

a portion of its recovery to HUD, in proportion to the amount of FHIP funds spent on the prosecution of the case.

Agencies that are the recipients of FHIP funds agree to provide HUD with information regarding the recovery of fees and applicable reimbursement of FHIP funds to HUD on a yearly basis. All settlements and verdicts involving cases processed using FHIP funds are a matter of public record. An agency cannot claim attorney-client or other privilege against the release of data concerning the case. This restriction on withholding of information must be communicated to the complainant. The complainant must agree to such a restriction before the case can be processed using FHIP funds.

(21) For FHOI, HUD will fund applications that purpose to provide services in underserved areas (See Section III (B)(1)(b) of the FHIP Program Section of this NOFA.

(22) HUD expects applicants to address all forms of housing discrimination covered under the Fair Housing Act.

(23) HUD has determined there is a need to ensure equal opportunity and access to housing in communities across the nation.

(B) *Screening/Threshold Review.* Only applications that satisfy all of the applicable requirements under this FHIP NOFA will be considered for funding. The rating of the "applicant" or the "applicant's organization and staff" for technical merit or threshold compliance, unless otherwise specified, will include any sub-contractors, consultants, sub-recipients, and members of consortia that are firmly committed to the project.

(1) *General Section Requirements and Procedures.* Applicants are ineligible for funding if they do not meet the Threshold Requirements set forth in Section V (B), (C) and (D) of the General Section of this SuperNOFA.

(2) *Debarment and Suspension.* Applicants are ineligible for funding if they are debarred and suspended (See General Section).

(3) *Maximum award.* Applicants are ineligible for funding if they request funding in excess of the maximum allowed under the initiative or component for which you are applying your application is ineligible. Any amount over the maximum award, even if less than one dollar, will be considered a request in excess of the maximum award. In addition, inconsistencies in the amount requested and/or miscalculations that result in amounts over the maximum award will be considered excessive; therefore the application is ineligible.

(4) *Incomplete Application.* Applicants are ineligible for funding if their application does not include a completed Statement of Eligibility.

(5) *Research Activities.* Applicants are ineligible for funding if 100% of their project is aimed solely and primarily at research. Also, your application should not require any unapproved surveys or questionnaires.

(6) *Eligible Applicants.* Applicants are ineligible for funding if they do not meet the eligibility requirements for EOI, PEI and FHOI. For PEI, you must be a FHO or a QFHO and document in the Statement of Eligibility that your organization has the required one or two years of enforcement-related experience. For FHOI, you must be a QFHO. For EOI, see specific Component requirements.

(7) *Tax Exempt Status.* For PEI and FHOI applicants are ineligible for funding if they are not a 501(c)(3) tax exempt organization as determined by the Internal Revenue Service (IRS). Your application must include a copy of your Letter of Determination from the Internal Revenue Service, dated prior to the deadline date of this FHIP Program Section of the SuperNOFA, establishing your 501(c)(3) tax-exempt status. Failure to submit this with your application is a technical deficiency.

(8) *Model Codes Component applications.* Applicants are ineligible for funding if they do not have demonstrated technical expertise in the design and construction requirements of the Fair Housing Amendments Act of 1988, the applicable implementing regulations, the Fair Housing Accessibility Guidelines, the ANSI A117.1 technical standards, and State and local building codes.

Applicants may establish their "demonstrated technical expertise" in many ways. For example: (a) Your organization has designed or conducted training or seminars, (b) your organization's staff has taken a course/attended a seminar on the accessibility provisions of the Fair Housing Act for and have applied that training to your work as, for example, building inspectors, architects, housing providers, or developers in a jurisdiction with a building code that incorporates these provisions, or (c) your organization's work experience has made you thoroughly knowledgeable about design and construction requirements of the Fair Housing Act/Accessibility Guidelines, the ANSI A117.1 technical standards, and State and local building codes. Agendas, course(s) descriptions, specific examples of work experiences, and years of experience, must be highlighted

when establishing demonstrated technical expertise.

Only joint applications filed by a minimum of two entities, at least one of which is a national and a State or local disability rights advocacy group or organization (national, State or local organization), will be considered, and the roles of each partner must be clearly delineated. Your application must identify additional sub-recipients and consultants/contractors who will work on this project. A letter of firm commitment must be included stating that the partner(s) agrees to the proposed Statement of Work and will participate in the project, if selected for award. If you fail to include this letter of firm commitment with your application, your application will be declared ineligible for funding.

(9) *Poor Performance.* Applicants are ineligible for funding if they are a previous FHIP grantee that has received a "Poor" performance rating for its most recent performance rating from its Government Technical Representative. HUD will assess performance ratings for applicants who have received FHIP funding in 1999, 2000, or 2001. If the applicant has received a "poor" performance rating for its most recent performance rating from its Government Technical Representative, its application is ineligible for FY 2003 competition. An applicant that does not agree with its determination of ineligibility for the FY 2003 competition because of "poor" performance must address to HUD's satisfaction the factors resulting in the "poor" performance rating before the FHIP application deadline. If the "poor" performance rating is not resolved to the Department's satisfaction before the application deadline, the application is ineligible for funding. HUD is interested in increasing the performance level of all grantees; therefore, applicants who are deemed ineligible because of a "poor" performance rating have the right and are encouraged to seek technical assistance from HUD to correct their performance in order to be eligible for future NOFA competition.

(10) *Suits Against the United States.* Your application is ineligible for funding if as a current or past recipient of FHIP funds, your organization used any funds provided by HUD for the payment of expenses in connection with litigation against the United States (24 CFR 125.104(f)).

(11) *Other Litigation.* Your application is ineligible for funding if you used funds under this Program provided by HUD to settle a claim, satisfy a judgment, or fulfill a court order in any defensive litigation (24 CFR 125.104).