

(B) Eligible Applicants

To apply for funding you must be eligible as an Indian Tribe (or as a tribal organization), as required by 24 CFR 1003.5, by the application submission date.

Tribal organizations are permitted to submit applications under 24 CFR 1003.5(b) on behalf of eligible tribes when one or more eligible tribe(s) authorize the organization to do so under concurring resolutions. As is stated in this regulatory section, the tribal organization must itself be eligible under Title I of the Indian Self-Determination and Education Assistance Act. The Bureau of Indian Affairs or the Indian Health Service, as appropriate, must make a determination of such eligibility. This determination must be provided to the Area ONAP by the application submission date.

If a tribe or tribal organization claims that it is a successor to an eligible entity, the Area ONAP must review the documentation to determine whether it is in fact the successor entity.

Due to the unique structure of tribal entities eligible to submit ICDBG applications in Alaska, and as only one ICDBG application may be submitted for each area within the jurisdiction of an entity eligible under 24 CFR 1003.5, a tribal organization that submits an application for activities in the jurisdiction of one or more eligible tribes or villages must include a concurring resolution from each such tribe or village authorizing the submittal of the application. Each such resolution must also indicate that the tribe or village does not itself intend to submit an ICDBG application for that funding round. The hierarchy for funding priority continues to be the IRA Council, the Traditional Village Council, the ANCSA Village Corporation, and the ANCSA Regional Corporation.

On July 12, 2002 (67 FR 46328), the Bureau of Indian Affairs published a **Federal Register** notice entitled "Indian Entities Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs." This notice provides a listing of Indian Tribal Entities in Alaska found to be Indian Tribes as the term is defined and used in 25 CFR part 83. Additionally, pursuant to title I of the Indian Self-Determination and Education Assistance Act, ANCSA Village Corporations and Regional Corporations are also considered tribes and therefore eligible applicants for the ICDBG program.

Any questions regarding eligibility determinations and related

documentation requirements for entities in Alaska should be referred to the Alaska Area ONAP prior to the application submission date. (See 24 CFR 1003.5 for a complete description of eligible applicants.)

(C) Eligible Activities

Activities that are eligible for ICDBG funding are identified at 24 CFR part 1003, subpart C. Please note that although this subpart has not yet been revised to include the restrictions on activity eligibility that were added to section 105 of the CDBG statute by section 588 of the Quality Housing and Work Responsibility Act of 1998, these restrictions apply. Specifically, ICDBG funds may not be used to assist directly in the relocation of any industrial or commercial plant, facility, or operation, from one area to another, if the relocation is likely to result in a significant loss of employment in the labor market area from which the relocation occurs. The rating factors included under Section VII specify many of the activities listed as eligible under part 1003, subpart C. Those listed include new housing construction (in certain circumstances as described in Section VII, housing rehabilitation, land acquisition to support new housing, homeownership assistance, public facilities and improvements, economic development, and microenterprise programs. However, the following eligible activities not clearly identified by the rating factors may be proposed and rated as described below. During the past few years, many tribes have experienced high incidences of mold growth in tribal homes and buildings. Renovation of affected buildings is eligible under housing rehabilitation or public facility improvement projects.

For a complete description of eligible activities, please refer to 24 CFR part 1003, subpart C.

(1) *Acquisition of Property.* This activity can be proposed as Land to Support New Housing or as part of New Housing Construction, Public Facilities and Improvements or Economic Development depending on the purpose of the land acquisition to support new construction.

(2) *Assistance to Institutions of Higher Learning.* If such entities have the capacity, they can help the ICDBG grantees to implement eligible projects.

(3) *Assistance to Community Based Development Organizations (CBDOs).* Grantees may provide assistance to these organizations to undertake activities related to neighborhood revitalization, community economic development or energy conservation.

(4) *Clearance, Demolition.* These activities can be proposed as part of Housing Rehabilitation, New Housing Construction, Public Facilities and Improvements or Land to Support New Housing.

(5) *Code Enforcement.* This activity can be proposed as Housing Rehabilitation. The activity must comply with the requirements at 24 CFR 1003.202. § 1003.201 (d) states "Demolition of HUD-assisted housing units may be undertaken only with the prior approval of HUD."

(6) *Comprehensive Planning.* This activity is eligible, and can be proposed, as part of any otherwise eligible project to the extent allowed by the 20 percent cap on the grant for planning/administration.

(7) *Energy Efficiency.* Associated activities can be proposed under Housing Rehabilitation or Public Facilities and Improvements depending upon the type of energy efficiency activity.

(8) *Lead Based Paint Abatement and Evaluation.* These activities can be proposed under Housing Rehabilitation.

(9) *Non-Federal Share.* ICDBG funds can be used as a match for any non-ICDBG funding to the extent allowed by such funding and the activity is eligible under 24 CFR part 1003, Subpart C.

(10) *Privately and Publicly Owned Commercial or Industrial Buildings (real property improvements).* These activities can be proposed under Economic Development. Privately owned commercial rehabilitation is subject to the requirements at 24 CFR 1003.202.

(11) *Privately Owned Utilities.* Assistance to privately owned utilities can be proposed under Public Facilities and Improvements.

(12) *Removal of Architectural Barriers.* This includes removing barriers that restrict mobility and access for elderly and persons with disabilities. This activity can be proposed under Housing Rehabilitation or Public Facilities and Improvements depending upon the type of structure where the barrier will be removed.

D. Definitions.

(1) *Adopt.* To approve by formal tribal resolution.

(2) *Assure.* To comply with a specific NOFA requirement. As an applicant, you must state your compliance or your intent to comply in your application.

(3) *Document.* To supply supporting written information and/or data in the application that satisfies the NOFA requirement. Documentation should clearly and concisely support your response to the rating factor.