

with the opportunity to convert the equity in their homes into income to pay living, medical or other expenses.

(6) Home Improvement and Rehabilitation Counseling. This counseling includes educating the client about: Their loan and grant options; the loan and/or grant application processes; what housing codes and housing enforcement procedures apply for the intended activity; accessibility codes and how to design features to provide accessibility for persons with disabilities; non-discriminatory lending and other funding for persons who modify their dwellings to accommodate disabilities; visitability and universal design; how to specify and bid construction work; how to enter into construction contracts; and how to manage construction contracts, including actions to address the non-performance of contractors.

(7) Displacement and Relocation Counseling. This counseling includes helping clients understand their rights when faced with displacement, explaining the responsibility of the entity causing displacement, assisting clients with understanding eviction proceedings, providing assistance with locating alternate housing, and referring clients to homeless services.

(8) Marketing and Outreach Initiatives. This includes providing general information about housing opportunities, conducting informational campaigns, and raising awareness about critical housing topics, such as predatory lending or fair housing issues. (Note: affirmative fair housing outreach should be directed at those populations least likely to seek counseling services. To do so, it may be necessary to broaden the target areas in order to reach a greater variety of racial and ethnic minorities.)

Note: For each of the eight general activities you propose, you must be prepared to meet the needs of all individuals requesting services, including persons with disabilities, regardless of the complexity of the services involved. Additionally, services must be affirmatively marketed to persons with disabilities, including visual and hearing disabilities, as they would be to any other segment of the population not likely to apply for such services.

(C) *Eligible Intermediary/SHFA Activities.* Intermediaries and SHFAs can directly provide the housing counseling services described above in Sub-Section A through branches, or distribute and administer grant funds and provide technical assistance and other services to affiliates, who are eligible to undertake any or all of the eligible housing counseling activities outlined above.

Intermediaries and SHFAs have wide discretion to decide how to allocate their HUD Housing counseling and leveraged funding among their branches or affiliates, with the understanding that a written record must be kept documenting and justifying funding decisions. This record must be made available to affiliates and to HUD. Intermediaries and SHFAs must also execute sub-grant agreements with their affiliates that clearly delineate the mutual responsibilities for program management, including appropriate time frames for reporting results to HUD.

IV. Requirements

Agencies selected as grantees or sub-grantees must also comply with the following requirements:

(A) *Threshold Requirements.* The requirements listed in Section V of the General Section of the SuperNOFA apply to this program. Applications will be declared ineligible for any of the following reasons:

- If you or any of your affiliates or branches do not meet the Civil Rights Threshold Requirements set forth in Section V(B) of the General Section of this SuperNOFA.
- If you are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions from any federal department or agency.
- If you are not currently approved by HUD as an LHCA or as a National or Regional Housing Counseling Intermediary, and if you didn't secure approval by the publication date of this SuperNOFA. SHFAs need only satisfy the definition in 24 CFR 266.5 of a "Housing Finance Agency."

(B) *Program Requirements.*

Programmatic requirements are outlined in detail in HUD Handbook 7610.1, REV-4, CHG-1, dated October 27, 1997, which can be viewed on HUD's website at <http://www.hud.gov/offices/hsg/sfh/hcc/hccprof7.cfm>.

Additionally, the following also apply:

(1) List of Agencies. Pursuant to section 106(C)(5) of the Housing and Urban Development Act of 1968, HUD maintains a list of all HUD-approved and HUD-funded counseling agencies, including contact information, which interested persons can access. All grantees under Categories 1, 4, and 5 and sub-grantees under Categories 2, 3, 4 and 5 will be placed on this list and must accept subsequent referrals, or when they do not provide the services sought, refer the person to another

agency in the area that does provide the services.

(2) *Accessibility*—All grant recipients and sub-recipients must make counseling offices and services reasonably accessible to persons with a wide range of disabilities and help persons locate suitable housing in locations throughout the applicant's community, target area, or metropolitan area, as defined by the applicant.

(C) *Religious Discrimination.* Grant recipients and sub-recipients are prohibited from discriminating on behalf of or against any segment of the population in the provision of services or in outreach, including those of other religious affiliations.

Additionally, organizations funded under this program may not engage in inherently religious activities, such as worship, religious instruction, or proselytization, as part of the programs or services funded under this program. If an organization conducts such activities, these activities must be offered separately, in time or location, from the programs or services funded under this part, and participation must be voluntary for the HUD-funded programs or services.

(D) *Code of Conduct.* Entities that are subject to 24 CFR parts 84 and 85 (most nonprofit organizations and state, local and tribal governments or government agencies or instrumentalities who receive federal awards of financial assistance) are required to develop and maintain a written code of conduct (See §§ 84.42 and 85.36(b)(3)). Consistent with regulations governing housing counseling programs, your code of conduct must prohibit real and apparent conflicts of interest that may arise among employees, officers or agents; prohibit the solicitation and acceptance of gifts or gratuities by your officers, employees and agents for their personal benefit in excess of minimal value; and outline administrative and disciplinary actions available to remedy violations of such standards. Self-recusal shall not eliminate a potential or apparent conflict of interest. If awarded assistance under this SuperNOFA, prior to entering into a grant agreement with HUD you will be required to submit a copy of your code of conduct and describe the methods you will use to ensure that all officers, employees and agents of your organization are aware of your code of conduct.

(E) *Performance Measurement.* Grant recipients are required to complete and submit a form HUD-9902, Fiscal Year Activity Report (Appendix A). The information compiled from this report provides HUD with its primary means of measuring your program performance.