

(E) *Seeking Technical Assistance (TA) in Developing a HOPWA Application.* HOPWA TA providers may not provide technical assistance in the drafting of responses to HUD's NOFA due to the unfair advantage such assistance gives to one organization over another. If HUD determines that HOPWA technical assistance has been used to draft a HOPWA application, HUD reserves that right to reject the application for funding. If, after your application has been selected for an award, HUD determines that HOPWA technical assistance was used to draft your application, the award will be withdrawn and you may be liable for any funds already spent.

(F) *Satellite Broadcast.* HUD will hold information broadcasts via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD Web site at www.hud.gov/grants.

III. Applicable Requirements of the General Section of the SuperNOFA

The provisions outlined within the General Section of the SuperNOFA apply to the HOPWA program unless otherwise stated within this Program Section. Specifically, you are encouraged to review:

(A) *Section V: Requirements and Procedures Applicable to All Programs.* The threshold requirements in the General Section of the SuperNOFA apply to the HOPWA program and applicants must meet all threshold requirements to receive funding.

(B) *Section II: HUD's FY 2003 SuperNOFA Policy Priorities.* HUD has identified policy priorities that applicants are encouraged to address in implementing programs funded under this notice. Applicable policy priorities for HOPWA applicants seeking funding under Part D of this Program Section are outlined in Part D, Section III: Policy Priorities. Applicants seeking funding under Parts B and C of this Program Section are not required to address HUD's policy priorities.

(C) *Section XI: HUD Reform Act.* The provisions of the HUD Reform Act of 1989 that apply to this announcement are explained in the General Section of the FY 2003 SuperNOFA at Section XI (A).

IV. Corrections to Deficient Applications

See Section VIII: Corrections to Deficient Applications of the General Section of the SuperNOFA.

V. Award Modifications

After reviewing each application, HUD reserves the right to take each of the following actions:

(A) *Make Award Adjustments.* HUD reserves the right to make award adjustments as outlined in Section VI (F), Adjustments to Funding, of the General Section of this SuperNOFA.

(B) *Add Project Outcome Funding.* HUD reserves the right to ensure that each grant receives up to \$50,000 for collection of data on project outcomes. If an applicant fails to request this level of funding for this activity, HUD reserves the right to add such funding to the selected application.

(C) *Not to Duplicate Continuum of Care Projects.* HUD reserves the right to ensure that activities funded under the FY 2003 Continuum of Care will not duplicate new or continuing activities funded under this competition.

VI. Statutory Certifications

HOPWA applicants are not required to provide the forms, certifications, and assurances listed in the General Section of the SuperNOFA unless stated below. The following certifications must be included with your application. All certifications and forms, except those found in the General Section of the SuperNOFA, are included in the appendixes to the HOPWA section of the NOFA.

(A) *Certifications Found in the General Section of the SuperNOFA*

(1) Consolidated Plan Certification (HUD-2991). Except as stated below, you must include a Consolidated Plan certification from the applicable state or local government official responsible for submitting the appropriate plan. If your project will be carried out on a national basis or will be located on a reservation of an Indian tribe, Guam, the Virgin Islands, American Samoa, or the Northern Mariana Islands, you are not required to include a Consolidated Plan certification with your application. The authorizing official from the state or local government must sign this certification.

(2) Certification of Drug-Free Workplace, Payments to Influence Federal Transactions, and Regarding Debarment and Suspension (new HUD 424B)

(3) Consistency with the RC/RC/EZ/EC Strategic Plan (HUD-2990)

(4) Applicant/Recipient Disclosure/Update Report (HUD-2880)

(5) Certification of Consistency with the Consolidated Plan (HUD-2991)

(6) Disclosure of Lobbying Activities (SF-LLL)

(B) *HOPWA Certification Found at Appendix D of This Program Section of the NOFA*

(1) Fair Housing and Non-discrimination

(2) Environmental Law and authorities

VII. Program Requirements

(A) *Nonprofit Organization Requirements.* To be eligible as grantee or project sponsor, you must satisfy the requirements of 24 CFR 574.3. Your application must establish both that you are a nonprofit organization and that your organizational documents include a purpose of significant activities related to providing services or housing to persons with HIV/AIDS.

If you do not qualify as a nonprofit organization, you are not eligible to receive funds and serve as the grantee or as a project sponsor. However, you may collaborate with eligible nonprofit organizations or with a government agency that applies for the grant and assist them, for example, in planning for the proposed activities, identifying needs in your community and identifying eligible persons who will be assisted. In addition, you may do work under contract with a grantee for services funded by this grant.

(1) We will accept as evidence of your nonprofit status:

(a) A copy of the Internal Revenue Service (IRS) ruling providing tax-exempt status under Section 501(c) (3), (4), (6), (7), (9) or (19) of the IRS code; or

(b) A ruling from the Treasury Department of the Commonwealth of Puerto Rico granting income tax exemption under section 101 of the Income Tax Act of 1954, as amended (13 LPRA 3101); or

(c) Documentation showing that the applicant is a certified United Way agency; or

(d) All of these:

(i) A certification by the appropriate official of the jurisdiction under whose laws the nonprofit was organized that your organization was so organized and is in good standing;

(ii) A certification from a designated official of the organization that no part of the net earnings of the organization inures to the benefit of any member, founder, contributor, or individual; that the organization has a voluntary board; and that the organization practices nondiscrimination in the provision of assistance; and

(iii) An opinion letter from a CPA that the nonprofit has a functioning accounting system that provides for each of these (the letter must mention all of them):