficiencies may result in an application being marked ineligible, or otherwise adversely affect an application’s score and final determination.

Correction of technical deficiencies must be received by HUD within 7 calendar days after notification is received by the applicant from HUD via email or fax. The start of the cure period will be the date stamp on the email HUD sends to the authorized representative as noted in the Project Applicant Profile in *e-snaps*; therefore, it is critical that the project applicant’s authorized representative’s information is accurate. Additionally, HUD reserves the right to respond to unanticipated system defects, ambiguities, and technical difficulties in application submissions in *e-snaps* through a flexible implementation of its authority to cure application deficiencies through written inquires seeking clarification and additional information (also known as callbacks). Upon proper publication in the *Federal Register*, HUD reserves the right to extend the Competition deadline for good cause.

IX. Award Administration Information

A. Award Notices. Following the evaluation process, HUD will notify successful applicants of their selection for funding. HUD will also notify all other applicants, whose applications were received by the deadline, but have not been chosen for award. Award information will be sent by email to the authorized representative in item 8F of the SF-424 and to the person listed as authorized representative in item 21 of the SF-424.

Conditional Selection. Action on Conditionally Selected Application. HUD will notify conditionally selected applicants in writing. HUD may subsequently request conditionally selected applicants to submit additional project information—which may include documentation to show the project is financially feasible; documentation of firm commitments for match; documentation showing site control; information necessary for HUD to perform an environmental review, where HUD determines to do so in accordance with 24 CFR 58.11(d); a copy of the organization’s Code of Conduct; and such other documentation as specified by HUD in writing— that confirms or clarifies information provided in the application. HUD will require the submission of the additional project information no later than 30 days after the date of the letter, except as otherwise provided in 24 CFR 578.21(c). If an applicant is unable to meet any conditions for the award within the specified time frame, HUD reserves the right not to award funds to the applicant and add those funds to the funds available for the next competition.

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

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

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

b. Additional funds may become available for award under this NOFO pursuant to section 231 of the FY2020 Appropriations Act. Use of these funds is subject to statutory constraints.

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.

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

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

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

- Compliance with Fair Housing and Civil Rights Laws, Which Encompass the Fair Housing Act and Related Authorities (see cf. 24 CFR 5.105(a) <https://www.ecfr.gov/current/title-24/subtitle-A/part-5/subpart-A/section-5.105>).

- Affirmatively Furthering Fair Housing (<https://www.hud.gov/AFFH>).

- Economic Opportunities for Low-and Very Low-income Persons (Section 3). See 24 CFR part 75 (<https://www.ecfr.gov/current/title-24/subtitle-A/part-75>).

- Improving Access to Services for Persons with Limited English Proficiency (LEP) See https://www.hud.gov/program_offices/fair_housing_equal_opp/limited_english_proficiency.

- Accessible Technology. See

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

2. Equal Access Requirements. [See 24 CFR 5.105\(a\)\(2\)](#)

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

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

5. Uniform Relocation Act – Real Property Acquisition and Relocation Requirements. See [49 CFR part 24](#).

6. Participation in HUD-Sponsored Program Evaluation.

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

8. Drug-Free Workplace.

9. Safeguarding Resident/Client Files.

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

11. Eminent Domain.

12. Accessibility for Persons with Disabilities. See

https://www.hud.gov/program_offices/fair_housing_equal_opp/disability_overview

13. Violence Against Women Act. See [24 CFR part 5](#), subpart L and applicable program regulations.

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

15. Environmental Requirements, which include compliance with environmental justice requirements under Executive Order 12898 and 14008.

C. Reporting.

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

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

2. Race, Ethnicity and Other Data Reporting. HUD requires recipients that provide HUD-funded program benefits to individuals or families to report data on the race, color, religion, sex, national origin, age, disability, and family characteristics of persons and households who are applicants for, participants in, or beneficiaries or potential beneficiaries of HUD programs in order to carry out the Department's responsibilities under the Fair Housing Act, Executive Order 11063, Title VI of the Civil Rights Act of 1964, and Section 562 of the Housing and Community Development Act of 1987.

3. Performance Reporting. All HUD funded programs, including this program, require recipients to submit, not less than annually, a report documenting achievement of outcomes under the purpose of the program and the work plan in the award agreement.

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

D. Debriefing. For a period of at least 120 days, beginning 30 days after the final public announcement of awards under this NOFO, HUD will provide a debriefing related to their application to requesting Collaborative Applicants. A request for debriefing must be made in writing or by email by the Primary Contact listed in the Collaborative Applicant Profile in e-snaps or by his or her successor in office and be submitted to the POC in Section XI.C.3. Information provided during a debriefing may include the final score the Collaborative Applicant received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which funding was approved or denied for the CoC.

E. CoC Award Notices

1. Action on Conditionally Selected Application. HUD may subsequently request conditionally selected applicants to submit additional project information—which may include documentation to show the project is financially feasible; documentation of firm

commitments for match; documentation showing site control; information necessary for HUD to perform an environmental review, where HUD determines to do so in accordance with 24 CFR 58.11(d); a copy of the organization's Code of Conduct; and such other documentation as specified by HUD in writing—to the application, that confirms or clarifies information provided in the application. HUD will require the submission of the additional project information no later than 30 days after the date of the letter for such information, except as otherwise provided in 24 CFR 578.21(c). If an applicant is unable to meet any conditions for the award within the specified time frame, HUD reserves the right not to award funds to the applicant.

2. Appeals Process. Applicants may appeal funding decisions only as provided in 24 CFR 578.35. See Section X of this NOFO regarding the CoC Program specific process for appeals.

F. Administrative and National Policy Requirements.

1. Administrative and Other Program Requirements. Federal agencies are required to measure the performance of their programs. HUD captures this information not only from monitoring visits and APRs, but also on the data gathered in annual Competitions. For this NOFO HUD will measure the performance of recipients by the objective to “address unsheltered homelessness” based on system performance.

2. Timeliness Standards. The project applicant is expected to initiate the approved projects promptly in accordance with the requirements of this section of this NOFO. Project applicants must plan accordingly and only submit project applications that can start operations in a timely manner with sufficient time to complete the post award process within the awarded grant term. In addition, HUD will take action if the recipient fails to satisfy the timeliness standards found in 24 CFR 578.85.

3. Reporting

a. In accordance with program regulations at 24 CFR 578.103:

i. Recipients must maintain records within the time frame required, make any reports, including those pertaining to race, ethnicity, gender, and disability status that HUD may require. Project recipients may report the data as part of their APR submission to HUD. Also, project recipients who expend \$750,000 or more in 1 year in federal awards are reminded they must have a single or program-specific audit for that year in accordance with the provisions of 2 CFR part 200, subpart F.

ii. Recipients will be subject to the reporting requirements under 2 CFR 578.103(e). In addition to the required Annual Performance Report, recipients will submit quarterly reports, as authorized by 24 CFR 578.103(e) and required by this NOFO. Quarterly reports will be due 30 days after the end of the calendar quarter (e.g., reports for the first quarter of the calendar year will be due April 30) and will be submitted to HUD after the recipient first incurs costs. Thirty days after the end of the fourth quarter, the recipient will submit an Annual Report to HUD.

b. Section 3 Reporting Regulations. Pursuant to 24 CFR 75.3(a)(2), the Section 3 requirements apply to housing rehabilitation, housing construction, and other public construction projects assisted under HUD programs that provide housing and community development financial assistance when the total amount of assistance to the project

exceeds a threshold of \$200,000.

c. Award notices may also include requirements for sub-award reporting in compliance with the requirements of the Federal Financial Assistance Accountability and Transparency Act of 2006 (Pub. L. 109-282) (FFATA) and Section 872 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Pub. L. 110-417), referred to as “Section 872.” See the General Section for further information.

X. Appeals

A. Description. 24 CFR 578.35 provides the appeal process options. Sections 578.35(b)(3), (b)(4), (c)(1), and (d)(2) authorize HUD to establish requirements for the form and manner of submissions for appeals by Solo Applicants, applicants with denied or decreased funding, and from competing CoCs. For HUD to consider an appeal under 24 CFR 578.35(b) or (c), the solo project applicant must follow the applicable process set forth in this NOFO. This NOFO also provides guidance to CoCs and applicants regarding appeals of a jurisdiction’s refusal to sign the Consolidated Plan certification for a project under 24 CFR 578.35(c).

Additionally, HUD is clarifying the impact that Solo Applicant appeals will have on HUD signing grant agreements for Special NOFO funds awarded under this NOFO. If HUD receives one or more Solo Applicant appeals from a CoC for these Special NOFO funds, HUD will determine the amount of funding that the Solo Applicant(s) has requested; and HUD may delay signing grant agreements for the awarded project(s) listed at the bottom of the CoC Priority Listing that have requested funding under this Special NOFO equal to double the amount requested by the Solo Applicant(s). Refer to the Solo Applicant appeal process in Section X.C of this NOFO for additional information about the Solo Application appeal process.

Finally, for the purposes of the appeals identified in this NOFO where 24 CFR 578.35 requires that all evidence be sent to the CoC and that the CoC respond to evidence, this means that correspondence to the CoC must be addressed to the CoC Board or the CoC-designated Collaborative Applicant and all correspondence to HUD from the CoC must be addressed from the CoC’s designated Collaborative Applicant. .

B. Types of Appeals. Provision at 24 CFR part 578 set forth the following types of appeals:

1. Solo Applicants. A process for eligible project applicants that attempted to participate in their CoC planning process in the geographic area in which they operate, believe they were denied the right to participate in a reasonable manner, and submitted a solo application for funding by the application deadline.

2. Denied or Decreased Funding. A process for eligible applicants that are denied funds by HUD or that requested more funds than HUD awarded to them.

3. Consolidated Plan Certification. A process for eligible applicants whose jurisdiction refused to provide a Certification of Consistency with the Consolidated Plan (form HUD-2990).

4. Competing CoCs. A process when more than one CoC includes the same geographic area in their CoC Program Registration for eligible applicants of lower scoring CoCs, to appeal to HUD’s decision to fund the competing CoC. There were no competing CoCs for FY 2022 funds; therefore, this NOFO does not address the process for appealing HUD’s decision to award funds to the competing CoC.

C. Solo Applicant. Per the Act, “A solo applicant may submit an application to the Secretary for a grant under subsection (a) and be awarded such grant on the same basis as such grants are

awarded to other applicants based on the criteria described in section 427, but only if the Secretary determines that the solo applicant has attempted to participate in the continuum of care process but was not permitted to participate in a reasonable manner. The Secretary may award such grants directly to such applicants in a manner determined to be appropriate by the Secretary.”

To apply as a solo applicant, the project applicant must submit a Solo Applicant Project Application in *e-snaps* by the application submission deadline. Additionally, the solo applicant, Collaborative Applicant, and HUD must take the following steps (See 24.CFR.35 for more information):

1. Written Notice of Intent to Appeal. The solo applicant must submit a written notice of intent to appeal, with a copy to the Collaborative Applicant, with their funding application.
2. No later than 30 days after the date that HUD announces the awards, the solo applicant shall submit in writing, with a copy to the Collaborative Applicant, all relevant evidence supporting its claim. The submission shall be emailed to snapsappeals@hud.gov.
3. The Collaborative Applicant shall have 30 days from the date of its receipt of the solo applicant's evidence to respond to HUD in writing, with a copy to the solo applicant. The submission shall be emailed to snapsappeals@hud.gov.
4. HUD will notify the solo applicant and the Collaborative Applicant of its decision within 60 days of receipt of the Collaborative Applicant's response.
5. If HUD finds that the solo applicant was not permitted to participate in the Continuum of Care planning process in a reasonable manner, then HUD may award a grant to the solo applicant when funds next become available and may direct the Continuum of Care to take remedial steps to ensure reasonable participation in the future. HUD may also reduce the award to the Continuum's applicant(s).

D. Denied or Decreased Funding. Eligible applicants, including project applicants and Collaborative Applicants, that submitted an application to HUD in response to this NOFO, that were either not awarded funds by HUD, or that requested more funds than HUD awarded, may appeal HUD's decision within 45 days after the final funding announcement. Only those applicants with projects that were ranked within the CoC's maximum amount available will be considered for funding or additional funding.

To appeal HUD's decision, the applicant must submit a written appeal to HUD, with a copy to the authorized representative from the CoC's designated Collaborative Applicant. The written appeal must include evidence demonstrating HUD error and follow the instructions in this section.

The applicant must submit its written appeal by email to snapsappeals@hud.gov, from the organization's email address on the organization's letterhead and signed by the authorized representative. The appeal process is as follows:

- 1. Denied Funding.** To appeal HUD's decision, the applicant must submit a written appeal to HUD using the process outlined in Section X.F of this NOFO within 45 days of the date of the funding announcement of the conditional awards from HUD, with a copy to the authorized representative from the CoC's designated Collaborative Applicant.
 - a. Projects, including projects for CoC planning funds and Unified Funding Agency (UFA) costs, could have been rejected by HUD because:

- (1) the individual project application failed to meet eligibility and quality thresholds set forth in this NOFO;
- (2) the individual project application met eligibility and quality thresholds set forth in this NOFO, but was ranked in a position where a portion of the grant funds were outside the CoC's maximum award amount, and after HUD reduced its funding to fit within the CoC's maximum award amount, HUD determined that the project was no longer feasible; or
- (3) HUD did not have sufficient funding to fund all eligible projects ranked within the CoC's maximum award amount.

b. For applicants that were fully denied funding for a grant, the applicant must provide evidence that demonstrates HUD error in not awarding the grant. Documentation submitted by the applicant must include:

- (1) documentation that the project was ranked within the maximum award amount available to the CoC;
- (2) evidence from the project application supporting the applicant's claim that the project application met eligibility and quality thresholds set forth in this NOFO; and
- (3) evidence that the applicant believes HUD failed to follow its selection priorities set forth in this NOFO which resulted in the project not being funded (e.g., selecting a lower-scored project within the CoC or a similar project from another CoC).

c. For applicants that were denied funding due to the individual project's funding being decreased to such a level that the project was no longer feasible, documentation submitted by the applicant must include the evidence in Section I.H of this NOFO as well as evidence for decreased funding in Section X.D.2 of this NOFO.

d. For CoCs that were denied funding due to the score of the CoC Application or the score of the project application not being high enough to result in the funding of project(s) within the CoC, and the lower score for either the CoC score or the project score (applicable only for projects applying for the Rural Set Aside funding) was the result of HUD error, the CoC may appeal the CoC or project application score and request funding for affected projects. Documentation submitted by the Collaborative Applicant on behalf of the CoC must include evidence of HUD error when calculating the CoC Application or project application score.

Note: HUD can only consider information submitted with the CoC Application. HUD will not consider additional information in support of the CoC Application.

2. Decreased Funding. To appeal HUD's decision, the applicant must submit a written appeal to HUD using the process outlined in Section X.F of this NOFO within 45 days of the date of the final funding announcement of the conditional awards from HUD, with a copy to the authorized representative of the CoC's designated Collaborative Applicant. Documentation submitted by the applicant must include evidence of the HUD error the applicant believes was made.

3. HUD Decision and Notification of Decision. Where HUD determines that HUD error occurred, and the applicant should have been awarded additional funding, then HUD will provide funding from the next available funds and make necessary adjustments by amending

the award. HUD will reverse a decision only when the applicant can show that HUD error caused the denial or decrease.

E. Consolidated Plan Certification. An applicant may appeal to HUD a jurisdiction's refusal to provide a certification of consistency with the Consolidated Plan. The appeals process is as follows:

1. Written Appeal. With the project application that is submitted by the application deadline, the applicant must submit a written appeal. Project applicants must submit its appeal in *e-snaps* with its project application. The applicant must also email a copy of this appeal to the jurisdiction that denied the certification of consistency and should send a copy to the authorized representative from the CoC's designated Collaborative Applicant, unless it is the Collaborative Applicant that is filing the appeal. Otherwise, the project applicant or Collaborative Applicant may submit the appeal to HUD using one of the methods in Section X.F of this NOFO. The written appeal must include the following information:

- a. a copy of the applicant's request to the jurisdiction for the Certification of Consistency with the Consolidated Plan;
- b. a copy of the jurisdiction's response stating the reasons for denial, including the reasons the proposed project is not consistent with the jurisdiction's Consolidated Plan in accordance with 24 CFR 91.510(c); and
- c. a statement of the reasons why the applicant believes its project is consistent with the jurisdiction's Consolidated Plan.

The appeal may include additional information the applicant believes supports its appeal, including:

- (1) any additional communication between the applicant and the jurisdiction regarding the request for certification of consistency; and
- (2) documentation that identifies to whom within the jurisdiction the evidence was sent and date on which it was sent.

2. Jurisdiction Response. The jurisdiction will have 10 days after the receipt of the applicant's written appeal to submit a written response to HUD. The response must be sent by email to snapsappeals@hud.gov on the organization's letterhead, with a copy to the project applicant and the authorized representative of the CoC's designated Collaborative Applicant. The response must include the following information:

- a. an explanation of the reasons originally given for refusing to provide the Certification of Consistency with the Consolidated Plan; and
- b. written rebuttal to any claims made by the applicant in the written appeal.

3. HUD Decision and Notification of Decision.

- a. HUD will review the submissions and will provide written notification, by email, of its decision to the applicant and the jurisdiction, with a copy to the authorized representative from the CoC's designated Collaborative Applicant within 45 days of the date of the receipt of the jurisdiction's response. In making its decision, HUD will consider whether the applicant submitted the request to the appropriate certifying jurisdiction and the reasonableness of the jurisdiction's refusal to provide the certificate.
- b. If HUD finds that the certifying jurisdiction's refusal to provide a certification of

consistency with the Consolidated Plan was reasonable, then HUD will automatically reject the project application. If HUD finds that the certifying jurisdiction's refusal to provide a certification of consistency with the Consolidated Plan was not reasonable, then HUD will consider the project application for funding when funds become available in accordance with the review standards set forth in this NOFO.

c. If the jurisdiction failed to provide written reasons for refusal, including the reasons why the project is not consistent with the jurisdiction's Consolidated Plan in its initial response to the applicant's request for a certification, HUD will find for the applicant without further inquiry or response from the political jurisdiction.

d. HUD will provide written notification of its decision within 45 days of the date of HUD's receipt of the jurisdiction's response. Where the jurisdiction failed to provide a written response, HUD will provide written notification of its decision within 55 days of the date of HUD's receipt of the project applicant's response.

F. Appeals Submission.

1. Submission of Appeals by Email. Appeals regarding solo applicants, denied or decreased, and competing Continuums of Care must be submitted via email to snapsappeals@hud.gov. The subject line of your email must include the **CoC Number**, **"Appeal Notice,"** and type of appeal, i.e., **Participation, HUD Error, or Consolidated Plan Certification.** A sample email Subject Line is: **Subject: XX-500 – Appeal Notice– Consolidated Plan Certification.**

2. HUD Response. HUD will respond to all appeals via email. HUD will not consider any requests to reconsider funding for Special NOFO funds except for those appeals outlined in this NOFO.

XI. Agency Contacts

A. For Further Information. Individuals who are hearing- or speech-impaired should use the Information Relay Services at 1-800-877-8339 (these are toll-free numbers). Recipients and individuals can use the locator on [HUD's website](#) to find contact information for the local HUD CPD Field Office serving the CoC's geographic area.

B. For Technical Assistance. HUD will make appropriate resources available for technical assistance related to *e-snaps*, the electronic CoC program application and grants management system. Local HUD CPD Field Office staff will also be available to help citizens identify organizations in the community that are involved in developing the CoC system. All of HUD's responses to *e-snaps* technical assistance and other questions received will be made publicly available for review by any applicant or potential applicant. HUD staff and HUD contractors are prohibited from providing CoCs, Collaborative Applicants, and project applicants with guidance that will result in a competitive advantage for any CoC or project application.

Following conditional selection of applications, HUD staff will be available to assist conditionally awarded applicants in clarifying or confirming information that is a prerequisite to the offer of a grant agreement by HUD. However, between the application deadline and the announcement of conditional selections, HUD is prohibited from and will not accept any information that would improve the substantive quality of a CoC's application pertinent to HUD's funding decision.

C. HUD staff will be available to provide general clarification on the content of this NOFO; however, HUD staff are prohibited from assisting any applicant in preparing the application(s) in *e-snaps*.

1. Local HUD Community Planning Development (CPD) Office. Questions regarding specific program requirements should be directed to the local HUD CPD field office, a directory of which can be found at https://www.hud.gov/program_offices/field_policy_mgt/localoffices.
2. Training and Resources. Collaborative Applicants and project applicants that need assistance completing the applications in *e-snaps* or understanding the program requirements under the CoC Program may access the Rule, training materials, and program resources via https://www.hud.gov/program_offices/comm_planning/coc.
3. Questions. CoCs, Collaborative Applicants, and project applicants that require information and technical support concerning this NOFO and the application in *e-snaps* may submit an electronic inquiry to SpecialCoCNOFO@hud.gov. Starting 2 days prior to the application deadline for the funds awarded under this Special NOFO, this email address will respond only to emergency technical support questions up to the deadline of 8:00 PM EST. Applicants experiencing technical difficulty should contact SpecialCoCNOFO@hud.gov immediately for assistance and document their attempts to obtain assistance.

XII. Other Information

National Environmental Policy Act. A Finding of No Significant Impact (FONSI) with respect to the environment has been made for this notice, in accordance with HUD regulations at 24 CFR part 50 that implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

The Finding of No Significant Impact FONSI is made available with the posting of this NOFO at [HUD's Funding Opportunities Page](#) web page .

Web Resources.

- [Affirmatively Furthering Fair Housing](#) (See 24 CFR 578.93(c) for specific Affirmatively Furthering Fair Housing requirements that apply to the CoC program.)
- [Code of Conduct list](#)
- [CFDA](#)
- [Dun & Bradstreet](#)
- [Equal Participation of Faith-Based Organizations](#)
- [Federal Awardee Performance and Integrity Information System](#)
- [FFATA Subaward Reporting System](#)
- [Grants.gov](#)
- [HBCUs](#)
- [Healthy Homes Strategic Plan](#)
- [Healthy Housing Reference Manual](#)
- [HUD's Strategic Plan](#)
- [HUD Grants](#)
- [Limited English Proficiency](#)
- [NOFO Webcasts](#)

- [Opportunity Zone](#)
- [Procurement of Recovered Materials](#)
- [Promise Zones](#)
- [Section 3 Business Registry](#)
- [State Point of Contact List](#)
- [System for Award Management \(SAM\)](#)
- [Uniform Relocation Act – Real Property Acquisition and Relocation Requirements](#)[USA Spending](#)