

financial management system in cases where the recommended applicant has no prior federal support, the program area has reason to question whether the applicant's financial management system meets federal financial management standards, or the applicant is considered a high risk based upon past performance or financial management findings. HUD will not make an award to any applicant who does not have a financial management system that meets federal standards.

(6) *Other Threshold Requirements.* The Program Section for the funding for which you are applying may specify other threshold requirements. Additional threshold requirements may be identified in the discussion of "eligibility" requirements in the Program Section.

(C) *Additional Non-discrimination Requirements.* You, the applicant, and your subrecipients must comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 1201 *et seq.*) and Title IX of the Education Amendments Act of 1972 (20 U.S.C. 1681 *et seq.*).

(D) *Affirmatively Furthering Fair Housing.* Under Section 808(e)(5) of the Fair Housing Act, HUD is obliged to affirmatively further fair housing. HUD requires the same of its funding recipients. If you are a successful applicant, you will have a duty to affirmatively further fair housing opportunities for classes protected under the Fair Housing Act. Protected classes are race, color, national origin, religion, sex, disability, and familial status. Unless otherwise instructed in the Program Section of this SuperNOFA, your application must include specific steps to:

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

(2) Remedy discrimination in housing; and/or

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

Further, you, the applicant, have a duty to carry out the specific activities provided in your responses to the SuperNOFA rating factors that address affirmatively furthering fair housing. Please see the Program Section of this SuperNOFA for additional information.

The requirements to affirmatively further fair housing apply to:

- Alaska Native/Native Hawaiian Institutions Assisting Communities (AN/NHIAC);
- Assisted Living Conversion Program (ALCP) for Eligible Multifamily Housing Projects;

- Brownfields Economic Development Initiative (BEDI);
- Community Outreach Partnership Centers (COPC);
- Continuum of Care Homeless Assistance Programs (SHP, Shelter Plus Care, Section 8 Moderate Rehab);
- Fair Housing Initiatives Program (FHIP);
- Funding Availability for Rental Certificate/Housing Choice Voucher Family Self-Sufficiency (FSS) Program;
- Healthy Homes Demonstration Program;
- Healthy Homes Initiative and Lead Technical Studies;
- Hispanic-Serving Institutions Assisting Communities (HSIAC);
- Historically Black Colleges and Universities (HBCU) Program;
- Housing Counseling;
- Housing Opportunities for Persons With AIDS (HOPWA);
- Lead Hazard Control Program;
- Mainstream Housing Opportunities for Persons with Disabilities;
- Public Housing Resident Opportunities and Self-Sufficiency (ROSS) Program;
- Rental Assistance for Non-Elderly Persons with Disabilities in Support of Designated Housing Plans;
- Rental Assistance for Non-Elderly Persons with Disabilities Related to Certain Developments;
- Resident Opportunities for Self-Sufficiency (ROSS) for Homeownership Supportive Services;
- Rural Housing and Economic Development (RHED);
- Section 202 Supportive Housing for Elderly Persons;
- Section 811 Supportive Housing for Persons with Disabilities;
- Self-Help Homeownership Opportunity Program (SHOP);
- Service Coordinators in Multifamily Housing; and
- Youthbuild Program.

(E) *Economic Opportunities for Low- and Very Low-Income Persons (Section 3).* Certain programs in this SuperNOFA require recipients of assistance to comply with Section 3 of the Housing and Urban Development Act of 1968 (Section 3), 12 U.S.C. 1701u (Economic Opportunities for Low- and Very Low-Income Persons in Connection with Assisted Projects) and the HUD regulations at 24 CFR part 135, including the reporting requirements at subpart E. Section 3 requires recipients to ensure that, to the greatest extent feasible, training, employment, and other economic opportunities will be directed to low- and very-low income persons, particularly those who are recipients of government assistance for housing, and business concerns which

provide economic opportunities to low- and very low-income persons. As noted in the Program Section of this SuperNOFA, Section 3 is applicable to the following programs:

- Alaska Native/Native Hawaiian Institutions Assisting Communities (AN/NHIAC);
- Assisted Living Conversion Program (ALCP);
- Brownfields Economic Development Initiative (BEDI);
- Continuum of Care Homeless Assistance Programs;
- Healthy Homes and Lead Technical Studies;
- Healthy Homes Demonstration Program;
- Hispanic-Serving Institutions Assisting Communities (HSIAC);
- Historically Black Colleges and Universities (HBCU) Program;
- Housing Opportunities for Persons With AIDS (HOPWA);
- Lead Hazard Control;
- Lead Elimination Action Program (LEAP);
- Resident Opportunities and Self-Sufficiency Program (ROSS);
- Rural Housing and Economic Development (RHED);
- Section 202 Supportive Housing for the Elderly Program;
- Section 811 Supportive Housing for Persons with Disabilities Program;
- Self-Help Homeownership Opportunity Program (SHOP); and
- Youthbuild Program.

(F) *Ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Women-Owned Businesses.* HUD is committed to ensuring that small businesses, small disadvantaged businesses, and women-owned businesses participate fully in HUD's direct contracting and in contracting opportunities generated by HUD financial assistance. Too often, these businesses still experience difficulty accessing information and successfully bidding on federal contracts. State, local, and tribal governments are required by 24 CFR 85.36(e) and non-profit recipients of assistance (grantees and sub-grantees) by 24 CFR 84.44(b), to take all necessary affirmative steps in contracting for purchase of goods or services to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible, or as specified in the Program Section.

(G) *Relocation.* The relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and the implementing government-wide regulation at 49 CFR part 24 cover any person who moves